

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 3rd February 2020

**REPORT OF THE
BUSINESS MANAGER – DEVELOPMENT MANAGEMENT**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

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

Recommendations:

To determine the applications in accordance with the recommendations of the Business Manager. 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

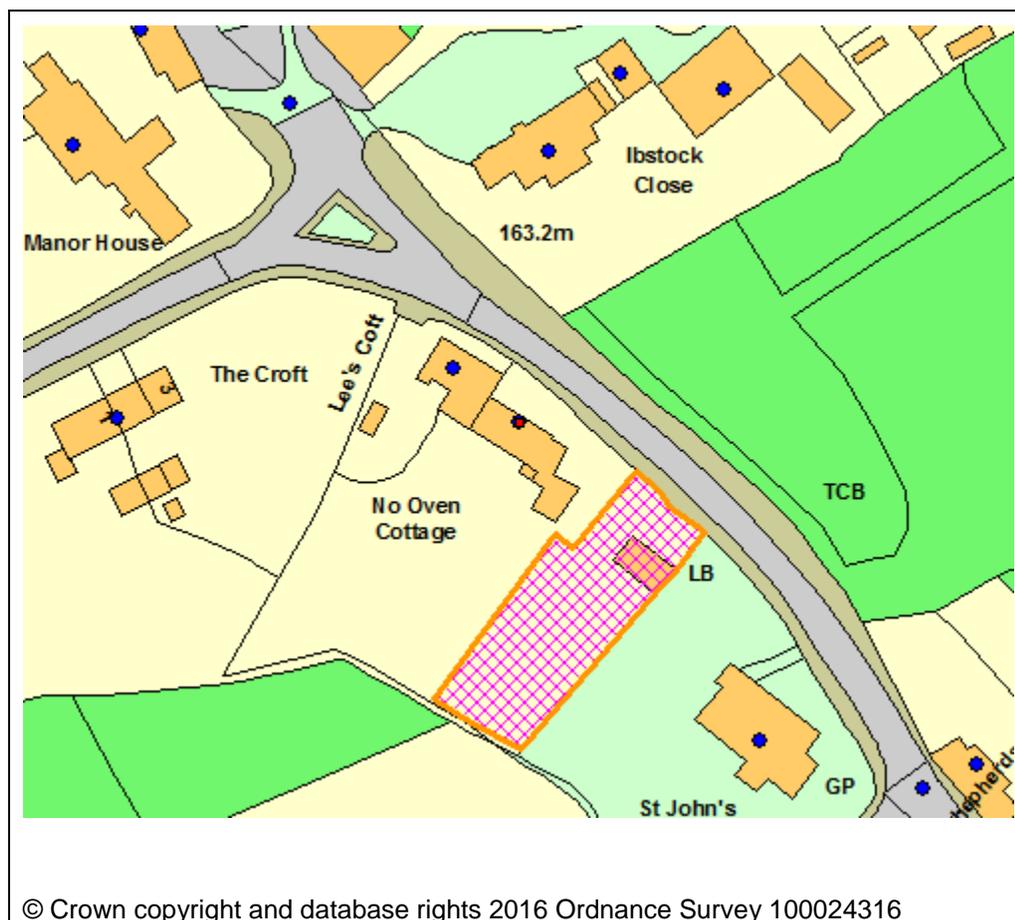
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	I9/02780/FUL
Site Address	No Oven Cottage Chipping Norton Road Little Tew Chipping Norton Oxfordshire OX7 4JF
Date	22nd January 2020
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Little Tew Parish Council
Grid Reference	438407 E 228595 N
Committee Date	3rd February 2020

Location Map



Application Details:

Demolition of existing annex and erection of new detached dwelling. Close existing and formation of new vehicular access in revised position for use by existing and new property. Associated landscaping and parking.

