

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 1st February 2016**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

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

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Application Number	I5/02687/OUT
Site Address	Land South Of Witney Road Long Hanborough Oxfordshire
Date	20th January 2016
Officer	Phil Shaw
Officer Recommendations	Provisional refusal
Parish	Hanborough
Grid Reference	441246 E 213984 N
Committee Date	1st February 2016

### Application Details:

Erection of up to 169 dwellings, with new Doctors' Surgery to be up to 740 sq. metres in size, with around 27 car parking spaces (means of access only)

### Applicant Details:

Mr Graham Flint  
Pye Homes  
Langford Locks  
Kidlington  
Oxfordshire  
OX5 1HZ

## I CONSULTATIONS

### I.1 One Voice Consultations

Transport - no objection subject to conditions

Archaeology -no objection subject to conditions

Education - no objection subject to conditions

Hanborough Manor CE Primary School currently has only a handful of spare places in older year groups, and more recently has been oversubscribed at Reception age. The school has very limited ability to absorb any in-catchment area additional pupils and the Eynsham partnership of schools as a whole is operating very close to capacity. Any housing development in the area would be expected to contribute toward school expansion.

From its starting point of 1 form entry (admission number 30, total capacity 210), adding two classrooms to the school would allow it to increase its admission number to 40, and total capacity to 280. While this would be sufficient for the proposed housing development in isolation, given the existing underlying pressure on capacity, and taking into account extant permission for application 14/1102/P/OP (64 dwellings east of Church Road, Long Hanborough) it is not expected to be sufficient to meet the combined local need. It is therefore expected that a third additional classroom will be needed, bringing total capacity up to 315 (equivalent to an admission number of 45).

Hanborough Manor Primary School's total site area just meets the minimum size recommended in the Department for Education's Building Bulletin 103 for a 1 form entry school. It would clearly be below the recommended minimum size for a larger school. To facilitate the necessary expansion of the school, an agreement therefore would need to be reached to secure sufficient and satisfactory additional usable site area for the school to allow it to expand in line with the proposed scale of this development

In order to provide sufficient certainty that such a playing field could be delivered, any s.106 agreement for the Witney Road development would need to include a provision whereby the applicant developer would need to have secured the land & planning permission for the playing fields in order to mitigate the impacts of the development on necessary education place provision. The land would need to be free of costs to the public purse.

Property - no objection subject to conditions

## I.2 Adjacent Parish Council

### Freeland PC

I have been asked to write to you on behalf of Freeland Parish Councillors to express their deepest concerns regarding a proposed development by Pye Homes for 169 houses to be situated on the South side of the A4095 in Long Hanborough.

The new proposal is almost identical to the previous one which was refused (and is now out to appeal).

This site on the South side of the A4095 that has been proposed for development by Pye is classed as being located in Long Hanborough and is included in the West Oxfordshire Draft Local Plan. It is identified as site reference numbers 167 and 168. Both of these sites are included in the updated SHLAA (dated June 2014) and within this document it states that whilst both sites are available for development, the overall assessments of them were as follows:

Site 167 (West of Long Hanborough) - Overall assessment = Not suitable.

Comment: Harm to landscape setting and separate identities of village and Freeland. Relatively distant from village facilities.

Site 168 (Land adjacent Hurdeswell) - Overall assessment = Not suitable.

Comment: Not well integrated with existing development and limited development potential. Also awkward to develop because of shape of land, relationship to A4095 and need to provide continuation of adjacent green wedge.

Councillors are very concerned that this proposed development will have a huge impact on the local area, and it will also bring the two villages so close together that they will lose their individuality and identity. The updated SHLAA (June 2014) notes the following about Long Hanborough and its surrounding area:

"The north western edge of the village adjoins the Cotswolds AONB

which also extends onto land to the north of the village. The village abuts three landscape character areas as identified in the West Oxfordshire Landscape Assessment. To the north, the land is characterised as open valley-side farmland which is visually sensitive and where development would be highly prominent and exposed. To the west (north of the A4095), the land is characterised as semi-enclosed limestone wolds (large scale) which are visually sensitive and where any development would need to be closely and sensitively integrated with existing buildings or within a strong landscape structure. Around the rest of the village the land is open flat vale farmland which is visually sensitive and where development would be highly prominent and exposed unless integrated within strong new landscape frameworks.

There are no national nature conservation designations affecting the village but the whole area is within the Wychwood Project Area. The former quarry walls to the south of the village and west of Church Road are designated as a SSSI for their geological importance.

The village is not within Flood Zones 2 or 3, but one property to the west of the village did experience surface water flooding in 2007 and flooding also took place in Riely Close. Flooding to the A4095 at both east and west ends of the village and to Lower Road at the Caverswell Brook culvert occurs on a regular basis."

As you will note from the above, one of the key themes running through the assessment is that the area is visually sensitive and any development would be highly prominent and exposed which would be very detrimental to the local area. This proposed development is of a considerable size which would be highly prominent and exposed along the A4095, despite the proposed landscaping which would take years to develop fully, and it would therefore be severely detrimental to the character of the village and current landscape setting.

However, one of the biggest concerns of our Parish Councillors is that of the increased traffic and number of vehicles that will be generated from a development of this size.

As noted in the WODC Infrastructure Development Plan (IDP): "Traffic volumes are highest on the A40 between Witney and Oxford and the A44 south of Woodstock to Oxford. The most severe congestion is on the A44 at the Bladon roundabout and on the A40 to the east of Witney, particularly during the morning peak hours."

Anyone living locally is more than aware that the A4095 is very severely congested heading from Witney towards Bladon in the morning peak hours. The cars are literally nose to tail crawling along at barely 10mph. The above quote from the IDP clearly points out that the Bladon roundabout at the A44 is already severely congested and the A4095 joins this roundabout at Bladon. If this new development of 169 houses has an estimated 2 cars per house (potentially more), this could mean another 300+ cars to enter onto

the A4095 at Long Hanborough. Councillors firmly believe that the road simply will not cope with this volume of vehicles when it is already at peak capacity currently at certain times of the day. At peak hours in the morning and evening it is already difficult and often dangerous trying to exit Freeland and turn right onto the A4095 towards Hanborough. With such an increase in vehicles, this will prove almost impossible and will inevitably result in residents taking more chances which could lead to an increased number of accidents. This could also result in increased traffic through Freeland village where people could try to use the village as a "rat run" to get to the A40, and the main road through our village will not cope with this increased usage.

With few employment opportunities locally in Long Hanborough or the surrounding villages, the majority of the cars will have to travel along the A4095 to get to locations further away to get to their places of work, which are highly likely to either be Witney or Oxford. Anyone who currently travels into Witney or Oxford from Long Hanborough or Freeland or another neighbouring village will be only too aware of how difficult this journey can be due to the huge volume of traffic. By adding another 300+ cars into these routes will only exasperate an already frustrating and difficult problem, not to mention the environmental impact of fumes, dust and noise that would be generated by these additional vehicles.

Another major concern of the Parish Council is that of the lack of infrastructure. A development of this size will cause a huge pressure on local services, especially the local schools and GP surgery, both of which are operating at full capacity currently and do not have the space to expand. Freeland Primary School already has a problem with too many cars parked around the school at drop off and pick up times.

Hanborough School is also operating at full capacity and as noted in the SHLAA (June 2014) "there is very limited capacity for additional children at the primary school and future expansion is constrained by the size of the site."

A development of 169 homes will inevitably include a large proportion of homes with school age children, and due to the location of the two sites it is more than likely that many will need to drive to the local schools. Freeland Parish Council has already received complaints from residents regarding the parking problems around the school, and problems of cars driving too fast near the school. To allow this proposed development to go ahead would add to an already difficult problem and would quite frankly be dangerous allowing that many cars to be situated around a village school.

One of the GP's at the Hanborough Practice has also stated that the surgery is already operating at full capacity and cannot take on the

number of additional patients that would be generated from this Pye's development. There is no room to expand the current site, without the loss of the already inadequate patient parking - yet no additional surgery or school have been included in the Pye's proposals. The new proposed GP surgery included in the new application is forcing the surgery to be situated even further outside of the village centre and making it more difficult for local residents to access it. The new location will also mean that it is more than likely increasing numbers of residents will be forced to drive there rather than walk as it is located away from the main hub of Hanborough village.

The West Oxfordshire Local Plan documentation often states that any new developments must be "sustainable". Freeland Parish Councillors are of the opinion that the proposed development by Pye Homes is not sustainable due to the reasons set out in this letter and firmly believe that the adverse impacts referred to above would significantly and demonstrably outweigh any benefits when assessed against government and local planning policies.

The Parish Council therefore wish to strongly object to the appeal of the planning application reference 14/1234/P/OP and to the new application that has been submitted on behalf of Pye Homes for this development reference 15/02687/OUT and request that all of the above concerns are taken into account when determining the appeal and new application.

I.3	Ecologist	No objection subject to condition and review of layout to include an area for reptiles.
I.4	WODC Architect	No Comment Received.
I.5	WODC Env Services – Car Parking	No Comment Received.
I.6	WODC Env Consultation Sites	No Comment Received.
I.7	WODC Community Safety	No Comment Received.
I.8	WODC Legal & Estates	No Comment Received.
I.9	WODC Env Services – Waste Officer	No Comment Received.
I.10	WODC - Sports	£139,916 for the provision and maintenance of an onsite playscape £1,088 x 169 = £183,872 off site contribution towards sport/recreation facilities within the catchment
I.11	WODC - Tourism	No Comment Received.

- I.12 Thames Water
- Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.
- "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.
- I.13 WODC Env Services – Engineers
- No Comment Received.
- I.14 WODC Env Services – Landscape
- No Comment Received.
- I.15 WODC Env Health – Uplands
- The amendments are acceptable to me.
- I would add for clarification that;
- (i) I do not have concern over a specific industrial type noise in the region of the applicant site. As such the generic wording of commercial/industrial could be dropped from the condition in this instance. The Wroslyn road Industrial estate is a distance away and we have not received any complaints regarding the telephone exchange building as demarcated on my mapping system.
- (ii) Indeed, the internal noise level as provided by the new version of BS.8233 is of course 35 dB LAeq 16 hours. My apologies for this.
- (iii) For external areas that are used for amenity spaces such as gardens, it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.
- I.16 WODC Head Of Housing
- My understanding is that the application proposes 83 affordable dwellings of which; 57% are for smaller households and 43% for larger family households.
- A preference would be to reduce the number of larger dwellings by 4 No, and replace them with 4 x 2 Bedroom Bungalows, for an identified need of those requiring either adapted or level access dwellings.

Reviewing the Council's waiting list reveals that there are currently;

- 98 households requiring 1 bed homes
- 93 households requiring 2 bed homes
- 39 households requiring 3 bed homes
- 15 households requiring 4 bed homes, and 44 households requiring either older persons or level access accommodation.

In light of the above data, and were this scheme to progress, then I can confirm that with the inclusion of the amendment above, the scheme mix is acceptable.

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| I.17 | WODC Landscape and Forestry Officer | No Comment Received.  |
| I.18 | WODC Planning Policy Manager        | No Comment Received.  |
| I.19 | WODC - Arts                         | <p>A Public Art statement to be submitted with reserved matters or full planning application showing how public art can be incorporated into the scheme to improve connectivity to the site</p> <p>The proposed public art scheme should reasonably relate in scale and kind to the development. A scheme of the value of at least £17,200 would be considered appropriate.</p>   |
| I.20 | Environment Agency                  | This application does not fall within any of the categories of development in our External Consultation List. The list includes types of development for which we are a statutory consultee, as well as those we wish to be consulted on because of their potential impact on the environment   |
| I.21 | Parish Council                      | <p>1. Hanborough Parish Council (HPC) considers this proposed development unsustainable and objects to it for a number of reasons, as set out in this letter. Application 15/02687/OUT is a revised version of another very similar application (14/1234/P/OP) that was refused on 6th March 2015. In response to criticism of the earlier proposals, the applicant added elements that looked ameliorative but, on close scrutiny, were found to offer scant prospect of a practicable solution. HPC will argue that the current proposals still suffer from the presence of apparently insurmountable stumbling blocks, despite the applicant's claim to have addressed the reasons for refusal of application 14/1234/P/OP.</p> <p>2. Application 15/02687/OUT breaks down the reasons for refusal of application 14/1234/P/OP in a Planning Statement dated July 2015, acknowledging the following issues and constituent parts:</p> <ol style="list-style-type: none"><li>a. The scale of development in its own right and with other schemes;</li><li>b. Failure to address the education and healthcare implications for the village;</li><li>c. Failure to take the opportunity to create a locally distinctive development;</li><li>d. The coalescence of the settlements of Long Hanborough and Freeland;</li></ol> |

- e. The precedent for further encroachment into the open countryside around the village;
- f. The proposed development represents a disproportionate addition that will damage the social and environmental character and sustainability of the village;
- g. Urbanise the road between the settlements of Long Hanborough and Freeland with inappropriate ribbon development.

3. The applicant has not accepted that reasons "a" to "g" were sound and justifiable, and has appealed against the decision West Oxfordshire District Council (WODC) set out in a letter dated 6th March 2015. Nevertheless, the applicant has implicitly accepted that there was room for improvement, as evidenced by small landscape design changes.

Scale of the proposed development.

4. The applicant disputes the context in which WODC considered the scale of the proposed development (refusal reason "a") in its own right and with other schemes, and asserts that the evidence for the number of new homes required in West Oxfordshire "has not been tested at Examination" and hence "should not be applied to constrain the Objectively Assessed Need." However, the applicant's complaint seems to HPC to be blunted by an admission that the applicant had not "interrogated the housing supply listed within the Housing Land Position Statement" at the time of applying. It is difficult to see how this technical issue can be settled without a judgement from the Planning Inspectorate (who will be examining WODC's Local Plan 2031 and dealing with the applicant's appeal regarding application 14/1234/P/OP in due course).