Applicant Details:

Mrs Justine Tibbets, No Oven Cottage, Little Tew, Chipping Norton, OX7 4JB

I CONSULTATIONS

- I.1 Parish Council No Comment Received.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to conditions
- I.3 WODC Drainage Engineers No objection subject to conditions.
- I.4 Biodiversity Officer No objection subject to conditions.
- I.5 OCC Archaeological Services I recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of suitable negative conditions.
- I.6 Conservation Officer Context
- No Oven Cottage is a grade II listed building (List Entry Number: 1193481) dating from the 17th century, extended 18th century. Limestone rubble and coursed squared marlstone with timber lintels; thatch roof with C20 brick stacks. 3-unit plan, probably with through passage, enlarged to L-plan. One storey plus attic and 2 storeys plus attic. Front of lower earlier main range has a central doorway between irregular fenestration including, at first floor, a 3-light leaded casement and a leaded cross window. To right is a large stone flying buttress. Single-storey bay to left. C18 marlstone range projects from the right and has large leaded casements of 3 and 4 lights facing left. All gables have stacks and there is a further ridge stack to right of the entrance. Left gable of single-storey bay has a small 2-light window in a stone frame, possibly medieval re-set. Interior not inspected.
- The application proposes to split a piece of land into two - this is to create a new property which replaces an existing garage/annex, also, to close the existing access and form a new vehicular access in a revised position, and includes landscaping and parking at No Oven Cottage. The proposal affects the existing curtilage and setting of this

listed building. Also, No Oven Cottage is located in Little Tew Conservation Area, a small village that retains its unspoilt and isolated rural character.

Legislation and Policy

The Local Authority has a statutory obligation to give special regard to the desirability of preserving listed buildings and conservation areas; and their settings:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that: special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the National Planning Policy Framework states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and the more important the asset, the greater the weight should be. It continues that significance can be harmed or lost from development within its setting. The policy objectives set out in the NPPF (section 16) establish that there is a twin role for setting: it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated. The NPPF Glossary: Setting of a heritage asset refers to setting as 'the surroundings in which a heritage asset is experienced'. The historic character of a place is the group of qualities derived from its past uses that make it distinctive. This may include: its association with people, its visual aspects, features and materials and spaces associated with its history, including its original configuration and subsequent losses and changes.

Also, within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

Heritage Considerations

No Oven Cottage is located within Little Tew Conservation Area. In conservation areas, important groups of buildings often have a special value and historic character which can be harmed by new development, in this case, this includes:

- Church of St John the Evangelist -grade II listed church dating 1853 by G.E Street; north aisle and tower 1869 by Charles Buckeridge. Limestone ashlar; artificial stone-slate roofs

<https://historicengland.org.uk/listing/the-list/list-entry/1368194>

- Ibstock Close - Grade II - Farmhouse, now house. C17, enlarged c.1900 and altered early C20. The house was the vicarage for a period from 1880. <https://historicengland.org.uk/listing/the-list/list-entry/1052528>

- Cottage Approximately 10 Metres North Of Ibstock Close, The Green - GV II - Cottage. Early C18. <https://historicengland.org.uk/listing/the-list/list-entry/1193552>

- The Bell House, The Green - grade II - Inn and cottage, now house. Possibly early C17, re-modelled late C17 and extended early C18 <https://historicengland.org.uk/listing/the-list/list-entry/1052529>

- Coach House And Cottage Approximately 20 Metres North West Of Manor House, The Green Stables and coach house, now partly cottage. Late C17/early C18, altered late C20 <https://historicengland.org.uk/listing/the-list/list-entry/1368195>

- Manor House, The Green - GV II - Manor house. C17, extended C18 and C19, altered early C20 <https://historicengland.org.uk/listing/the-list/list-entry/1193562>

- Croft Cottages, Grade II 1-4 - Row of 4 cottages. 1863 by Charles Buckeridge - Intended as almshouses <https://historicengland.org.uk/listing/the-list/list-entry/1052522>

Little Tew Conservation Area Appraisal states: 'Important groups of buildings often have a special value and historic character which can be harmed by new development (however well designed)'. Also, 'Special care must be taken to ensure that views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed.

The Little Tew Conservation Area Appraisal Map also shows locally listed buildings, and a 'Significant Boundary Wall' located within the curtilage of No Oven Cottage.

Heritage Assessment Comments

The application site is within the curtilage of No Oven Cottage, in the Little Tew Conservation Area. The applicant has stated that the current curtilage was previously smaller - however although it appears that the map of 1875 does show what looks like a separate parcel - firstly, it is accessible via No Oven Cottage (see highlighted on image below).

And secondly, the applicant's Heritage Statement refers to evidence that the land was in separate ownership by discussing the Church

graveyard expansion in 'A History of Little Tew' by Francis Price. However, the text says '...by transferring land previously forming part of the gardens of No Oven Cottage'... this means that the land between No Oven Cottage and the Church belonged to No Oven Cottage. Therefore, the curtilage of this building does appear to have remained unchanged, at least, since 1875.

Notwithstanding, whilst there is no doubt that the 20th century garage /annex is not of special interest, there are other aspects to consider. National and Local Policy including LP2031 -Policies EH9, EH10, EH11 and EH13 - direct us to focus on conservation and enhancement of heritage assets, and this includes their setting, their historic landscape character / pattern, and views into, and out from all heritage assets.

Although is a single-storey building, the footprint of the proposed building is large-scale, and will fill a significant amount of this plot, together with other associated residential paraphernalia, this characterful plot will alter considerably. Also, the proposed building will particularly alter views from the Church grounds which are slightly elevated, and from No Oven Cottage itself where the view will be a building instead of a garden plot; this building will be an incongruous addition to this characterful area, and have a negative impact on the heritage assets. Also, the applicant wishes to revise the position of the access in the boundary wall which has been identified as a Significant Boundary Wall in Little Tew Conservation Area; this will negatively alter the appearance and setting of the listed building and conservation area.

The proposed development does not conserve and enhance the appearance and setting of the heritage assets, it does not build on the pre-existing historic character (including building layouts), it does not respect the historic character of the landscape, nor does it respect the building's historic curtilage or context and setting, including the pattern of development - it does not respect the form, scale, massing, density, layout, landscaping, use, alignment and external appearance of the listed building and wider conservation area.

Consequently, it is not considered that the special interest of the heritage assets would be preserved, and the less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits. Therefore, in conclusion, I consider the proposal in its current form would not conserve and enhance the heritage assets, which have been given special weight in this assessment, and are contrary to policies OS4 and EH9, EH10, EH11, EH12, EH13, EH15 and EH16 of the West Oxfordshire Local Plan 2031 and section 16 of the NPPF, and Little Tew Conservation Area Appraisal.

N.B.: In undertaking a further investigation during this application I

noted that the Victoria County History (<https://www.british-history.ac.uk/vch/oxon/vol11/pp247-258>) it states that 'The Cogges priory, later Eton College, house may have stood on the site known in the 18th century as Prior's close, given by Eton in 1853 for the new church'. There were historically three Manors in Little Tew of which the locations of only two of them are known, if the missing Manor is under the Church, it stands to reason that the Church grounds, as well as surrounding land could have been associated with the Manor, and may therefore be of archaeological interest. I recommend that the County Archaeologist is consulted.

I.7 WODC Planning Policy Manager Background

The application proposes the demolition of an existing annexe building to be replaced by a single storey dwelling along with the formation of new vehicular access. The site is located within Little Tew, which is defined as a small village. The site is located within the Tew Conservation Area and the annexe is within the curtilage of a Listed Building.

Status of development plan:

The current statutory development plan for West Oxfordshire is the West Oxfordshire Local Plan 2031 which was adopted on 27 September 2018 and must therefore be given full weight. The West Oxfordshire Design Guide SPD is also relevant to this application, particularly sections 4, 6, and 7.

Assessment

This development is located within the Chipping Norton Sub-Area. From the evidence provided in the application and from further research, I believe this proposal highlights the following policy issues:

OS2 - Locating Development in the right places

Implications for this proposal should be carefully considered against OS2.

Development in Little Tew should be limited to that which is required and is appropriate for a rural location and respects the intrinsic character of the area. Development should conserve and enhance the built environment, form a logical complement to the character of the area, be provided with safe vehicular and pedestrian access, not result in harmful impacts on existing occupants and not involve the loss of any features that make an important contribution to the character or appearance of the area.

H2- Delivery of New Homes

New dwellings in small villages, hamlets and open countryside will only be permitted where there is an essential operational or other local need that cannot be met in any other way in the settlement or where the design is of an exceptional quality or innovative design. This proposal does not appear to meet either of these tests.