Failure to address the education implications.

5. Refusal reason "b," failure to address the education and healthcare implications for the village, does not raise complex technical issues but rather, in the case of Hanborough Manor C of E Primary School, simple capacity issues (albeit complicated by an educational dilemma and a conflict of interests). The school is land-locked and there is no space for the 40 or so extra primary-age pupils that 169 houses would generate.

6. To free up space for new classrooms on the existing school site, the applicant has proposed relocating the school playing field to land within the applicant's gift approximately 250 metres away (see letter of 17/02/15 to Mrs Wiseman, senior WODC planning officer). The original access route involved crossing a public right of way, necessitating two-way lockable gates to which Hanborough Playing Fields Association (HPFA) objected (because users of their leisure facilities would find their way barred). The latest access route would involve leading pupils down Riely Close and through a cluster of recently built houses. Staff at the school anticipate that either lesson time or organised sport and informal games time would have to be sacrificed in order to make this journey.

7. The creation of this dilemma is clearly unacceptable, as it would harm pupils' interests one way or another, and yet it has not been highlighted by county education officers, the academy to which the school belongs or the school itself. This is not due to an oversight, but to a conflict of interests: county officers hope HPFA might eventually relent and give up their land for play space adjacent to the school; the academy is dominated by its secondary school and wants Hanborough Manor to feed it more pupils as soon as possible; whereas the primary school Headteacher has extolled the virtues of keeping classes organised in National Curriculum year groups.

8. The Headteacher has understandably avoided distancing herself from her superiors, but even the applicant's simplistic language in paragraph 2.11 of their Planning Statement affords an insight into her preferred way of organising pupils' education: "The school is currently single form entry and although they said that they like the small size of the school, there is space for expansion should it be necessary." A school's size influences how children are taught; it is important to understand that "because of the way that the curriculum is organised, mixed age teaching is easiest to manage by keeping Years 1 and 2 together, Years 3 and 4, and Years 5 and 6. Mixing Reception and Year 1, or Years 2 and 3, is particularly difficult, as these years are in different Key Stages of the curriculum, and are taught in very different ways," as the County's Pupil Place Planning Manager explained in January 2015.

9. To facilitate continued optimal curriculum delivery, the school would have to be rapidly enlarged from 1.0 to 1.5 form entry; which would be over twice as big an increase in capacity than would be required for 40 or so extra pupils. As the same County Manager also explains, "expanding a school by more than local population growth brings its own difficulties. Either the school fails to recruit as many pupils as assumed, undermining their budget, or they recruit pupils from further afield, undermining other schools' budgets, and adding to traffic. Moreover, as most funding available for new school buildings is directly linked to expected pupil numbers, there simply isn't sufficient funding to build more classrooms than justified by the forecast scale of growth."

10. The applicant could not be expected to pay for several years' of surplus capacity and, in any case, there is no justification for disrupting existing pupils' education unnecessarily. Besides, the offer of a distal sports and games field is not only academic in the sense of having an adverse impact on children's education; it is also academic in the sense that it may never materialise. The field in question would extend beyond scrubland and across a heavily used permissive path into an arable field that contributes towards a farmer's livelihood. HPC would expect any application for change of use to fail, not least because of the field's proximity to Pinsley Wood.

Failure to address the healthcare implications.

11. The applicant's attempts to address the healthcare implications of the proposed development have gradually become more realistic: a modular building with fixtures and fittings and land with car parking are on offer with long leases. HPC believes these offers to be deliverable and we see no role for ourselves in further discussions about specifications; although we need to know for sure that an agreement is in prospect. That said, HPC continues to have reservations about the proposed relocation of the GP surgery-cum-pharmacy to a site so far from many residents' homes.

12. Residents who have previously walked to appointments or to collect medicines are more likely to drive instead. Church Hanborough residents who have previously travelled on the No.11 bus will also take to their cars if the No.11 service is withdrawn as expected. Currently 150 patients per day visit the surgery to see a doctor or nurse. The pharmacy dispenses 10,000 prescriptions per month, usually in batches of 4 to 5, which could mean up to another 100 visits per day. The number of vehicle movements, adding people who have previously walked or taken the bus to the occupants of 169 new dwellings, is certain to represent a substantial increase. Traffic impact will be looked at separately; here, the healthcare implication is difficulty with access to treatment, particularly for residents with limited mobility.

Failure to create a locally distinctive development.

13. Paragraph 7.12 of the applicant's Planning Statement highlights a "new illustrative masterplan" response to alleged failure to create a locally distinctive development; namely, the creation of "a new pedestrian path and wooded planting which runs into the centre of the site from the eastern boundary, incorporating an extension of the existing wooded area north of Hurdeswell." This measure is supposed to "result in both increased accessibility to the village by foot and extend the character of the village into the heart of the proposed development."

14. Unfortunately, paragraph 2.19 of the applicant's Planning Statement records the applicant's previous decision (after public consultation) to remove the footpath "that would have provided a link through the wooded area to the north east of the site, as local residents stated that the area is a nature reserve and not suitable" as a thoroughfare. This vacillation, combined with a dismissive remark about "minimum landscaping, mimicking the existing development along Witney Road," makes HPC all the more sure that the applicant has not "demonstrated a clear understanding of the existing local character" and is not sufficiently committed to designing "a scheme that reflects this." Refusal reason "c" therefore remains valid.

Coalescence of the settlements of Long Hanborough and Freeland.

15. The applicant says in Planning Statement paragraph 7.48 that their amended illustrative masterplan addresses this reason for refusal

directly, by means of ensuring that the site's western and eastern edges would have "a clear definitive boundary" that "preserves a gap of over 270m between the proposed development and existing linear development on Wroslyn Road, Freeland." This distance is no better than the one declared previously, and the comment made by the applicant's own landscape architects (Tim Lynch Associates) still stands: "Views will be significantly changed from residential areas even if screened (a screen is not as valued as an arable countryside setting) and irreversible." Refusal reason "d" therefore remains valid.

Precedent for further encroachment.

16. The proposed development as set out in application 14/1234/P/OP would have breached WODC's 'saved' policies BE2, BE4(a) and H7 of the adopted plan, H2 and OS1 of the emerging plan and paragraphs 14, 56, 64 and 66 of the NPPF, according to the Notice of Decision dated 6th March 2015. HPC believes acceptance of application 15/02687/OUT would breach additional Local Plan 2031 policies; especially OS4, which stipulates that the character and quality of the surroundings should be enhanced and EH1, which requires proper measures (not just screens of hedging) to ameliorate injury to the landscape. The Parish Council can discern no serious attempt to "enhance local green infrastructure and its biodiversity." Refusal reason "e" therefore remains valid.

Disproportionate and damaging to social and environmental character and sustainability.

17. The applicant suggests in Planning Statement paragraph 7.42 that design principles, such as east-to-west planting, "will limit the perceived size of the proposed development" when viewed from Witney Road, "meaning that its physical size will also be of an acceptable nature." HPC finds this 'smoke-and-mirrors' approach to tackling the problems presented by development of a disproportionate size quite astonishingly out of touch with reality. Unless practicable solutions to the concomitant demands on supporting infrastructure can be found, as required by emerging policy OS5, the damage to Hanborough's social and environmental character and sustainability would be severe if the applicant's proposals were allowed. HPC considers the purportedly ameliorative measures advanced by the appellant to be superficial in relation to the provision of additional primary school places, transport and traffic. Refusal reason "f" therefore remains valid.

Urbanisation of the road and inappropriate ribbon development

18. The applicant offers the following comment on this drawback of the proposals: "It is the nature of any greenfield development that it will have an 'urbanising effect' on a field that is not currently developed." HPC takes this to be an acknowledgement of the inevitable, leaving refusal reason "g" to stand. We should now like to return to discussing traffic and transport on the road in question, even though they were not previously listed as reasons for refusal of

application 14/1234/P/OP.

Traffic and transport.

19. The applicant has been dismissive about likely traffic impact, first describing it as "modest" (see Transport Assessment Addendum of 29/01/15) and later fudging the issue of whether it might be severe by saying "there is no guidance which suggests that a 'severe' impact is in any way linked to proportional impact" when it comes to assessing whether the traffic generated by a proposal would be sustainable (see letter of 17/02/15 to Mrs Wiseman, senior WODC planning officer). This differed from what the Leader of Oxfordshire County Council wrote to David Cameron, Hanborough's MP, in a letter dated 05/03/15. Attempting to defend his Local Highway Authority's use of a 5% threshold for determining whether traffic worsening could be described as "severe," he wrote: "The officer did not use this as a legal definition of severe but as a benchmark, mindful of the need to demonstrate severe harm."

20. The Highways officer concerned, who is now Oxfordshire's Principal Engineer, subsequently admitted to being minded to do what was expedient, i.e. withdraw his objection to application 14/1234/P/OP. On 6th February he wrote to a parish councillor (Niels Chapman): "Whilst sympathetic to your argument I do not consider severe harm could be demonstrated and, therefore, I do not consider it justified or expedient to object to the proposal on highways grounds." After prolonged agonizing over what he would finally say, he submitted the following half-hearted statement on the morning of the 2nd March 2015 Planning Committee meeting:

21. "Finally I have received comments suggesting the County Council is taking a legally risk adverse (sic.) view, it has not been my intention to do so, albeit I am mindful of the financial risks of an appeal and the possibility of an award of costs. However, in forming my response I am fully aware that to sustain a refusal of planning permission I must be able to demonstrate severe harm which, given the findings of submitted transport assessment and addendum, my own appraisal of the proposal and the very light criticism of Mode Transport Planning, I do not consider probable."

22. The Parish Council interprets this as a statement about the possible consequences of using the term "severe harm" which, according to the OCC Leader is "a subjective phrase that is difficult to quantify" (letter to David Cameron dated 05/03/15); it is not an evidence-based judgment that refers to data acquired independently of consultants hired by the applicant. OCC's Leader refused to fund an internally resourced transport assessment because it "would cost in the region of £15,000" (letter to David Cameron dated 05/03/15), despite David Cameron telling him "we should have the courage of our convictions to undertake studies, gather evidence and do our jobs - and not be pushed around by developers" (letter signed on 11/02/15).

23. Hence, traffic and transport remain major issues for HPC when considering application 15/02687/OUT, even though they did not feature among the WODC reasons for refusal of its predecessor. The applicant clearly recognises that the large "quantum of traffic" that would be generated by the latest development proposals threatens their claim to sustainability, since another of several traffic/transport assessment documents was produced on 8th July 2015. In paragraph 6.1 the consultants admit: "The existing issue for Long Hanborough is that the A4095 is supporting significant volumes of through traffic from Witney at an overall rate of 1 vehicle every three seconds during the morning peak. As such any variance in flow will lead to wider perturbations and delay."

24. This admission seems impossible to reconcile with the assertion in paragraph 5.6.1 of the same document, that "there will only be minimal increases in delay and queuing and that overall the cumulative impact cannot be deemed to be severe." One of the consultants (David Tucker Associates) has explained how they can deny a discrepancy, using the analogy of toothpaste being squeezed through a tube. Only so much can get through at a time, no matter how much pressure is applied, but it can all get through eventually. Translating this back into our traffic situation, snapshots of peak times will show worsening up to a point, but the true impact of extra volume must also be measured in terms of how peak level traffic is prolonged.

25. Turning to public transport instead, the applicant has offered a modest short-term contribution to public transport, mainly aimed at the No. 233 and No.11 bus services; however, we have just been warned that far from enhancing bus frequency, Stagecoach is almost certain to withdraw the No.11 completely, regardless of the prospect of contributions offered by developers. As for travel by train, one resident has described her peak hour journey as unsafe and uncomfortable, standing wedged in the carriage coupling and toilet areas; although First Great Western say this should start improving from May 2017, when new trains will come into service. The requirements of emerging policies T1 and T3 cannot be satisfied if these circumstances prevail.

26. Traffic congestion in Hanborough has to be reduced, if buses are to be enabled to run on time and become commercially viable. A development alongside the A4095 would not only produce its own increase of vehicles from 169 new households and a sizeable proportion of the 250 patients who visit the surgery/pharmacy daily; it would also deter existing commuters along the Witney-Woodstock route from taking the No.233 bus to Hanborough Station and would drive them back into their cars. The damage to our local environment and economy would translate into a setback for Oxfordshire's Local Transport Plan 2015-2031 as regards its vital north-western corridor; the Plan seeks to "ensure development is located where it can be well served by public transport and where short-distance journeys can be made by walking or cycling."

## Conclusions.

27. The scale of the proposals in application 15/02687/OUT is far in excess of any development Hanborough could reasonably be expected to sustain. Even if the objectively assessed need for new houses in West Oxfordshire is reassessed as a result of advice from the Planning Inspectorate, any increase for Hanborough would be a fraction of the 169 dwellings proposed by the applicant. Planning permission for 50 dwellings off Church Road has recently been given, in line with the 2014 SHLAA, in addition to 18 affordable homes made available on a rural exception site at the end of Riely Close in May 2015. 'Windfall' house building has also been substantial in Hanborough; 9 dwellings are currently being built on the Myrtle Farm site.

28. If realised, application 15/02687/OUT would damage Hanborough's social and environmental character and sustainability by dint of inadequate solutions to the demands on supporting infrastructure (contrary to the requirements of emerging policy OS5). HPC considers the purportedly ameliorative measures advanced by the applicant to be superficial in relation to the provision of additional primary school places, transport and traffic. Making the school use a distal sports and games field is at best impracticable and at worst impossible (without planning permission for change of use). Taken together, worsened and prolonged traffic congestion amounts to a severe detriment, as described in the NPPF. The promise of more buses rings hollow in the context of service cuts.

29. The applicant has failed to design a locally distinctive development that avoids urbanisation and coalescence with Freeland, and that represents a proportionate addition to the village that would not damage its social and environmental character and sustainability. For all these reasons, as set out above, HPC respectfully asks WODC's Uplands Planning Committee to refuse planning permission for application 15/02687/OUT.

## 2 REPRESENTATIONS

2.1 Over 350 objections have been received in respect of this application. They are summarised as follows:

### Principle

- This very slightly revised plan is just as unacceptable to the residents of Hanborough as the original of it, which is the subject of the appeal, and my own objections to the first submission remain valid for this this one.
- It is scandalous and shameful that the developers are so ruthless, and prepared to cause the WODC to have to do so much pointless work very few villagers knew of the consultation.
- The Planning and Consultation Statement is factually incorrect.

- What part of NO do Pye/Blenheim not understand. Their original proposal has been rejected on valid grounds already. Their appeal and second application should also be rejected, for the same reasons.
- Now more houses have been agreed in the village the Pye application must be rejected as unsustainable, undesirable and creating more problems than they claim to address.
- The proposed development would have a serious impact on the quality of life of residents of Hanborough and surrounding villages due to the lack of infrastructure to support a development of this size.
- The applicant claims that this reason to refuse application 14/1234/P/OP has been addressed in the current application 15/02687/OUT. To all intents and purposes the content of these applications is identical, the only differences being a modification to the boundary screening of the site and the introduction of an access route through Hurdswell.
- If Blenheim and Pye can just keep cynically exploiting this process and reapplying for the same number of houses on the same site ad infinitum - it seems to make a mockery the process.
- Despite the unanimous view of the community and councillors, they have adopted an "at all costs" approach that is wasting tax-payers money and everyone's time.
- I think Long Hanborough has done its bit for the so called housing crisis.

#### Landscape and ecology

- Irreversible loss of green space.
- Myrtle Farm application (14/01939/FUL) was a brownfield site, this is greenfield.
- Continues to be ribbon of development destroying individuality of Freeland and Hanborough.
- On the plan two roads lead to nowhere suggesting further expansion is on the cards.
- Some of us are very much country people and value the opportunity to enjoy our wildlife, countryside and the agricultural land bordering our village.
- The boundary screening change fails to address in any adequate manner concerns regarding urbanisation, encroachment into open countryside and the coalescence of Long Hanborough and Freeland.
- This application will almost certainly be detrimental to biodiversity and wildlife in general as it involves building over an existing green space.
- Every village should have a boundary of Green Belt between them.
- Better qualified people than me can explain how the loss of more open spaces, trees and vegetation will affect wildlife. However, it takes no expert to realise what the community will experience if more large areas of countryside are lost.

#### Local infrastructure and facilities

- More housing will put huge and unjustifiable pressure on our medical and educational facilities and all Hanborough citizens will suffer as a result.
- The co-op and post office are already at capacity.
- Very few local shops.
- The number of houses proposed must be added to the numbers already approved and the village facilities will be totally overwhelmed.

- You cannot just keep tacking more and more houses and flats onto small villages like Long Hanborough without an investment in facilities to enable the village to still function.
- Roads, the surgery, the school, public transport, air quality, the sewage system, and the water supply will all need to be addressed.
- Permission has already been given for a sizeable growth in this village and we are now at bursting point unless major investment is available to expand all the village infrastructure.
- A new school playing field is promised following school expansion. I am not aware of any detailed proposals or demonstration of its practicality. No doubt appropriate conditions will be imposed should an approval be forthcoming.
- I do wish we could avoid the misleading term 'affordable housing' which accounts for 83 out of the 169 dwellings. A few percent off the market price may comply with the government definition, but is still unaffordable to West Oxfordshire citizens on a median salary of £24,000 p.a. (or less). Should these properties become rentals, high levels of rent subsidy will be needed.

### Schools

- OCC say Manor School will require 3 more classrooms changing the village school to an urban school.
- There seems to be absolutely no consideration to the impact on Freeland and Combe schooling which are also at capacity.
- Unless the Education Department, the NHS, West Oxon District Council and Oxon County Council are prepared to invest a great deal of money to improve the village infrastructure [which they are not prepared or able to do because of budgetary restrictions] then these proposals are ludicrous and totally unacceptable.

### Transport

- Traffic assessment is inconsistent with the one compiled for application at Church Road (14/1102/P/OP which said A4095 is at capacity).
- Applicants have now submitted a second study which confirms a capacity issue and that the site will contribute an extra 4% to traffic flows during peak period. Present data show that over 1200 cars cross the Co-Op island every hour in peak periods. However an extra 4% is JUST (!!) below a government guideline that is suggested defines significance.
- Anyone commuting into Oxford at 8 am on a week day would be absolutely furious at any suggestion that the local roads (A40, A44) are not already gridlocked and way beyond capacity.
- The environmental impact of so many cars driving so slowly through the village has a disastrous effect on air quality for the whole village.
- The proposed increase to the station car park, if it goes ahead, is already going to attract hundreds [and I do means hundreds] of extra cars into the village.
- Combe station is a request stop halt, not a station. Also the halt is located immediately adjacent to a country lane and has no parking facilities, and none within its vicinity. There are no bus stops and no pavements, verges or lighting on the lanes leading to it.

- The train line is one of the busiest in the country, the new station car park is usually almost full, and in addition to this there are plans to encourage drivers from Witney to use Hanborough station as an alternative to the heavily congested A4095 and A40.
- Buses along Church Road into Oxford or Witney are infrequent, unreliable and stop running before 7pm.
- The significant and inevitable increase in traffic would cause more pollution issues particularly for those of us living along the already congested A4095.
- Any development of this scale in Long Hanborough should be halted until a long term solution can be found.
- Allowing housing development on the scale proposed which will lead to further traffic congestion before a solution is in place appears a very irresponsible thing to do.
- All the improvements, including double-tracking of the line at Hanborough are just fantasy. Network Rail is bankrupt and has set back a whole series of planned improvements by years
- Accepting that a planning application can be made on someone else's land without their permission, I do not believe the Hurdswell footpath land is within Blenheim's ownership. Presumably statutory notices have been served and appropriate conditions will be imposed should an approval be forthcoming.
- the juxtaposition of the access from Witney Road and the surgery car park will undoubtedly cause severe traffic congestion at rush hours.

#### Doctors

- The surgery is already very busy and would find it very difficult to take on more patients. More GPs would be needed and it is a well-known fact that there is an acute shortage of GPs throughout the country. To move the surgery to the edge of the village would affect many residents who could not walk that distance and would have to depend on cars to get there.
- Our doctors are over worked with looking after Long Hanborough patients as well as other villages.

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

3.1 The following documents have been submitted in support of the application:

Planning Statement  
 Statement of Community Engagement  
 Flood Risk Assessment  
 Tree Report  
 Landscape and Visual Assessment  
 Ecology Report  
 Ground Conditions Report  
 Transport Assessment  
 Design and Access Statement

3.2 The Planning Statement is summarised as follows:

- The development submitted to the Local Planning Authority for a development of 169 new homes, including 83 affordable dwellings, will meet a clearly identified need for additional homes within the District. The evidence to support this is clearly presented

and supported. The site is available, developable and deliverable, and presents the Local Planning Authority with a clear opportunity to address their current and future housing shortfall.

- The issues surrounding the need to consider this application against paragraph 14 of the NPPF are discussed in detail throughout this document. The application is submitted on the basis that the Council does not have an up-to-date local plan or a 5 year supply of land for housing and therefore the Council should grant planning permission without delay unless:

Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole; or specific policies in the Framework indicate development should be restricted.

- The information contained within this Planning Statement and the application as a whole demonstrates clearly that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposals. The development would provide much needed additional housing that meets the housing and economic policy objectives of the Government that are clearly set out within the NPPF.
- References made to the Reasons for Refusal for the original application clearly demonstrate that the applicant has addressed the concerns raised by the Council in the production of a new illustrative Masterplan, Design Narrative and incorporation of a Doctors Surgery and playing fields to solve the education provision issue.
- Emerging local policies support further development in Long Hanborough, and this Statement has demonstrated that the proposals are not in conflict with any relevant policies in the adopted West Oxfordshire Local Plan. It has also been demonstrated that there are also no specific policies within the NPPF that restrict this development. Further, the Reasons for Refusal levied against the original application have been addressed and do not represent valid reasons against this duplicate application.
- The 'golden thread' of sustainable development has been met by these proposals, which represent a sustainable addition to Long Hanborough.

## LATEST UPDATE

- 3.3 Writing at the point that the Council announced that it was seeking to suspend the continuation of the Local Plan Inquiry the agent wrote as follows:

As you will be aware the granting of planning permission for residential development, of the scale proposed, in this location would have a number of benefits associated with it. These have been extensively highlighted in the application and appeal documentation which has been submitted and I will not serve to repeat all of this here. However, one particular planning benefit of the proposal is the development of housing at a time when the Council cannot demonstrate a five year housing land supply; have a significant shortfall in the delivery of market housing (by their own figures) and have constantly fallen well short of their affordable housing targets (again using the Council's own figures).

You will also be aware of paragraph 49 of the National Planning Policy Framework, which states that policies pertaining to the supply of housing should be considered as out of date, in the event that the Council cannot demonstrate a five year housing land supply. The Council's reason for refusal for the application for residential development now at appeal attached weight to a perceived lack of accordance with Local Plan 2011 Policy H7 and Policy H2 of the emerging Local Plan 2031. Notwithstanding arguments over whether emerging Policies can be granted

weight prior to adoption with such a significant level of objection associated, the policies relate to housing supply, and therefore given that any objective assessment of the housing land supply in the West Oxfordshire District shows that there is no demonstrable five year supply present, they should be considered as out of date with the Presumption in Favour of Sustainable Development engaged. As such the proposals should be granted planning permission in accordance with the provisions of the remainder of the Development Plan and other material considerations, including all relevant provisions of the NPPF.

I would suggest that a Planning Balance exercise, if carried out properly, would show that the significant benefits associated with the scheme, including aforementioned cited housing supply benefits, would outweigh any harms present, in this case, especially in the light of local housing policies being granted minimal weight owing to a lack of five year supply.

However, this reasonable approach has not been adopted by West Oxfordshire District Council.

The Council determined the residential application, now the subject of appeal, and issued a Decision

Notice on 5 March 2015 which refused the application, and referred housing policies within the Reason for Refusal. At this time the Council were making decisions based on the belief that they could demonstrate a five year supply of housing land using the 525 dwellings per annum (dpa) requirement inherent as the housing requirement within the Local Plan 2031. This was despite the fact that the Oxfordshire SHMA 2014 stated that the range of the objectively assessed housing need for West Oxfordshire District was between 635 dpa and 685 dpa, with a midpoint of 660.

However, on the 15 December 2015, following the First Hearing Session of the Examination in Public on the West Oxfordshire Local Plan 2031 in November 2015, Simon Emerson, the Inspector responsible, issued the Preliminary Findings on the Local Plan 2031.

Within his Report, Mr Emerson raised many technical concerns regarding the Council's evidence used in arriving at a housing requirement of 525 dpa, and not adopting the SHMA 2014's figure of 660 dpa.

I will not repeat these here as they are available in his Report. However, his conclusions on the objectively assessed housing need and housing requirement were that, the Council has failed to justify their use of the 525 dpa figure (paragraph 1.2 of Part 1 of the Preliminary Findings Report) and that the use of the 660 dpa SHMA figure would overcome the shortcomings of the 525 figure. On this basis it is clear that if the Council wishes to continue with the Plan, it will have to undertake substantial amounts of work to overcome the Inspector's concerns, thus incurring significant delays.

As such it is clear that after a process of independent adjudication the 525 dpa basis for five year housing land supply calculation has been dismissed, and that the 660 dpa figure represents a sensible figure which accords with all relevant guidance.

When calculated against the 660 dpa figure, the Council cannot demonstrate a five year supply of housing land, even when using their own supply of sites within the February 2015 WODC Housing Land.

Supply Position Statement, which has some questionable inclusions in itself and looks to be inflated.

In refusing to acknowledge the fact that they cannot demonstrate a five year supply of housing land, for both the residential appeal and application, the Council are in fact acting unreasonably.

This is because they are skewing the planning balance against the scheme owing to a five year supply position which is a falsehood and clearly cannot be justified on the evidence that the Council continue to use. This is covered under the 'substantive' definition of 'unreasonable' outlined within paragraph 31 of the Planning Practice Guidance (Reference ID: 16-031-21040306). Acting in such a way would make the Council liable for costs.

In terms of my client's costs incurred since the Appeal start date for the residential scheme on 25 August 2015, they are currently £96,672.29. It is anticipated that following a 5 day Inquiry these costs will be significantly higher. It is the current view of the Appellants that they would be making a full application for these costs to the Planning Inspectorate in light of the Council's behaviour, as outlined above.

In light of the position on housing land supply, as set out above, the Council has an opportunity to improve its five year supply by approving the duplicate residential application, which is the subject of this letter.

Long Hanborough is identified as a Group C settlement, the most sustainable in the District, within the Local Plan 2011 and as one of 6 Rural Service Centres within the submission draft Local Plan 2031. It is also acknowledged by WODC that Long Hanborough is one of only two identified settlements in the District with a train station. Thus it is clear that according to the Council's own adopted and emerging Plans, the settlement is sustainable. It should also be noted that paragraph 9.5.2 of the submission draft Local Plan 2031 identifies that Primary school capacity is an issue for the village and that the emerging Local Plan 2031 would need to address this. In providing a replacement playing field, and allowing the school to expand on its current site, the proposed scheme solves this issue. There is no other development proposal, or means articulated in any published Plan, which allows the school to expand and solves this key infrastructure constraint. The benefits of the inclusion of a Doctors' Surgery on the site will also result in significant benefits for the community and again solve a key infrastructure constraint.

In approving the application, it will negate the need for an appeal to cover the proposed residential development at Land off Witney Road with the Inquiry currently scheduled to begin on 16 February 2016. While the playing field appeal will still be heard, there is the potential for the Council to not offer a case and therefore the appeal would be allowed and facilitate the implementation of an approved residential application. This course of action would mean that substantial time and resources are saved by all parties, and that a sustainable development is approved and the multitude of benefits associated may be realised.