EH9 - Historic Environment

Great weight should be given to the character and appearance of Conservation Areas and their settings including the contribution their surroundings make to their physical, visual and historic significance. In addition, great weight should be given to the special architectural and historic interest of Listed Buildings, including their setting.

EH10 - Conservation Areas

Proposals for development in a Conservation Area will be permitted where the location, form, scale, massing, height, layout, landscaping, alignment and external appearance conserves or enhances the character, appearance and setting of the Conservation Area and is not detrimental to views within, into or out of the area. Views from the Church and church yard should also be considered.

Additionally, demolition of a building in a Conservation Area will only be permitted where it has been demonstrated that: The building detracts from or does not make a positive contribution to the special interest, character, or appearance of the Conservation Area; or the building is of no historic or architectural interest or is wholly beyond repair and not capable of beneficial use; and the proposed replacement building makes an equal or greater contribution to the character of the Conservation Area.

EH11 - Listed Buildings

This proposal will affect the setting of the listed buildings; it must comply with Policy EH11 of the Local Plan.

Proposals for additions within the curtilage of a listed building will only be permitted if they can be shown to conserve or enhance its setting and respects the building's historic curtilage. This should be considered in regards to both No Oven Cottage and Church of St. John the Evangelist, particularly to the loss of enclosure of the exiting church yard.

Other considerations

Other relevant planning considerations include the impacts on protected species and biodiversity (Policy EH3), the impact on trees on the site - particularly in regard to the Yew trees, the provision of safe access (Policy T2), the impacts on the living conditions of

neighbouring properties (Policy OS4) and management of surface water runoff (EH7).

Conclusion

In conclusion, the key issues in assessing this application are the impacts on:

- The appropriateness of new development in Little Tew which is defined as a small village
- The need for new housing in the village, and whether this proposal offers an exceptional quality or innovative design..
- Protection and enhancement of the Conservation Area
- The setting of the listed buildings and the impacts on both the natural and built environment.
- The loss of trees

Further consultation from the Conservation and Heritage team and a Biodiversity Officer is required regarding the proposed development.

List of Relevant Planning Policies

The relevant policies in relation to this planning application are listed below:

West Oxfordshire Local Plan 2031: OS2, OS3, OS4, H2, T2, T4, EH2, EH3, EH7, EH9, EH10, EH11, EH13.

2 REPRESENTATIONS

2.1 One letter of representation has been received objecting to the proposed scheme for the following reasons:

- Risk of flooding has been ignored in the submitted drainage report- the site has flooded several times over the years.
- Not appropriate for the Conservation area
- Close proximity between the new dwelling and neighbouring, No Oven Cottage.
- Demolition of annexe would result in lack of storage space to serve No Oven Cottage
- The development would despoil Little Tew

2.2 Three letters of representation have been received in support of the application. These comments can be summarised as follows:

- The design would be an improvement
- The design is of high quality
- The current garage block/annex to the house 'No Oven Cottage' has been a substantial blot on the landscape
- Would open up views to the church

3 APPLICANT'S CASE

A planning statement has been submitted as part of the application which concludes:

- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- This statement has set out that the development proposal would result in a dwelling of exceptional quality and innovative design. It has set out that the development would be of a proportionate and appropriate scale to its context. It has been set out that development is entirely compatible with its adjoining land uses and its siting and design has been informed such to avoid any harmful impacts on the amenity of existing occupants.
- This statement has set out that the proposal will not harm the local landscape or the setting of the settlement. Being located within an existing domestic curtilage, the proposal will provide safe vehicular access and safe and convenient pedestrian access to supporting services and facilities within the village.
- It is therefore concluded the development proposal fully conforms to the requirements of Local Plan Policies OS2 and H2.
- In addressing Local Plan Policy H2, it has been set out that the application currently comprises a two-storey building that could otherwise be converted to form a dwelling. However, as an alternative approach the replacement of that building in the manner proposed is considered to result in significant environmental enhancements. This is a material consideration to which some weight should be attached.
- This statement has also set out, in detail, several enhancements to this part of the Conservation Area and the heritage assets of the Church of St John the Evangelist and No Oven Cottage. It has been set out that great weight and importance should be attached to that matter, in accord with the provisions of Local Plan Policy EH9.
- This statement has demonstrated the proposal will both conserve and enhance the special architectural and historic interest of the listed buildings features, appearance, character and setting. Moreover, it has been set out that the proposal will replace an existing building which is of no architectural significance, and due to the siting and design of the proposals, it is considered the visual change on the character and significance of the conservation area will result in positive impact.
- It has been set out that the proposal constitutes 'sustainable development'.
- For all the above reasons, it is recommended that planning permission should not be withheld for this development of exceptional quality and innovative design, resulting in significant enhancements to several designated heritage assets.