Should the Council decide that this is not the course of action that they would wish to pursue my client has informed me that they will be seeking a full award of costs during the appeal process, based on the fact that the Council are wilfully ignoring evidence, which effects a substantial part of their case, in an effort to block a sustainable development. This amounts to unreasonable behaviour based on the definitions outlined within the Planning Practice Guidance, as shown above.

I hope to hear from you soon regarding this matter which can hopefully be resolved without the need for an unnecessary planning appeal and subsequent application for costs.

- 3.4 This request arrived on the date for finalisation of the report but in the light of the claims made officers considered it expedient to seek Counsels opinion as to the suggested unreasonableness, the claims that the proposals do represent sustainable development and the 5 year land supply position. Whilst it is clearly not expedient to place such legal advice in the public domain the essence of Counsels advice will be reported to Members as part of the Officer presentation to committee. It is for this reason that the recommendation is for provisional refusal pending Counsels advice.

## 4 PLANNING POLICIES

BE2 General Development Standards

BE4 Open space within and adjoining settlements

H7 Service centres

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H2 General residential development standards

H2NEW Delivery of new homes

H11 Affordable housing on allocated and previously unidentified sites

H3NEW Affordable Housing

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

## 5 PLANNING ASSESSMENT

### Background Information

5.1 The application seeks outline consent for up to 169 dwellings, a new Doctors' Surgery with associated parking and the means of access to the site.

5.2 A similar application on this site (14/1234/P/OP) was refused by committee in March 2015 for the following reason:

By reason of the scale of development both in its own right and in combination with other planned and approved schemes, the failure to address the education and healthcare implications for the village, the failure to take the opportunity to create a locally distinctive development, the coalescence of the settlements of Long Hanborough and Freeland and the precedent for further encroachment into the open countryside around the village the proposed development represents a disproportionate addition that will damage the social and environmental character and sustainability of the village and urbanise the road between the settlements of Long Hanborough and Freeland with inappropriate ribbon development. As such the proposals are contrary to policies BE2, BE4 (a) and H7 of the adopted plan, H2 and OS1 of the emerging plan and paragraphs 14, 56, 64 and 66 of the NPPF. These are considered to represent significant and demonstrable harms that substantially outweigh the benefits of the scheme.

5.3 That application is currently at appeal and a public inquiry is scheduled for February 2016.

5.4 The main difference between that scheme and this is the onsite provision of a doctors surgery and a revised illustrative plan. The extent of affordable housing to be provided is now also reduced from 50% to 35% on the basis of claimed viability issues. Taking into account planning policy, other material considerations and the representations of the agent and interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

5.5 The application site comprises of a fairly low grade arable land south of the Witney Road in Long Hanborough and west of a residential development on Hurdeswell. To the rear and west of the site lies open fields, apart from one detached property on the Witney Road called the Old Police House. The site is neither within a conservation area nor the AONB. Currently the site is accessed from a single gateway on the Witney Road.

- 5.6 The proposal is on the edge of the village of Long Hanborough which is designated in the pre submission LP as a rural service centre being one of the District's more sustainable settlements in relation to the services and facilities it offers. However the settlement lacks some of the facilities associated with the remainder of the higher order settlements and even though its position is boosted by the railway station (although that is of course located some considerable distance from this site) it ranks second lowest of this category of settlement. The principle of residential development on the western side of Long Hanborough (including the application site) has already been considered by the Council as part of the SHLAA process. The assessment, albeit relatively high level and for a larger site, considered a number of different factors including accessibility, landscape impact, flood risk, ecology, heritage assets and residential amenity. The overall conclusion was that the application site (SHLAA site 167) is available and achievable but not suitable for development because of the harm to the landscape setting and the separate identities of Long Hanborough and Freeland.
- 5.7 With regard to the adopted Local Plan, the site adjoins the built up area of Long Hanborough which is defined in as a Group C Service Centre. The overall strategy of the plan is to focus most new development towards these larger settlements by virtue of the fact that they enjoy a range of services and facilities. H7 is the relevant housing policy of the adopted plan. However this is increasingly being superseded by the policies of the emerging plan and also due to the passage of time.
- 5.8 Whilst Officers are of the opinion that it can reasonably be afforded some weight, it is acknowledged that it pre-dates the NPPF and was adopted at a time when releases of greenfield land on the edge of settlements were not needed to meet identified housing needs. In that regard policies OS2 and H2 of the emerging plan are also relevance. These policies remain subject to outstanding objections and are yet to be adopted but as the emerging plan has reached an advanced stage it is reasonable to afford them some weight.
- 5.9 Policy OS2 seeks to direct development to the more sustainable settlements and in that regard Long Hanborough is identified as a rural service centre. Policy OS2 identifies that these settlements are suitable for an appropriate scale of development that would help to reinforce their existing service centre role and is subject to a series of criteria in terms of the development representing a logical compliment to the existing scale and pattern of development, protecting local landscape and setting of settlements not developing important open spaces and that necessary supporting infrastructure can be provided.
- 5.10 Policy H2 relates solely to residential development and in recognition of current housing needs is purposefully more flexible than the adopted Local Plan policy H7, insofar as it allows for housing proposals on unidentified land adjoining settlement areas subject to a number of specified criteria being met
- 5.11 In light of the above, in terms of the principle of residential development on this site, officers suggest that it could be considered acceptable (insofar as it adjoins a designated service centre) but that there are a series of site specific criteria seeking to ensure that any such proposals represents sustainable development as defined by the Local Plan and the NPPF that also need to be met if the proposals are to be fully policy compliant.
- 5.12 With regards to the issue of a 5 year housing land supply, at present the situation is unclear following the LP Inspectors preliminary findings. In his findings the Inspector has raised some

concerns regarding the Council's proposed housing target (525 homes per year) which is lower than the SHMA recommendation (660 homes per year). He has not accepted most of the Council's arguments for the lower target but has accepted that the Council might wish to do some further work using more recent projections on household numbers to determine if the 660 figure should be lower. The Council has now decided to commission this additional work which it is anticipated will be complete by the end of February 2016. Whilst the outcome of that work is not yet known it is likely that the housing target of 525 per year will increase significantly but in advance it is not possible to know by how much at the moment.

- 5.13 The Council's most recent position statement on 5-year housing land supply was published in February 2015 and suggests the Council has a 5-year housing supply but it was benchmarked against the draft Local Plan target of 525 per year which the Inspector has raised some concerns about. The Council's position statement will need to be updated following the additional work referred to above. The Council will seek to make additional site allocations in the most appropriate sustainable locations through the LP process in order to provide a 5-year housing supply and to meet the overall housing requirement-whatever that may be
- 5.14 At this time we therefore cannot definitively say whether we have a 5-year housing land supply or not. Developers such as this one argue that we don't have a supply of deliverable sites and that in the absence of a recently adopted Local Plan housing requirement, the default should be the SHMA (660 per year). However, given that the Local Plan Inspector recognises that the Council may wish to undertake further work to determine if some reduction of this figure may be appropriate, the default use of the SHMA is not considered reasonable. It is also important to allow time for the LP process to bring forward additional sustainable housing site allocations
- 5.15 The importance of 5-year housing land supply is that if the Council cannot demonstrate it has one, paragraph 14 of the NPPF is engaged and there is a presumption in favour of development unless the harms significantly and demonstrably outweigh the benefits. Furthermore, adopted housing land supply related policies such as H7 carry less weight. It is therefore a key issue.
- 5.16 In light of the current uncertainty regarding 5-year housing land supply and also given the age of Policies H7 etc. your officers would advise that the strategic elements of those policies such as H7 are not given much if any weight at present. Additionally, given that the Council has a supply in excess of the 525 plus 5% previous target, your officers do not accept in advance of the above mentioned work determining where within the 525-660 range the eventual target will sit, that paragraph 14 of the NPPF is necessarily engaged at the present time,
- 5.17 However it is considered appropriate to determine applications on a positive basis in line with the NPPF and in doing so, undertake a balancing exercise whereby the benefits of the proposals are weighed up against the harms. Thus if it is a poor scheme in a poor location it should be refused with reference to relevant adopted Local Plan policies (other than those that relate to the supply of housing - H7 etc.) and the emerging plan where relevant as well as the NPPF/NPPG. Conversely if it is a good scheme in a good location, even if it doesn't comply with H7 etc. we should be considering it favourably subject to compliance with the relevant provisions of the NPPF/NPPG.

#### Siting, Design and Form

- 5.18 Indicative site plans have been submitted which indicate a mix of housing types situated around one main access road and as series of cul-de-sacs. The layout indicates some open green spaces

and attenuation ponds to the rear of the site. The existing hedge at the front of the site is proposed to be retained (apart from where the new access would be required) as is the hedge that partially dissects the site at the eastern corner. A footpath connection to the village has been introduced.

- 5.19 No details of the actual house types have been provided as these are matters to be reserved, however the proposed tenure mix and layout is considered generally acceptable in and of itself for a development of this size. Each property has off street parking in line with the OCC standards and private amenity space.

#### Residential Amenities

- 5.20 Due to the layout and the distances involved between existing properties and proposed properties there would not appear to be any detrimental impacts arising from the proposal in terms of a direct loss of privacy or daylight etc. However it is noted that the outlook from the properties on Hurdeswell will be affected. There is no right to a view and protection of private views are not valid planning matters, nor is the devaluation of property.
- 5.21 However as the proposal seeks outline permission for 169 dwellings, if officers assume an average of 2.5 people per home, this represents an approximate 16% increase in the village's population. Such a level of growth clearly has implications for a range of factors, including impact on services and facilities, traffic implications, effect on character of settlement and landscape impact. These are addressed below.

#### Impact on Visual Amenity- Landscape and coalescence

- 5.22 The applicant's own comprehensive assessment of Landscape and Visual Impact accepts that the development of the site will have a 'slight to moderate adverse impact' on the area due to the sensitivity of the receptors and the magnitude of change. One of the key considerations is whether development on this scale would form a logical complement to, and relate well to the existing pattern of development in Long Hanborough. Officers do not consider that to be the case.
- 5.23 Linked to concerns over the scale of the development proposed, and its landscape impact, is the issue of potential coalescence with the separate settlement of Freeland, located close to the south west of the site. The Landscape and Visual Impact Assessment accompanying the application, recognises that 'the site could be considered to have some significance in terms of providing separation between Long Hanborough and Freeland.'
- 5.24 Officers note that the SHLAA identifies coalescence and loss of individual settlement character as one of the reasons for the unsuitability of this particular site. Repeated visits have been made to this site to assess the potential impact, on views in to and out of the site and how the development may look on the approach to Long Hanborough. Officers consider that there will be an adverse impact and the coalescence between the settlements and the development as proposed has not taken account of this fully, in the slightly revised design the subject of the latest illustrative plans.
- 5.25 Long Hanborough is a linear settlement and it is considered that the inappropriate siting of this proposal would substantially stretch this form to the extent that it would be 'ribbon' development' along the frontage and an amorphous blob of built form from other vantage

points. The applicants have failed to take the opportunity to design a locally distinctive development that reflects the character of Long Hanborough and its settlement pattern or that ameliorates the adverse impacts of development of this scale on the setting of the settlement. As a result the encroachment on to the open countryside around the village has a detrimental effect on the environmental character of the village and its setting, further urbanising this stretch of open land between the settlements of Long Hanborough and Freeland.

- 5.26 The Emerging Local Plan contains Housing Policy H2 which states as a general principle that development will be expected to avoid coalescence and loss of identity of separate settlements. For the reasons listed above the development is considered to result in a loss of an area of open space that contributes positively in its undeveloped state to the character of the area and would result in inappropriate ribbon development contrary to policy H2 of the Emerging Local Plan, albeit that this currently does not have full weight.

#### Traffic and Highways

- 5.27 Traffic flows through Long Hanborough are high, especially during the morning and evening rush-hours. The applicant's Transport Assessment, however, concludes that the impact of their proposal on the local roads will not be severe, in accordance with NPPF Para 32, and that there is adequate capacity within the highway network. It also says that highway improvements should result in a reassignment of traffic to the A40 from Long Hanborough and thereby reducing peak period traffic flows.
- 5.28 There is no technical objection from the County Council on the grounds of highway safety, who maintains the no objection stance adopted when the previous application was considered.
- 5.29 It is noted that traffic remains one of the key concerns for residents in the locality, and there is no doubt that traffic congestion would be worsened as a result of this proposal, however there is, as stands, no technical objection to the scheme on the grounds of highway safety.

#### Ecology

- 5.30 An Ecology report has been submitted as part of this application. There are no species or habitats identified on this site which would preclude development on this site. There are recommendations for mitigation measures in the submitted report which the developer should adhere to and attain the necessary licences from Natural England where necessary.

#### School Capacity

- 5.30 The capacity of Hanborough Village school is a key issue to this case. The current situation at the school is that it is over capacity and has to turn away in catchment children. The current site is restrained in size and has no capacity to expand without seriously compromising the external play space, which would take it below the recommended standards.
- 5.31 Various options have been explored through discussions, the first and most obvious being a potential 'land swap' and expansion of the school on to the land immediately adjacent to the site which is already in use as a playing field/recreation area. However the Hanborough Playing Fields Association controls this land and has indicated that it does not wish to consider a land swap. As such there is no certainty that this will come forward.