4 PLANNING POLICIES

NATDES National Design Guide
OS1NEW Presumption in favour of sustainable development
OS3NEW Prudent use of natural resources
OS2NEW Locating development in the right places
OS4NEW High quality design
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH12 Traditional Buildings

EH13 Historic landscape character
EH16 Non designated heritage assets
H2NEW Delivery of new homes
H6NEW Existing housing
T4NEW Parking provision
NPPF 2019
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission to sub-divide the plot and erect a new 3-bed dwelling to replace an existing garage, annexe and lean-to extension at No Oven Cottage. The proposal also includes the relocation of the access and new landscaping.
- 5.2 No Oven Cottage is a Grade II Listed Building which sits within Little Tew Conservation Area.
- 5.3 Pre-application advice was sought in October 2018 for the proposed development. Officers advised at this time that the proposal would be contrary to Local Plan policies OS2, H2, EH9, EH10 and EH11 and therefore officers would not be likely to support an application.
- 5.4 Notwithstanding this, an application was submitted in June 2019 (REF: 19/01646/FUL) which was withdrawn following extensive discussions regarding the unacceptability of the proposal in terms of the principle of development and impact on heritage assets.
- 5.5 The application was deferred for a site visit at the January 2020 committee meeting.
- 5.6 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
Heritage impact
Residential amenity
Highways
Ecology
- Principle
- 5.7 Little Tew is identified in the West Oxfordshire Local Plan 2031 settlement hierarchy as a small village. Policy H2 of the adopted WOLP 2031 only permits new dwellings in Little Tew in a limited number of exceptional circumstances. The relevant circumstances outlined in the policy are as follows:
- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;

- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design.

- 5.8 In this case, it has not been demonstrated that there is an operational or specific local need for this dwelling which cannot be met in any other way, nor is it considered to be a rural exception site providing affordable housing. Further, the impact on the heritage assets will be assessed in detail below, but the development is not considered to represent the optimal viable use of the heritage assets, and does not secure the future of the listed building. Lastly, whilst the proposed dwelling, when looking at design principles only, it is not considered to be of either exceptional quality or innovative design. This is also emphasised in the National Design Guide which requires new developments to respond to their context and enhance their surroundings.
- 5.9 In addition, your officers do not consider that a new dwelling in this location would fall within any of the other exceptional circumstances listed in policy H2. Therefore, the application is clearly contrary to policies OS1, OS2, OS3 and H2 of the adopted West Oxfordshire Local Plan 2031 and is unacceptable in these terms.
- 5.10 Your officers consideration of the proposal against the other relevant policies within the adopted Local Plan 2031 will be explored in detail below.

Heritage Impact

- 5.11 As the site is within the curtilage of a listed building, your officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.12 Further, given that the application site is also within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.13 Whilst the applicant has stated that the curtilage serving No Oven Cottage was previously smaller than it currently is, it appears historically that the land between No Oven Cottage and the Church belonged to No Oven Cottage. Therefore, the curtilage of this building does appear to have remained unchanged, at least, since 1875.
- 5.14 In this case, whilst there is no doubt that the 20th century garage /annex is not of special interest, there are other aspects to consider. National and Local Policy, including the WOLP 2031 policies EH9, EH10, EH11 and EH13, direct us to focus on conservation and enhancement of heritage assets, and this includes their setting, their historic landscape character / pattern, and views into, and out from all heritage assets.

- 5.15 Although the proposed development is a single-storey building, the footprint of the proposed building is large-scale, and will fill a significant amount of this plot, together with other associated residential paraphernalia, this characterful plot will alter considerably. Also, the proposed building will particularly alter views from the Church grounds which are slightly elevated, and from No Oven Cottage itself where the view will be a building instead of a garden plot; this building will be an incongruous addition to this characterful area, and have a negative impact on the heritage assets. Also, the applicant wishes to revise the position of the access in the boundary wall which has been identified as a Significant Boundary Wall in Little Tew Conservation Area; this will negatively alter the appearance and setting of the listed building and conservation area.
- 5.16 Therefore, your officers are of the opinion that the proposed development fails to conserve and enhance the appearance and setting of the heritage assets, it does not build on the pre-existing historic character (including building layouts), it does not respect the historic character of the landscape, nor does it respect the building's historic curtilage or context and setting, including the pattern of development - it does not respect the form, scale, massing, density, layout, landscaping, use, alignment and external appearance of the listed building and wider conservation area.
- 5.17 In this regard, the Planning Inspectorate concur with this view. West Oxfordshire District Council have recently won an appeal where a new dwelling was perceived to cause less than substantial harm to the setting of a listed building, but was nevertheless contrary to national and local plan policies. The inspector concluded that:

"Whilst I have found that no harm would arise to the character and appearance of the area, there would be less than substantial harm to the setting of the (listed building). Framework Paragraph 196 indicates that in such scenarios the harm should be weighed against the public benefits of the proposal.

I must have special regard to the desirability of preserving the setting of the listed building. Moreover, in accordance with LP Policy EH9 and Framework Paragraph 193 the harm to the significance of the asset, whilst relatively low-level, must receive great weight. For the reasons set out above, I only attribute limited weight to the benefits associated with the provision of additional housing and I have no compelling evidence of other benefits that would outweigh the harm. I, therefore, find that the proposal conflicts with the development plan and the Framework when those documents are read as a whole."

Residential Amenity

- 5.18 Given the single storey nature of the proposed new dwelling, officers are of the opinion that this would not be overbearing or result in any loss of light and or overshadowing towards the neighbouring property at No Oven Cottage. Furthermore given the nature of the development and its siting, the application is not considered to give rise to any adverse impacts in regards to overlooking, and or loss of privacy and therefore the new dwelling is not considered to result in any adverse impacts in regards to neighbouring amenity.

Highways

- 5.19 The proposal seeks to close the existing vehicular access and to relocate this to the east using the same stone work allowing a clear entrance to the two properties. This action is sought to improve the vision splay to the north, retaining the southern vision splay within safe limits. OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Conclusion

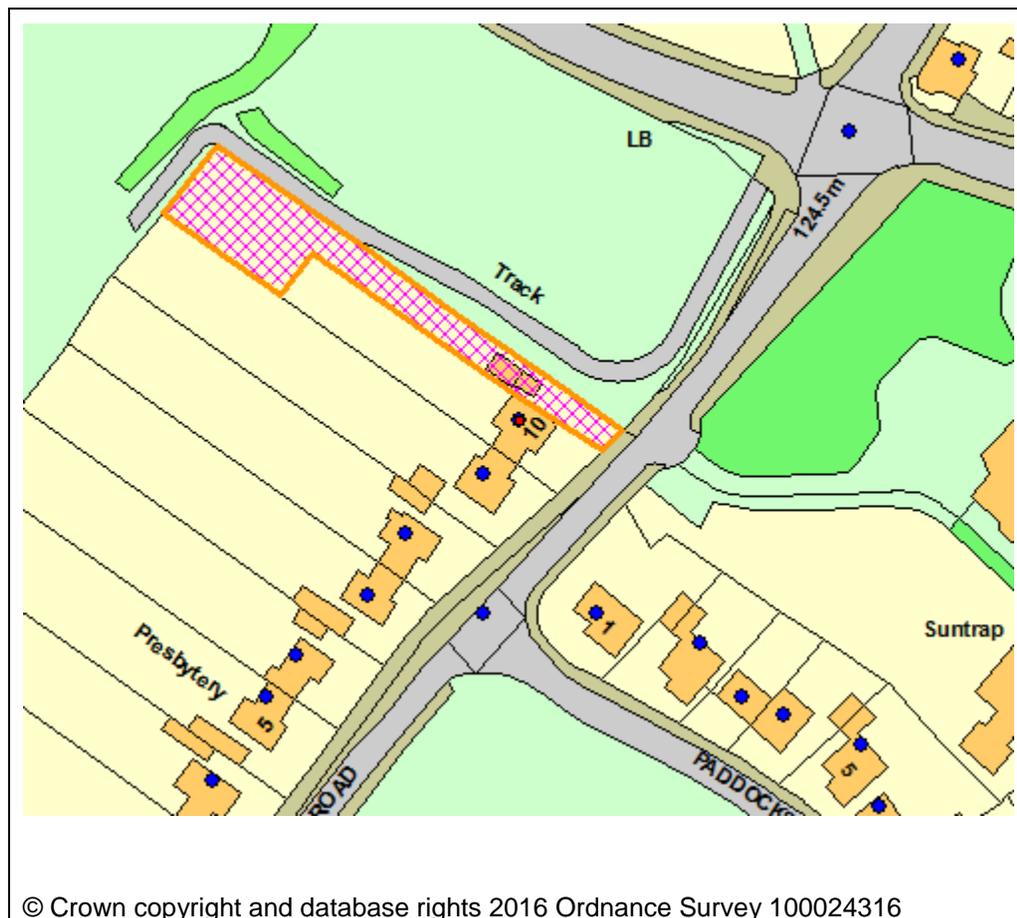
- 5.20 In light of the above, the principle of a new dwelling is unacceptable given its unsustainable location. Further, it is not considered that the special interest of the heritage assets would be preserved, and the less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits.
- 5.21 Therefore, the development is considered to be unacceptable and contrary to policies OS1, OS2, OS3, OS4, H2, EH9, EH10, EH11, EH12, EH13 and EH16 of the adopted West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF.