- 5.32 As a result the applicants have looked to offer land of a similar size to provide an offsite playing field. They have come forward with a proposal to develop an area of land south and rear of Reily Close and which was the subject of a separate application. However when advised by officers that they were minded to refuse that application the applicants appealed against the non-determination of the application and so the decision will now be taken by the Inspectorate. What it does mean however is that there is currently no means to educate any pupils generated by the development within catchment and indeed the capacity in the whole SE corner of the District is so limited that even bussing children to less popular schools does not appear to be a remedy. It is difficult to conceive of a position where allowing houses without the means to educate any children who live there could be classed as sustainable development.
- 5.33 Thus until a solution to both the current shortfall of space on the school site and potential growth of the school in line with potential population increase is clarified, funded and secured there is still some way to go before this issue is resolved and that in the interim whilst the issues may not be insurmountable, they do indicate the solution is some way off before the school would be at a capacity to be able to cope with an increase in intake, in any sustainable way. This indicates that the wider sustainability issues of a site of this size are yet to be fully addressed, as alluded to in the OCC response and notwithstanding there is no technical objection to the application on the grounds of education.

#### Surgery Capacity

- 5.34 This is the main change arising from this application as opposed to the previously refused one. At the time the last application was considered the Eynsham Medical Group were unable to withdraw their objection to the proposal as there was not the funding available to complete the fit out of the building and they could have left themselves vulnerable at the point of the land swap if the new surgery was not completed to standard and yet the old surgery would no longer be in their possession. In contrast there is now a signed agreement between the Medical Group and the applicants and so this aspect of concern identified in the original reason for refusal has been overcome. Indeed, in that existing surgery capacity has been cited as a key issue by a number of objectors the fact that this scheme offers the opportunity to not only mitigate the impact of the proposals but also to provide a better surgery for the settlement as a whole is a benefit that should be accorded significant weight as part of the social benefits of the scheme.
- 5.35 However this benefit must be qualified in that the provision of the new surgery (and the replacement playing fields if eventually approved at appeal) is said to be such that the applicants are now only offering 35% affordable housing rather than the 50% previously offered. Your officers have queried a number of the assumptions underlying that claim and in particular an unsupported claimed land value well in excess of the ceiling level used as part of the viability evidence underpinning the local plan. As yet no evidence has been provided to back up the claimed shortfall in viability set out in their appraisal. However, if the applicants can back up the claim it is clear that any educational and surgery benefits will only be provided at the expense of affordable housing and this clearly weighs against the social contribution that the scheme would make to the village/area in that it would be at the expense of meeting another identified need. Indeed your officers conclude that at present the case to reduce the extent of AH below the threshold set by either adopted or emerging levels has not been supported such that this represents a further element in the refusal reasons that was not the case with the earlier application.

## S106 Heads of terms

- 5.36 The following requests for contributions have been made:

OCC Education - £625,428 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Hanborough Manor School. £721,235 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, at Bartholomew School. £33,722 Section 106 required for the necessary expansion of permanent SEN school capacity serving the area, at Springfield School.

OCC Highways - Section 106 required for contribution towards bus service enhancement, a contribution of £1000 per additional residential dwelling to enhancing strategic public transport provision through Long Hanborough, contribution of £20,000 towards the cost of physical bus stop infrastructure, a S106 contribution of £1240 is required for the monitoring of the Travel Plan for a period of 5 years post occupation of the site.

WODC Leisure -  $£1,088 \times 169 = £183,872$  off site contribution towards sport/recreation facilities within the catchment. £139,916 for the provision and maintenance of an onsite playspace.

WODC Public Art - A scheme of the value of at least £17,200 would be considered appropriate. This contribution is based on a calculation which is benchmarked with other authorities in Oxfordshire, of £200 per unit of market housing in the scheme

## Conclusion and Planning Balance

- 5.37 This is a contentious proposal which has resulted in several hundred objections from not only local villagers but wider afield. The applicants have, through the application process, attempted to overcome some of the issues raised by the earlier refusal in terms of the pressures on the Doctors' surgery and the local school, but these are either not deliverable (certainly at the time of determination) or would be at the cost of other community benefits. There are on-going concerns about granting consent for this number of dwellings without the assurance that the required education facilities are secured. There are still too many uncertainties surrounding this proposal for officers to be persuaded that the proposed clear health benefits of the scheme outweigh the other identified harms - that the development as proposed will not form a logical compliment to the settlement pattern and by reason of its design is likely to become isolated from the village core leading to a unsustainable development that harms the setting and character of this village and does not take the opportunity to secure good design. Whilst the applicant's case as regards the 5 year land supply position is noted it is considered that at this point in time the position cannot be definitively determined. The Council is proposing to undertake some additional analysis to determine whether a reduction from the 660 per annum figure in the SHMA is justified. The Councils position will need to be adjusted accordingly following the work and through the LP process the Council will be seeking to make additional site allocations in the most appropriate and sustainable locations in order to meet the increased housing requirement.
- 5.38 Whilst it is acknowledged that is prudent in advance of that process to look at sustainable development proposals in a positive way (as indeed this Council has always done) this scheme is not considered to be sustainable. Indeed, even assessing the scheme against the provisions of paragraph 14 your officers view is that the harms clearly and demonstrably outweigh the benefits. For the reasons set out in the preceding report and taking into account all representations received, the application is recommended for refusal, for the reason set out below;

## UPDATE

**Members will note from the above that it is officers opinion that the scheme is unacceptable for all the reasons set out in this report and the intention was to recommend refusal accordingly. However, the letter from the applicants agent (quoted earlier in this report) regarding the approach advocated by officers and the consequences for the impending appeal cannot be left open ended and as such officers have taken the opportunity to seek counsels opinion with a view to either confirming, adapting or updating the advice offered in this report. For this reason the recommendation has been changed to provisional refusal and a verbal update as to the overall conclusions (although not the detail in public) of counsels advice will be given at the meeting.**

## **6 REASONS FOR REFUSAL**

By reason of the scale of development both in its own right and in combination with other approved schemes, the failure to address the education implications for the village, the failure to take the opportunity to create locally distinctive development, the coalescence of the settlements of Freeland and Long Hanborough, the precedent for further such encroachments into the open countryside and the unjustified reduction in Affordable Housing provision the proposal represents a disproportionate addition that will damage the social and environmental character and sustainability of the village and urbanise the road between Long Hanborough and Freeland with inappropriate ribbon redevelopment. As such the proposals are clearly contrary to the relevant elements of Policies BE2, BE4 H7 and H11 of the adopted plan, H2 and OS1 H3 and OS2 of the emerging plan and the relevant provisions of the NPPF. The key benefits in particular those relating to health care and any contribution towards housing land supply are not considered to outweigh the above significant and demonstrable harms such that the proposal is considered to be unsustainable and unacceptable development.

Application Number	I5/03542/FUL
Site Address	Thornycroft Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Date	20th January 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	436407 E 218798 N
Committee Date	1st February 2016

**Application Details:**

Erection of a new dwelling house with detached garage and associated works.

**Applicant Details:**

Mr & Mrs Gleeson  
Thornycroft,  
Woodstock Road  
Charlbury  
Oxfordshire  
OX7 3ET

**I CONSULTATIONS**

- |     |                                     |  |
|-----|-------------------------------------|--|
| I.1 | OCC Highways                        | I cannot demonstrate that the proposal, if permitted, will cause such severe harm in terms of highway safety and convenience that would warrant the refusal of a planning permission. No objection subject to condition.   |
| I.2 | WODC Landscape And Forestry Officer | No Comment Received.   |
| I.3 | WODC Architect                      | Amended design - agree this is an improvement - in terms of formal qualities, differentiation of elements etc. Also, the lowermost gable end, with full-height glazing omitted, is looking better. The lowered linking element, while also an improvement, could arguably be less of a physical presence still (e.g. by being more transparent); however, overall better. No objection subject to condition. |
| I.3 | WODC Drainage Engineers             | No objection subject to condition.   |
| I.4 | Parish Council                      | The materials to be used are important in this location.<br>No objection provided that the access has adequate visibility splays.  |

## **2 REPRESENTATIONS**

- 2.1 Three objections and two comments have been received. These are summarised as follows
- 2.2 Highway safety - new entrance. Another entrance only 43 metres from the slight bend outside Whitson House is not safe. Although the road is subject to 30mph, the traffic using this road are often travelling well above this speed, so visibility would need to be improved from the current plans to allow safe movement of vehicles. The proposal is for a 5 bedroomed property and so there is an issue about the proportionate increase in the volume of traffic it creates entering and exiting the property. It is likely that a property of this size would have several vehicles. Increased vehicle numbers will lead to increased risk to themselves and to other road users.
- 2.3 Hedge will need to be taken back for safety of both new house occupants and road users. The removal of the mature hedgerow would be of significant detriment to the biodiversity and overall rural character of the area being contrary to policy NE1 and NE3 regarding safeguarding the countryside, local landscape and character.
- 2.4 The main electricity supply is supplied by overhead cable and one of the poles is on the edge of the proposed new entrance and is in the centre of the existing hedge, nowhere in the documentation has this been mentioned and it would need to be moved if they wish to achieve visibility.
- 2.5 The proposal is contrary to policy H2(f) of the adopted local plan. It would set an undesirable precedent for other sites where in equity further development would be difficult to resist and where cumulatively the resultant development would erode the environment of Charlbury an area of the AONB.
- 2.6 It is contrary to saved policy H2ii) that it will unacceptably extend into the rural area the built up area of the village and erode an important and prominent gap in the village street scene along Woodstock road. It will harm the character and appearance of this more loose-knit part of the village.
- 2.7 It is beyond the boundary of the village, as agreed by the Council in its refusal of application W88/0559 in almost the exact same location.
- 2.9 The dwelling is too close to the road and would be an imposing modern structure which will affect the local distinctiveness and intrinsic quality of the rural landscape at the very edge of the village.
- 2.10 Residential amenity impact - The proposal in its current form imposes a severe reduction in residential amenity of the neighbouring property by way of overlooking.
- 2.11 Charlbury Advisory Committee have not commented on this application.

## **3 APPLICANTS CASE**

- 3.1 The Council accepts that the application site is in a sustainable location for housing development with readily available access to the services and facilities of Charlbury.

- 3.2 In light of the widely acknowledged lack of five year housing supply of deliverable housing sites in the West Oxfordshire District, the policies for the supply of housing should be considered out-of-date and the application determined in accordance with a presumption in favour of sustainable development. Policies of otherwise constraint should be set aside.
- 3.3 The location, type and design of the proposed development represents sustainable development. There are no significant adverse impacts associated with the proposal, which would significantly and demonstrably outweigh the benefits of the scheme. Furthermore, there are no specific policies in the NPPF which mitigate against this development being approved.
- 3.4 The proposal accords with those policies of the Development Plan that are still relevant, the emerging Local Plan 2031 policies, and with the principles of the NPPF. The applicants are committed to providing a high-quality, innovative and sustainable dwelling. The development as proposed is deliverable and achievable upon any grant of permission.
- 3.5 The application has regard to the sensitivities of the Conservation Area and AONB designations and accordingly, seeks full planning permission in order to demonstrate how the proposed design responds positively to its context. The layout and scale of the dwelling is such that it utilises the sites topography and landscape setting, in order to protect the visual amenity of the area.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE5 Conservation Areas  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 H2 General residential development standards  
 H7 Service centres  
 T4NEW Parking provision  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 H2NEW Delivery of new homes  
 EH7NEW Historic Environment  
 EH1NEW Landscape character  
 BC1NEW Burford-Charlbury sub-area

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application is referred to Committee by Councillor Graham and Councillor Haine having received a complaint from a neighbour regarding inconsistency of decisions over visibility splays from OCC Highways.
- 5.2 The application seeks planning permission for the erection a single 5-bed dwelling and detached 2-bay garage and store on land forming part of the garden of adjacent property, Thorneycroft, Woodstock Rd, Charlbury.

## Background Information

- 5.3 The site is located within the Charlbury Conservation Area and the Cotswold AONB. Residential properties lie adjacent to the site to the north east and the south west. Large detached residential properties also lie on the opposite side of Woodstock Road. All are set back from the road frontage in fairly large plots.
- 5.4 There is no planning history of relevance. Pre-application advice was sought regarding the principle of development on this site, and later, the design.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

Scale, siting, design and form

Impact on the character and appearance of the Conservation Area

Highways

Residential amenities

Impact on the AONB

Trees

### Principle

- 5.6 At the present time, the Council's position in relation to 5-year housing land supply is unclear. The most recent Housing Land Supply Position Statement published in February 2015 suggests the Council has a 5-year supply of deliverable housing sites when assessed against the submission draft Local Plan requirement of 525 homes per year.
- 5.7 However, following the Local Plan hearing sessions in November 2015 the Council has received the preliminary findings of the Inspector which raise a number of concerns regarding the 525 per annum target. His findings provide a clear indication that the Local Plan housing requirement will need to be increased but at this point in time, it is not clear by how much (and therefore whether or not the Council can demonstrate a 5-year supply).
- 5.8 The Inspector has essentially given the Council a choice of either adopting the SHMA figure of 660 per annum or, if it wishes to, undertaking further work to take account of a lower demographic starting point of around 490 dwellings per annum (compared to the 541 dwellings per annum starting point used in the SHMA). Any such further analysis could potentially lower the SHMA midpoint figure of 660 per annum. The Inspector acknowledges in his findings that he is unable to identify what the housing requirement should be and that 'it is likely to be between the recommended figure in the SHMA (660 dpa) and that in the plan (525 dpa)'.
- 5.9 The Council is yet to make a decision on how it intends to proceed. For this reason it is not possible at the present time to definitively conclude whether the Council has a five-year housing land supply or not. In light of this current uncertainty and also taking account of its relative age, your officers do not consider that significant material weight should be afforded to Policy H7 of the adopted Local Plan in the determination of this application.