6 REASONS FOR REFUSAL

- 1 The proposed development would not represent sustainable development given the very limited range of services and facilities within Little Tew. The applicant has failed to demonstrate justification for this development proposal as either essential operational or other specific local need that cannot be met in any other way, as a residential development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset, as residential development of exceptional quality or innovative design, neither has the site been allocated for housing development within the adopted West Oxfordshire Local Plan 2031 or an adopted (made) neighbourhood plan. The proposed development would therefore, be contrary to policies OS1, OS2, OS3 and H2 of the Adopted West Oxfordshire Local Plan 2031, and the provisions of the NPPF 2019.
- 2 The proposed development, by reason of its siting and scale, which does not build on the pre-existing historic character (including building layouts), does not respect the historic character of the landscape, nor does it respect the building's historic curtilage or context and setting, including the pattern of development and does not respect the form, scale, massing, density, layout, landscaping, use, alignment and external appearance of the listed building and wider conservation area, fails to conserve or enhance the appearance and setting of the heritage assets. The proposed development would therefore be contrary to policies OS2, OS4, EH9, EH10, EH11, EH12, EH13, EH15 and EH16 of the adopted West Oxfordshire Local Plan 2031, The National Design Guide and Section 16 of the National Planning Policy Framework 2019.

Application Number	I9/02855/FUL
Site Address	The Gables 10 Enstone Road Charlbury Chipping Norton Oxfordshire OX7 3QR
Date	22nd January 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Charlbury Town Council
Grid Reference	435937 E 219770 N
Committee Date	3rd February 2020

Location Map



Application Details:

Demolition of the existing garage and studio flat and the construction of a new sustainable 2 bedroom cottage

Applicant Details:

Mr & Mrs Kieran Cooke, The Gables, 10 Enstone Road, Charlbury, Chipping Norton, Oxfordshire, OX7 3QR

I CONSULTATIONS

- | | | |
|-----|-----------------------------|--|
| 1.1 | Town Council | No objection and support this application which is in line with the emerging neighbourhood plan for Charlbury. |
| 1.2 | WODC Drainage Engineers | No objection subject to condition. |
| 1.3 | ERS Env. Consultation Sites | No objection. |
| 1.4 | OCC Highways | No objection subject to condition. |

2 REPRESENTATIONS

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

- The development would provide a much needed smaller house in Charlbury;
- Would not be any adverse impact on neighbours amenity;
- Development is eco-friendly;
- Trees would shield the development.

2.2 The Charlbury Conservation Area Advisory Committee made the following comments:

- The development would be unduly prominent from the playing fields, particularly in the winter;
- Design and materials are over-fussy and alien in character to the conservation area;
- No green roof shown on the plans.