- 5.10 Your officers do not accept that paragraph 14 of the NPPF is necessarily engaged (because of the current uncertainty) and consider it appropriate to nonetheless undertake a balancing exercise whereby the potential benefits of the scheme are weighed up against the potential harms having regard to the NPPF and NPPG.
- 5.11 Your officers also consider that other relevant policies of the adopted Local Plan which do not relate directly to the supply of housing such as H2, BE1, BE2, BE4 etc. should be afforded full weight.
- 5.12 Some weight should also be given to relevant emerging Local Plan policies such as OS2 and H2 given that the draft plan is at a relatively advanced stage.
- 5.13 The principle of the erection of a new dwelling in this location is controlled by Policy H2 and H7 of the West Oxfordshire Local Plan 2011 with increased weight given to the emerging Local Plan 2031 Policy OS2 and H2. These policies allow for the provision new dwellings in Rural Service Centres, of which Charlbury is one, in the form of development within the built up area. It is also important to note that the Burford-Charlbury sub area identified in the emerging Local Plan seeks 800 new dwellings in the period to 2031. As the development proposes a single dwelling, officers consider that the principle is acceptable.

#### Scale, Siting, Design and Form

- 5.14 The proposed single dwelling is of a modern design, form and siting that pay regard to the existing mature oak tree and, sloping topography of the site and the unusual shape of the site.
- 5.15 The scale of development proposed is considered acceptable for the size of the site, with other detached dwellings nearby sitting in similar sized plots. It is not considered to be overdevelopment of the site.
- 5.16 Siting is discussed further in relation to impact on residential amenity and trees below, nevertheless the building line along Woodstock Road is respected and is set back from the street frontage. The site forms an existing garden area, between existing dwellings and is largely screened by an existing hedgerow from the road frontage. It is not considered to be an area of open space that makes an important contribution to the character and appearance of the area, with the exception of the oak tree which the scheme has been designed around to retain.
- 5.17 The design and form have been amended from pre-application stage and as part of the formal consultation with the Conservation Architect. It was suggested that the roofs should be pitched in opposing directions, albeit acknowledged this would go against the topography of the site. In response, the applicant felt it would not respect the topography of the site. It was also suggested that the two mono-pitch elements were pulled apart or differentiated in height in order to give a more legible break between the two elements. It is noted that the site is constrained by the shape and topography and the need to avoid overlooking and appearing overbearing. As such it was agreed that the current design and form are acceptable having received modifications to the amount and height of some of the fenestration.
- 5.18 The proposed materials which consist of random coursed natural stone and vertical timber cladding for the external walls, natural slate and sedum for the roof, would be sympathetic to existing dwellings in the area whilst introducing a modern, innovative design.

- 5.19 The proposed development is considered to form a logical complement to the existing scale and pattern of development and is considered to accord with policies BE2, BE5, H2 of the adopted plan and OS2, OS4 and EH7 of the Emerging Plan.

Impact on the character and appearance of the Conservation Area

- 5.20 The site is adjacent to the Conservation Area and as such the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.21 On the basis of the hedgerow planting, retention of the oak and the scale, design and siting, respecting the building line along Woodstock Road, officers consider that the character of the setting of the Conservation Area will not be materially affected by the development and as such will be preserved, in accordance with adopted Local Plan policy BE5 and policy EH7 of the emerging Local Plan.

Highways

- 5.22 The proposal has shown a minimum of two spaces for the dwelling in garage form and plenty of additional parking to the front of the garage and immediately in front of the dwelling. The vehicular access from the Woodstock Road is an existing field access. The proposal is not considered to result in an unacceptable intensification of this access and retains sufficient visibility splays (2.4m x 43m) with the removal of the hedgerow and taking regard of 30mph traffic speeds.
- 5.23 The County Council as Highway Authority were consulted and have raised no objection subject to conditions being imposed. In order to clarify inferred inconsistency in highway consultation advice, the following statement has been provided:

"The visibility achievable at the proposed access meets the sight stopping distance (SSD) guidance in Manual for Streets, official DfT Guidance, published in 2007. Although its primary focus is on the design of residential streets, in its introduction MfS states that its principles may be applied to 'lightly trafficked lanes in rural areas'. Further guidance, Manual for Streets 2 was published in 2010 as a companion guide to MfS, which provided clarification on the extension of MfS principles beyond residential streets to encompass both urban and rural situations.

Woodstock Rd adjacent to the site is a lightly trafficked lane subject to a 30 mph speed limit.

Records show no reportable accidents involving injury for the last 5yr period for the length of Woodstock Rd extending well beyond the village boundary.

My speed surveys of vehicles approaching the proposed access showed the 85 percentile wet weather speed to be of the order of 30mph.

I cannot demonstrate that the proposal, if permitted, will cause such severe harm in terms of highway safety and convenience that would warrant the refusal of a planning permission."

- 5.24 The proposal is therefore considered to accord with BE3 of the Adopted Plan and T4 of the Emerging Plan.

#### Residential Amenities

- 5.25 The dwelling is sited forward of Whitson but on an oblique angle and orientated within the site such that there are no unacceptable overlooking, overshadowing or overbearing impacts on the existing or future occupiers of Whitson or Thorneycroft.
- 5.26 A condition has been recommended in order to ensure that the flat roof areas are not used as balconies in order to protect residential amenity of the neighbours. In addition, PD rights for new openings, particularly on the east facing elevation, are recommended to be removed and likewise for extensions.
- 5.27 In light of the above the application proposal is considered acceptable in terms of neighbour amenity and is compliant with Local Plan Policy BE2 and H2 and emerging Local Plan Policy H2.

#### Impact on the Cotswold AONB

- 5.28 Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The sloping topography of the site towards the Woodstock Road, the presence of existing vegetation and not extending the development into open countryside, means that the proposed dwelling would have no real visual presence beyond its immediate setting. Your officers consider that there would be no material harm to the AONB in this location.

#### Trees

- 5.29 The mature oak tree on site has been surveyed as being a high quality tree with a life expectancy of at least 40+ years. It is deemed as having landscape value. The cherry tree is considered to be low quality and the beech is in such a condition that it cannot realistically be retained. It is recommended that a tree protection condition is put in place for the oak tree and a hard and soft landscaping condition is included in order to properly assess the species of the new hedgerow planting.

#### Conclusion

- 5.30 In conclusion, having assessed the siting, design, scale and form, the amenity issues, and impact on the highway, AONB, trees, streetscene and Conservation Area, the application is considered to accord with the West Oxfordshire Local Plan 2011 Policies BE2, BE3, BE5, H2 and emerging Local Plan 2031 Policies OS2, OS4 and EH7 and is recommended for conditional approval.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 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 tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
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 Policy Statement 25 Technical Guidance).
- 5 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 otherwise approved by Classes A, B, C or E of Part 1 of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.  
REASON: Control is needed to protect the residential amenity of adjacent properties.
- 6 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.
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 8 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.  
REASON: In the interests of road safety.
- 9 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.

- 10 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.  
REASON: In the interest of improving connectivity in rural areas.
- 11 The external walls of the dwelling shall be constructed with natural stone and timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 12 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.
- 13 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery, windows and doors, eaves and verges at a scale of 1:5 and 1:20 including details of external 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.
- 14 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 15 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 16 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and

screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.

- 17 Demolition and construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 9am hours to 12pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.  
REASON: To safeguard living conditions in nearby properties.

#### NOTE TO APPLICANT

- I 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
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))



This area has already been causing concern to Councillors due to pavement parking making the road even narrower and blocking passage to a wheelchair user coming up from Brook End.

Speeding is also an issue which has been raised with both OCC and the police who recently conducted a speeding test and found Chadlington to have a serious issue with speeding, far higher than most other villages in Oxfordshire. There have also been several car accidents with parked vehicles contributing to somewhat of a blind spot and a dog was also injured at this exact location

To permit ingress and egress for cars at this junction is felt to increase the potential for pavement and traffic blockage, and the potential for accidents continues to be a concern.

The Councillors were also very keen to ensure that there is no narrowing of the pavement as a result of this development and the proposed removal of the hedge.

Finally, concern was expressed about the frontage of the development as it will not be in line with the other houses above on Bull Hill. There would not be a restriction of the public's access to Bull Hill. However by abutting the south gable of the garage immediately on the applicants side of the wall tends to upset the line of sight of the property.

1.5 WODC Landscape And Forestry Officer No Comment Received.

1.6 OCC Ecologist No Comment Received.

## **2 REPRESENTATIONS**

No third party representations received.

## **3 APPLICANT'S CASE**

Transfer of land to adjoining neighbour, adjacent to proposed garage:

3.1 The intention of this transfer isn't simply to improve pedestrian access on the pavement, on which the neighbour usually parks their Mini (in front of Bull Hill Bungalow) but also to improve vehicular access for Mrs Hoffman across the road, for whom access to her property is impeded by the parking of that car opposite her drive entrance (and any visitors to Bull Hill Bungalow as well!). She maintains that at least twice a year her front wall is knocked down, which then has to be rebuilt. It's clearly quite a contentious issue!

3.2 This transfer of land, is also intended to improve traffic access for passing farm and other delivery vehicles, who apparently have to ask regularly for vehicles parked at that point to be moved. Our intention is to ensure that no vehicles need to be parked on the road at that point

- at least, certainly not ours, nor our neighbour's - because we will be able to park on our property, in the courtyard we are hoping to create, and the neighbours similarly on their own property.

- 3.3 It is considered that the principle of a new dwelling in this location is wholly acceptable in policy terms and represents the redevelopment of a brownfield site for a high quality and sustainable new dwelling.
- 3.4 By virtue of its simple vernacular form, design and siting it will assimilate in to its setting and would not erode the character and appearance of the surrounding area. On the contrary it will make a positive contribution to the street scene and will be an enhancement to the character of this part of Bull Hill.
- 3.5 Its internal arrangement will provide the occupiers with a very good standard of living accommodation and ample external space for day-to-day activities without adversely affecting the residential amenities enjoyed by the occupiers of the adjoining dwellings.
- 3.6 The applicants have met with the Case Officer following the Committee and amendments have been forthcoming.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

NE4 Cotswolds Area of Outstanding Natural Beauty

OS4NEW High quality design

H6NEW Existing housing

EH1NEW Landscape character

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application was deferred at Committee on 4th January 2016 for a Members site visit. The application was brought to Committee as the original officer recommendation was to refuse, contrary to the Parish Council response.
- 5.2 Since the Committee, the proposed design has been amended in light of the refusal reasons and to reflect Members concerns. Your officers consider these amendments overcome the previous reasons for refusal.
- 5.3 The applicant seeks planning permission for the erection of a replacement dwelling and detached garage.
- 5.4 The proposed design of the replacement dwelling includes 3-bedrooms at first floor, a guest bedroom at ground floor with separate external access, a studio with large TV room above and a detached 3-bay garage adjacent to the highway.
- 5.5 The application site is within the Cotswold AONB but not within the Conservation Area.

## Background Information

5.6 There is no planning history prior to this current scheme of relevance. Pre-application advice has been sought this year for the erection of two additional dwellings on the site and the principle of a replacement dwelling.

5.7 The previous reasons for refusal were as follows:

*1 The proposed development, due to its scale, massing, design and form, would result in a development which is materially larger and not of a reasonable scale relative to the existing property. The proposed garage introduces development adjacent to the highway, projecting forward of the existing building line along Bull Hill. As such the dwelling and garage are considered visually incongruous to the detriment of the character of the street scene and pattern of development. As such, the proposal is contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and Policy H6 of the emerging Local Plan 2031.*

*2 The proposed siting in conjunction with the rear facing inverted dormer balcony and north-east facing first floor window would be harmful to the amenities of the occupiers of neighbouring residences by way of overlooking, contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011, and guidance contained within the NPPF.*

*3 The proposed dwelling, due to its scale, design (including excessive amount of glazing) and its elevated position on Bull Hill, would appear visually prominent within the Cotswolds Area of Outstanding Natural Beauty. As such the proposal would be of detriment to the character and scenic beauty of the Cotswolds AONB contrary to Policies BE2, NE4 and H2 of the West Oxfordshire Local Plan 2011 and Policy EH1 of the emerging Local Plan 2031.*

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

Principle

Siting, Design and Form

Impact upon the character and appearance of the street scene and the AONB

Residential Amenity

Ecology

Parking and Highways

Landscaping

Principle

5.9 The principle of the erection of a replacement dwelling in this location is controlled by Policy H2 of the West Oxfordshire Local Plan 2011 with weight given to the emerging Local Plan 2031 Policy H6. These policies allow for the provision of replacement dwellings on a one for one basis. As the development proposes a single dwelling, officers consider that the principle is acceptable.

Siting, Design and Form

5.10 The existing dwelling is a chalet bungalow with a simple design and form. The properties in the vicinity are also relatively modest in terms of their scale and massing. A bungalow is located

opposite, a chalet bungalow perpendicular to the road lies to the west and to the east, row of traditional terrace cottages.

- 5.11 The application proposes a materially larger dwelling on the plot with an increase in floor area of approximately 199 square metres (ground floor only). The existing floor area of the chalet bungalow is 120.96sq.m. The existing dwelling is between 5 and 6 metres in height (no scaled plans have been provided) with the proposed dwelling having a ridge height of 7 metres. The existing dwelling is of little architectural merit and the principle of replacing the existing dwelling would have the opportunity to enhance the street scene.
- 5.12 Your officers consider that whilst this proposed dwelling results in a significantly larger footprint across the width of the site together with an increased ridge height, it retains the general character and visual appearance of the area. The development is now set back from the existing building line along Bull Hill (garage scale and position amended) and does not protrude into the open countryside further than adjacent property, Mannings. Views out to the open countryside from the streetscene are retained through the access to Mannings, as before, and there would be little merit in reducing the width to the north east as the neighbouring garage is located further to the rear. This side of the site was also very well screened to the front until recently.
- 5.13 Members expressed concern over the amount of timber cladding used. Whilst the applicants wanted this to break up the natural stone, it has been removed from the front and side elevations visible in the streetscene.

#### Impact upon the character and appearance of the street scene and the Cotswold AONB

- 5.14 Officers consider that the scale of the dwelling located in a prominent and elevated position on Bull Hill would be visible in the wider AONB, from the Public Right of Way to the west and from Cross's Lane. Amendments have been made to the scheme and as such your officers no longer consider that the proposed dwelling would be harmful to its character and scenic beauty. The amount of glazing at ground floor has been reduced and the inverted dormer has been reduced. The previous design included two glass fronted Juliet balconies. These have been replaced with timber balustrades which now help to screen the glare from the lower half of these windows.
- 5.15 At Committee Members expressed concern over the proximity of the 3-bay garage building to the highway, introducing development to an area of the site where it has not existed before. The Parish Council has expressed their concern at bringing development closer to the highway and further narrowing the visual gap between the buildings opposite. Your officers sought amendments to reduce the garage to a 2-bay, pushing the building back into the site. Your officers can now support this element and consider it would not be harmful to the character and appearance of the streetscene.

#### Residential Amenities

- 5.16 In terms of amenity impact the proposed dwelling was considered harmful by way of overlooking to the properties either side. The inverted dormer has now been reduced in width and it set further along the roofslope, away from Mannings. A fixed Juliet balcony is in place to prevent standing out. The north-east facing first floor window serving bedroom 3 would be obscure glazed and non-opening as it directly faces the most private sitting out area of Eden Cottage.

- 5.17 The garage is located close to Eden Cottage in front of secondary windows. Officers do not consider this element to be harmful to residential amenity.

#### Ecology

- 5.18 A bat survey was submitted with the application. No evidence of bats has been found.

#### Parking and Highways

- 5.19 OCC Highways raise no objection to the scheme.
- 5.20 It is noted that the scheme would benefit the adjacent property by way of the provision of a strip of additional land adjacent to the garage to widen the access to this property.

#### Landscaping

- 5.21 There are a number of trees on the site and an arboricultural report has been provided. The report concludes that the size and location of the trees to be retained means that they will not be a constraint to the proposed re-development of the site.
- 5.22 The upgraded access would retain the copper beach tree and silver birch to the front of the property.
- 5.23 In pre-application advice relating to the development of two additional dwelling, officers confirmed that there would be the opportunity to greatly enhance the interface of the site with the open countryside beyond, and significant new planting was recommended. It was suggested a native species hedge and the planting of trees to the rear would off-set the loss of existing planting where the dwellings were proposed, reducing potential impact on the character of the AONB. A condition seeking a landscaping scheme has been recommended.

#### Conclusion

- 5.24 On balance, having assessed the amendments, officers consider the previous reasons for refusal to be overcome. The proposed dwelling in relation to the design, scale, form and massing, residential amenity impacts, impact on the street scene and wider AONB, is considered to be in accordance with the adopted West Oxfordshire Local Plan 2011 Policies BE2, H2 and NE4, and emerging Local Plan 2031 Policies H6, OS4 and EH1 and the provisions of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 5 Demolition and construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 9am hours to 12pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.  
REASON: To safeguard living conditions in nearby properties.
- 6 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 otherwise approved by Classes A, B, C or E of Part I of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.  
REASON: Control is needed to protect the residential amenity of adjacent properties.
- 7 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 tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% 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 Policy Statement 25 Technical Guidance).
- 8 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.

- 9 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 10 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.  
REASON: In the interest of improving connectivity in rural areas.
- 11 The external walls of the dwelling shall be constructed with natural stone and timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 12 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.
- 13 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.

#### NOTE TO APPLICANT

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 I - Clause 27 (1))  
- Code for sustainable homes - A step-change in sustainable home building practice  
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)  
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part I - Clause 9 (1))

Application Number	I5/04234/FUL
Site Address	Pheasant View Chapel Lane Enstone Chipping Norton Oxfordshire OX7 4LX
Date	20th January 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Enstone
Grid Reference	437822 E 224401 N
Committee Date	1st February 2016

**Application Details:**

Construction of detached new dwelling with associated access.

**Applicant Details:**

Mr and Mrs A Langford  
Pheasant View,  
Chapel Lane  
Enstone  
Oxfordshire  
OX7 4LX

**I CONSULTATIONS**

- I.1 Environmental Health (Public Protection) No serious concerns recommends attaching condition regarding contamination
- I.2 Parish Council Enstone Parish Council objects to this planning application for the following reasons:-
1. The proposed entrance onto Chapel Lane is dangerous.
  2. The track and footpath will become residential access from agricultural access which will affect neighbouring properties and their privacy.
  3. There is concern about the expansion onto agricultural land in respect to the narrowness of Chapel Lane.

The existing house has a driveway which could act as a driveway for the new dwelling which would mean that agricultural land would not be required to create a new drive that will come out on to Chapel Lane on the corner, with the footpath through the existing agricultural entrance.

In summary, the Council feels that the existing drive should be used for this planning application.

- I.3 WODC Architect No Comment Received.
- I.4 OCC Highways
- Chapel Lane is a narrow road whose characteristics command very low speeds around the site access.
  - Visibility splays at the site access are acceptable given the low traffic speeds and volume of vehicles along Chapel Lane.
  - There is a public right of way abutting the site access from Chapel Lane which should remain unobstructed at all times during and after the development.
  - The number of parking spaces provided on site is acceptable for the scale and location of the development but detailed specification of parking bays needs to be submitted as their dimensions appear to be below the required standard.

No objection subject to conditions. The proposals submitted are acceptable in principle and are unlikely to have an adverse impact on the local highway network.

- I.5 WODC Drainage Engineers
- A safe access / egress to the site needs to be considered due to the susceptible to surface water flooding.
- The surface water drainage should be designed to cope with all storm events up to the 1 in 100 + 30 % cc return period.
- An exceedance flow routing plan for flows above the 1 in 100+30% event shall be submitted with the proposal. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to the highway or open fields. Flow routes through gardens and other areas in private ownership will not be permitted.

## 2 REPRESENTATIONS

- 2.1 Three letters of objection have been received in respect of this application these relate to:
- The previous incorporation of agricultural land including land on the site into domestic curtilage space. Likewise the proposed access track would result in the loss of agricultural land.
  - Nuisance caused by the vehicular use of the proposed access track, which would impact negatively on the residential amenity of the adjoining property known as Dovecotes. An alternative means of access alongside the property known as Heywood is suggested.
  - The proposed access would impact negatively on the adjoining public of way.

## 3 APPLICANT'S CASE

- 3.1 The general character of the location is of piecemeal residential development. The application site is located within the village and is a short distance from the village facilities. The proposed dwelling is a detached cottage set in a garden plot. The scale of the dwelling is suitable for the size of the site and reflects that of similar developments.

3.2 The development forms a logical complement to the existing scale and pattern of development, would not have a harmful impact on the amenity of other occupants and sits comfortably in the local landscape. The proposals would not result in the loss of an area of open and safe vehicular access can be provided. The dwelling would be self-build consistent with emerging Local Plan Policy H5.

3.3 In response to the objections received the following points have been made:

- The proposal is to use an existing access. The Highways Authority considers that the proposals submitted are acceptable and are unlikely to have an adverse impact on the local highway network.
- The access is not restricted to one particular use.
- The possibility of using the existing driveway adjacent to Pheasant View is impractical as the existing driveway would have to be kept clear of vehicles to enable access to the new dwelling, this would reduce off-street parking provisions.
- The land on which the dwelling would be located is a domestic garden and has a lawful use.

## **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

H2 General residential development standards

EH1NEW Landscape character

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

T2 Pedestrian and Cycle Facilities

H5NEW Custom and self-build housing

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

## **5 PLANNING ASSESSMENT**

### Background Information

5.1. The application seeks approval for the erection of a two storey detached dwelling on a 120 square metre area of domestic curtilage space located to the rear of a two storey reconstituted stone dwelling known as Dovecotes. The curtilage space currently serves a two storey dwelling known as Pheasant View. The site is located on the edge of Enstone and lies adjacent to an area of open countryside.

5.2 The proposed dwelling would be self-build and would be constructed from a timber frame, with external natural stone leaf. The dwelling would extend to a height of 7.5 metres to the roof ridge and would occupy a footprint of 105 square metres. The dwelling would be situated in a central position in the site and would be surrounded by an area of domestic curtilage space serving the property. An area of agricultural land lies to the North of the site, which is under the ownership of the applicants. A new gravel access road would serve the dwelling; this would run close to the Northern boundary of the curtilage area of Dovecotes and would join Chapel Lane via an existing access gate located adjacent to a public right of way.

- 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 of Development  
Design, Scale and Siting  
Landscape Impact  
Highway Amenity  
Impact on Neighbour Amenity

Principle

- 5.4 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where such policies are considered to be in date.
- 5.5 Paragraph 49 requires that policies for the supply of housing should not be considered in date if the local authority cannot demonstrate a five year supply of housing. In the context of Paragraph 49 West Oxfordshire District at present claim to be able to demonstrate a five year housing land supply in line with the Councils lower target of delivering 525 houses per year, therefore the relevant policies regarding the location of new dwellings are given weight. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district.
- 5.6 The site is on the periphery of Enstone, which is classed as a medium sized village within the existing Local Plan and any development is assessed in accordance with existing Local Plan Policy H6. Policy H6 of the existing Local Plan permits development in the following circumstances: a) Infilling; b) rounding off of the settlement boundary and c) The conversion of appropriate existing buildings. Infill development is defined as the filling of a small gap in a continuous built frontage. The rounding off of the settlement boundary relates to residential development within the built up area of a settlement which would be of a logical compliment to the existing pattern of development. The site is part of the domestic curtilage of Pheasant View and the proposed dwelling would be comfortably contained within this curtilage space. The development and curtilage space associated with the property would not extend beyond the existing boundary hedgerow; therefore the development is considered by officers to be contained within the built form of the settlement and would not encroach into the open countryside. Policy H2 of the emerging Local Plan permits the development of housing on undeveloped land outside the settlement boundary where this forms a logical compliment to the existing scale and pattern of development and the character of the immediate area.
- 5.7 Owing to the contained nature of the site and the siting of the development, the proposals are considered by officers to represent a rounding off of the settlement area consistent with existing Local Plan Policy H2. Existing development in Pheasant View consists of a mix of terraced and detached dwellings, adjoining Chapel Lane. There has been no development to the rear of properties in the immediate area; however the proposed dwelling is considered to

compliment the general scale and form of development in the immediate area consistent with the provisions of emerging plan Policy H2.

- 5.8 Paragraph 55 of the NPPF states that housing should be located where it will maintain and enhance the vitality of rural communities. The development would be in close proximity to a range of local services as well as regular bus services and officers consider that the site would be a sustainable location for a new dwelling. Officers give weight to dwelling being a self-build construction. Policy H5 of the emerging Local Plan specifies that proposals for custom and self-build housing will be approved subject to a schemes compliance with the wider Policies of the emerging Local Plan.

#### Siting, Design and Form

- 5.9 The proposed design is relatively vernacular in appearance and would be constructed from stone materials similar to the neighbouring properties in Chapel Lane, including the adjoining properties Pheasant View and Dovecotes. The proposed front gable design and dormer windows would appear appropriate.
- 5.10 The proposed scale of the dwelling would be similar to neighbouring properties and would be relatively consistent with the built form of the immediate area. The height of the dwelling to the roof ridge has been amended and reduced from 8.5 metres to 7.5 metres to ensure this respects the scale of the neighbouring properties. Officers consider that the siting of the dwelling is appropriate and the general scale would not appear overbearing. The dwelling would be located on the edge of Enstone in a relatively elevated position however the property is relatively well screened by existing hedgerows and trees on the site. A comprehensive hard and soft landscaping scheme is requested by condition.
- 5.11 In relation to comments made by the Parish Council and adjoining residents officers do not consider that the proposals would substantially alter the character or function of the adjoining agricultural land. There is no planning history showing a change of use from agricultural to domestic curtilage on the site. The site currently functions as domestic curtilage space for Dovecotes and is relatively well defined and contained, although the distinction between domestic and agricultural land is less on clear on the adjoining land to the east of the site, outside the red line boundary. The only development proposed on agricultural land is the proposed access road; officers consider that this development would not substantially alter the character or agricultural function of this land.

#### Highway

- 5.12 It is proposed that a new access driveway would be constructed from gravel hardstanding, which would join Chapel Lane. Chapel Lane is narrow and visibility is relatively restricted to the West from the site entrance, although visibility is adequate looking south. The proposed access point is not considered to be detrimental to highway safety and the narrow nature of Chapel Lane significantly restricts vehicle speeds. The access would serve a single dwelling and usage would be relatively low. The public right of way would adjoin the vehicular access but would not be obstructed. Oxfordshire County Highways officers have assessed the suitability of the access and have stated that the development would not be detrimental to highway safety.

### Residential Amenities

- 5.13 The dwelling would be sited a reasonable distance from the adjoining property known as Dovecotes and it is not considered, given the proposed separation distance and scale that the dwelling would appear overbearing in relation to this property. A separation distance of 25 metres exists between the rear dormer windows of the proposed dwelling and the adjoining area of curtilage space serving Heywood, the dwelling to the rear of the site. The proposed first floor windows would face the garage, front driveway and blank side gable of the adjoining property known as Dovecotes. Officers are not therefore of the opinion that the dwelling would substantially overlook this property.
- 5.14 Officers do not consider that the siting of the access track, close to the curtilage boundary would substantially impact on the amenity of Dovecotes. The proposed access would serve a single dwelling and would generate a low level of vehicular use, approximately 7 vehicular movements a day. Additionally there is some boundary screening in place between the access road and Dovecotes.

### Conclusion

- 5.15 Officers consider that the proposed dwelling would be in a sustainable location in Enstone consistent with existing Local Plan Policy H6; emerging Local Plan Policy H2 and Paragraph 55 of the NPPF. Weight is additionally given to the development being a self-build construction. Officers consider that the design, scale and siting of the dwelling would be consistent with the built form in the immediate area, in particular the adjoining properties.
- 5.16 Officers consider that the siting of the proposed access is suitable and would not be detrimental to highway amenity along Chapel Lane and is not considered to be substantially detrimental to the amenity of the occupants of the adjoining property, particularly given the likely low vehicular usage of this access which serves a single dwelling. The siting and scale of the dwelling itself is not considered to be detrimental to the amenity of the residents of the neighbouring dwellings. On balance officers consider that the development is acceptable and compliant with the relevant policies of the existing and emerging Local Plans and the relevant criteria of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 04/01/16.  
REASON: The application details have been amended by the submission of revised details.
- 3 The external walls of the dwelling hereby approved; shall be constructed with stone; a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
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 The means of access between the land and highway shall be constructed, laid out and surfaced in accordance with details that shall be first submitted to and approved by the Local Planning Authority.  
REASON: To ensure a safe and adequate access and that no loose material washes onto the highway. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that shall first be submitted and approved by the Local Planning Authority.  
REASON: To ensure that surface water does not encroach onto the adjacent highway and properties to the detriment of road safety and good standards of development.
- 7 Detailed specifications of the car parking spaces shall be submitted to approved by the Local Planning Authority according to standards.  
REASON: To provide off-street parking in the interests of highway amenity
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.  
REASON: To avoid over-development of the new dwelling and to protect the residential amenities of the adjacent properties.
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 10 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 tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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 Policy Statement 25 Technical Guidance).

- 11 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 BE18 and Section 11 of the NPPF.

Application Number	15/04335/FUL
Site Address	Old Fire Station Browns Lane Charlbury Chipping Norton OX7 3QW
Date	20th January 2016
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	435754 E 219529 N
Committee Date	1st February 2016

### Application Details:

Erection of rear extension incorporating link, rear entrance and stair to upper floor with new dormer window to front elevation and repositioned entrance. The application is a re-submission of 15/01771/HHD

### Applicant Details:

Mr I lley  
Old Fire Station  
Browns Lane  
Charlbury  
Oxfordshire  
OX7 3QW

## I CONSULTATIONS

- I.1 Parish Council
1. We object to the loss of a business premises
  2. The proximity to the Memorial Hall, a community venue with associated music and "noise" is considered a problem. It is to be hoped that this would not cause subsequent complaint
  3. There will be a loss of on-street parking
  4. The access to the garage from this narrow, one way street is considered impractical and unsafe. A garage entrance would exacerbate parking problems in this narrow street used regularly by buses
  5. We object to this application and ask that it go to Committee
- I.2 OCC Highways
- I note that this application is a resubmission of several others. In 'highway' terms the details of the applications have not changed and I would not object to the proposal.
- It should be noted that the existing garage doors open over the highway and this may be an appropriate time to consider alternative doors to alleviate the problem (may not be possible given the sensitive location).

## **2 REPRESENTATIONS**

- 2.1 No neighbour objections received
- 2.2 Charlbury Conservation Area Committee has reiterated the view it had expressed on the previous applications 15/0771/HHD and 15/03480/HHD that the proposed new dormer on the street elevation should be roofed in Stonesfield slates to match the existing roof and not in grey concrete tiles

## **3 APPLICANT'S CASE**

- 3.1 A Design and Access Statement has been submitted in support of the application and is summarised as follows:
- This building was originally used as a base for the fire engine and support office. Change of use from a disused fire station to a residential dwelling was granted in 1978 (Planning Reference W78/0322) but was not implemented.
  - In 2008 it was purchased, renovated and converted by the current applicant, including the removal of an unsightly extension. It is currently used as an office for their international business and local staff were employed until 2 years ago. Today, advances in technology means that they no longer need local staff or an office base.
  - There is a severe shortage of residential accommodation in the area. Conversion to a dwelling is covered by Permitted Development - confirmation that prior approval is not required under the Town and Country (General Permitted Development) Order was received from West Oxfordshire District Council Planning on 23.4.15 (Planning Reference 15/00927/PN56).
  - The scheme has been carefully planned to reconfigure the existing arrangement of internal space into living space, with as little intervention as possible to the historic fabric of the building, but to facilitate optimum use of both floors of the building to provide sitting room, hall, kitchen/breakfast area, cloaks and garage to the ground floor, with two bedrooms and a bathroom to the first floor.
  - Externally, a modest and discrete rear extension is proposed, in a similar design to the adjacent residential building, to enable a modernised staircase to be incorporated into the scheme. In addition a typical dormer is proposed to the front to enable sufficient headroom within the proposed second bedroom first floor level. Some other changes to fenestration are also proposed. It is considered by the applicant that the scale and position of extensions being proposed would have little impact on the setting of the Conservation Area and would be in-keeping with surrounding development.
  - With regard to parking and access being proposed, the applicant proposes to bring the original garage and dropped kerb access back into its former use, therefore providing off-street parking, which is considered to be appropriate and acceptable, given the lack of dedicated parking available for many town centre properties. As the current occupants commute to Charlbury by car, the traffic effect of the proposal is considered to be 'neutral'.
  - The existing courtyard garden to the rear will provide private amenity space for the proposed development.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

EH1NEW Landscape character

BE2 General Development Standards

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

NE4 Cotswolds Area of Outstanding Natural Beauty

T1 Traffic Generation

H2 General residential development standards

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

## 5 PLANNING ASSESSMENT

### Background Information

5.1 This application relates to an existing vernacular building, known as The Old Fire Station in Browns Lane, Charlbury. The site is located in the heart of the settlement and fronts directly onto a street which exhibits a variety of uses, including residential properties and Community facilities such as a Supermarket, Open Space Area, Veterinary Centre, Surgery and Police Station.

5.2 The planning history for the site is as follows:

The principle of conversion from office to residential use has previously been established through a Prior Notification, Reference 15/00927/PN56 which was granted 23.4.15. This established that the proposed conversion from office to residential use is 'permitted development' and does not require planning permission.

Change of use from office to dwelling (Planning Reference 07/1384/P/FP) Withdrawn 20th September 2008.

The property was granted planning permission for BI (Office) use in 2008 under Planning Permission 08/0974/P/FP as follows - Change of use from Fire station to office use, Removal of rear extension, Alterations to include two rooflights and entrance door to rear elevation and new mezzanine floor to garage. This was granted subject to conditions 7th August 2008.

Change of use from office to dwelling (07/1747/P/FP) Refused 6th November 2007.

Change of use to pianoforte refurbishment (Planning Reference W85/0418) Granted 13th May 1985.

Change of use to art studio and screen printing workshop (Planning Reference W81/0003) Granted 2nd February 1981.

Change of use from disused Fire Station to residential dwelling (Planning Reference W78/0322) Granted 11th May 1978.

5.3 The current proposal is to initiate this change to residential use of the building, by carrying out various internal alterations, construction of a dormer to the front of the building and a rear two storey addition to incorporate a new internal staircase and reconfigure the internal layout of the property for residential use.

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

Principle

Siting, design and form

Impact on Conservation Area

Impact on residential amenities

Highways

Principle

- 5.5 It is considered that the principle of the change of use of the building is not for consideration within the scope of this application. Whilst the residential use has not been implemented at this point, the change of use has been accepted as Permitted Development under the prior Notification procedure.
- 5.6 Careful consideration has been given to the proposed development, in particular in relation to visual aesthetics, potential impact on neighbouring amenities and impact on the wider Conservation Area.

Siting, Design and Form

- 5.7 Firstly, the proposed alterations to the structure are considered to be acceptable in aesthetic and design terms, being in-keeping with the host building. No objections have been received from consultees, including the Conservation Officer. The Charlbury Conservation Area Advisory Committee has commented that the proposed new dormer to the front of the building should be roofed in Stonesfield Slates to match the existing roof. It has been confirmed as part of the application that proposed tiles will match the existing and it is suggested that a condition should be included to request samples of roof materials to be submitted for subsequent approval prior to commencement of development.
- 5.8 It is considered that the overall scale is considered to be appropriate and commensurate with neighbouring buildings and would not be overbearing. The proposed two storey extension to the rear of the building would not be visible in the street scene or impact on the Conservation Area generally and is considered to be reflective of nearby vernacular architecture in its design and form.
- 5.9 The proposed front dormer would be in-keeping with other similar traditional dormers in this part of the street scene.
- 5.10 The changes to fenestration are also considered to be acceptable, with the front elevation changes being sympathetic to the existing asymmetric appearance of this aspect of the building, with its differences in roof and eaves height in addition to the irregular positioning of windows and doors.

Highway

- 5.11 The proposal is to provide vehicular parking within the existing integral garage which was previously used for the fire tender. The County Highways Officer has been consulted and has no

objection to the proposal. However, it is noted that the existing garage doors open over the highway and that this may be an appropriate time to consider alternative doors to alleviate the problem, subject to the sensitive location within the Conservation Area.

- 5.12 With regard to these recent issues that have been raised by the Highways Officer, further consultation needs to take place with the applicant and the Conservation Architect and it is proposed that the Committee will be further updated on this aspect at the Committee Meeting.

#### Residential Amenities

- 5.13 It is not considered that there would be a significant adverse impact on residential amenity as a result of the proposed scheme.  
The proposed rear extension would be of lower height and set further back than the adjoining neighbouring extension. Therefore there would not be an overbearing or overshadowing impact as a result of the proposal.
- 5.14 In terms of potential overlooking, there is a 2 metre high boundary wall defining the rear garden area. There is a community hall to the rear of the site, so there would be no overlooking of private amenity space as a result of the rear extension.
- 5.15 The proposed front dormer would be adjacent to other similar structures and existing first floor windows for this property and adjoining dwellings in the street scene. Therefore it is not considered that the proposal would give rise to significant additional overlooking than at present.
- 5.16 The Town Council has cited potential noise nuisance and disturbance from the existing Memorial Hall being a problem to residential use of the application property. However, given the fact that permission is not required to bring the building into residential use in any event and the fact that this is a village centre site, where one would expect higher activity levels generally and given that there are adjoining residential uses, that this is not considered to be a material planning consideration in this location, sufficient to consider refusal of this application. No objections have been received from adjoining neighbours to the proposed development.

#### Conclusion

- 5.17 The application proposes extensions and alterations to the former Old Fire Station, to facilitate its conversion from an office into a residential unit in the centre of Charlbury. The siting, scale and design of the development is considered by officers to be consistent with the adjoining built form and would not have a negative impact on either the Conservation Area of which it forms part or adjoining residential amenities. The proposed residential development of this property would represent a sustainable form of development and would not be detrimental to the wider landscape of the Cotswolds AONB.

## **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 the Town and Country Planning Act 1990 as amended by 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 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.
- 4 The external walls of the section of the building proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.  
REASON: To safeguard the character and appearance of the area.
- 5 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.  
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors at a scale of not less than 1:20 including details of external 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.

Application Number	I6/00052/HHD
Site Address	Pinewood 89 Lower End Leaffield Witney OX29 9QG
Date	20th January 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Leaffield
Grid Reference	432376 E 215501 N
Committee Date	1st February 2016

**Application Details:**

Erection of two storey side extension.

**Applicant Details:**

Mr and Mrs Andy Berrow  
Pinewood  
89 Lower End  
Leaffield  
Witney  
OX29 9QG

**1 CONSULTATIONS**

- 1.1 Parish Council No response received to date, consultation period expires 28th January 2016.

**2 REPRESENTATIONS**

- 2.1 No letters of objection or support have been received in respect of this planning application

**3 APPLICANT'S CASE**

- 3.1 The extension would be of a subservient scale and the proposed design and scale would harmonise well with the appearance of the existing house.

**4 PLANNING POLICIES**

BE2 General Development Standards  
H2 General residential development standards  
OS4NEW High quality design  
BE5 Conservation Areas  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 This application has been taken to committee as the applicant is related to a member of staff at the Council.

### Background Information

- 5.2 The application seeks approval for the erection of a two storey side extension to a relatively modern two storey detached stone dwelling located off a private access road, adjoining Lower End, Leafield within the designated conservation area. The extension would be located on the North facing side elevation of the property close to the boundary of the adjoining property known as Lower End Farm House. The proposed extension would measure 2.5 metres in width and would sit slightly below the line of the roof ridge of the existing property.
- 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:

Design, Scale and Siting  
Highways  
Impact on residential amenity

### Principle

- 5.4 Officers consider that the principle of a relatively small extension to this property is acceptable.

### Design, Scale and Siting

- 5.5 The scale of the proposed extension would be subservient in relation to the existing dwelling. The design includes a noticeable drop in roof ridge height from the ridge line of the existing property and the extension is clearly set back from the main front building line of the dwelling.
- 5.6 The general design of the extension is considered acceptable in relation to the appearance of the existing property and the extension would be constructed from matching reconstituted stone and concrete roof tiles. The general scale and design would harmonise well with the existing property. The siting and design of the extension would not impact on the conservation area setting.

### Highway

- 5.7 The proposals do not involve the creation of any additional bedrooms and would not impact on existing parking provisions, which are considered adequate.
- 5.8 The proposal is considered to be in accordance with local plan policies.

### Residential Amenities

- 5.9 The extension would be located close to the boundary of the adjoining property, Lower End Farmhouse; however given the proposed scale of the extension it is not considered that the extension would appear overbearing. The proposals would not extend the existing building line

to the rear and would not therefore result in any substantial loss of light to the side elevation windows of Lower End Farmhouse. The proposed front elevation dormer window and rear elevation roof light would not significantly overlook any neighbouring properties.

### Conclusion

- 5.10 On balance officers consider that the proposed extension is a subservient and well-designed extension to the existing property. The proposed design and scale of the extension would not impact substantially on the amenity of the neighbouring properties. Officers consider that the proposals are compliant with relevant existing Local Plan Policies BE2, BE5 and H2; and Emerging Local Plan Policies OS4, H6 and EH7.
- 5.11 The consultation period expires on 4th February so subject to no new material issues being raised, officers request delegated authority to approve the application after that date.

## **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 the Town and Country Planning Act 1990 as amended by 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.