3 APPLICANT'S CASE

3.1 The Planning Statement submitted with the application is concluded as follows:

- WODC has raised no objection in principle to the establishment of a separate title within a large established plot
- Charlbury Town Council supports the principle of subdivision in order to allow long-term residents to downsize.
- There is no compromise to the existing houses along Enstone Road in the latest submission
- There is no evidence of the presumed level of community objection referred-to by the planning officer
- The current submission is not overbearing or of a disproportionate scale to the existing houses
- The environmental agenda meets with current low carbon standards
- The Charlbury Conservation group comments made to previous submissions are contrary

- Considerable steps have been taken to accommodate planning constraints and to adopt a consensual approach.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

BC1NEW Burford-Charlbury sub-area

H6NEW Existing housing

EH1 Cotswolds AONB

EH9 Historic environment

EH10 Conservation Areas

NPPF 2019

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for the demolition of an existing garage and ancillary studio flat, and the erection of a new two bed dwelling at 10 Enstone Road in Charlbury. The site falls within the Charlbury Conservation Area and Cotswold AONB.
- 5.2 The application is before Members of the Uplands Planning Sub-committee for consideration as your officers recommendation is contrary to the Town Council's response in accordance with the scheme of delegation.
- 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
 - Siting, design and form
 - Impact on the Conservation Area
 - Impact on the Cotswold AONB
 - Highways
 - Residential amenities
- Principle
- 5.4 Policy H2 of the adopted West Oxfordshire Local Plan 2031 states that new dwellings will be permitted on undeveloped land within the built up area of Charlbury provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. The sub-area Local Plan policy BC1 states that the focus of new development will be in Burford and Charlbury, and should be consistent with the strategy including the conservation and enhancement of the Cotswolds Area of Outstanding Natural Beauty (AONB) and conservation and enhancement of the historic environment and heritage assets. Policy OS2 states development should be of a proportionate and appropriate scale to its context having

regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.

- 5.5 In this case, your officers are of the opinion that by reason of its siting the development would fail to form a logical complement to the existing linear pattern of development along Enstone Road to the detriment of the conservation area and set an unwanted precedent for development in the rear gardens of the dwellings in the vicinity.
- 5.6 As such, the application is unacceptable in principle.

Siting, Design and Form

- 5.7 The site context is the properties along Enstone Road. The adjacent properties are characterful two storey semi detached properties in stone with blue slate roofs. This proposal is for a two storey timber clad dwelling with an asymmetric roof, to be sited to the rear of the property 10 Enstone Road. By reason of its offset, diagonal siting on the plot, your officers are of the opinion that the development would appear cramped and contrived. Further, the development is considered to represent poor design and is not in-keeping with the character and appearance of the area contrary to the West Oxfordshire Design Guide and National Design Guide. As such, the development is considered to be unacceptable in these terms.

Impact on the Conservation Area

- 5.8 Since the application site is within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.9 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.10 In this case, based on the above assessment, by reason of its contrived siting and poor design your officers are of the opinion that the development would result in harm to the existing pattern of development in the area and is not in-keeping with the surrounding area failing to conserve or enhance the character and appearance of the Conservation Area.

Impact on the Cotswold AONB

- 5.11 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this case, whilst the site is garden land, the intensification of development on this site and the precedent it would set for development in this area, would be detrimental to the current low-key residential character of this part of the AONB failing to conserve or enhance it. There would appear to be no wider planning benefits arising from this proposal which would outweigh the harm the proposal would have on character of the special landscape of the AONB.

Highways

- 5.12 The Local Highway Authority has raised no objections to the application in terms of highways safety and parking provision. As such, the application is considered to be acceptable in these terms.

Residential Amenities

- 5.13 Given the distance between the existing and proposed new dwelling which would sit approximately 48m apart your officers do not consider that the development would be overbearing or result in a loss of light or privacy to the detriment of no. 10. However, due to the siting of the access to the proposed new dwelling which would run in close proximity alongside 10 Enstone Road and the garden serving it, your officers are of the opinion that the noise and disturbance associated with the vehicular/pedestrian movements to and from the new dwelling would be detrimental to the amenity of the occupants. As such, the application is considered to be unacceptable in these terms.

Conclusion

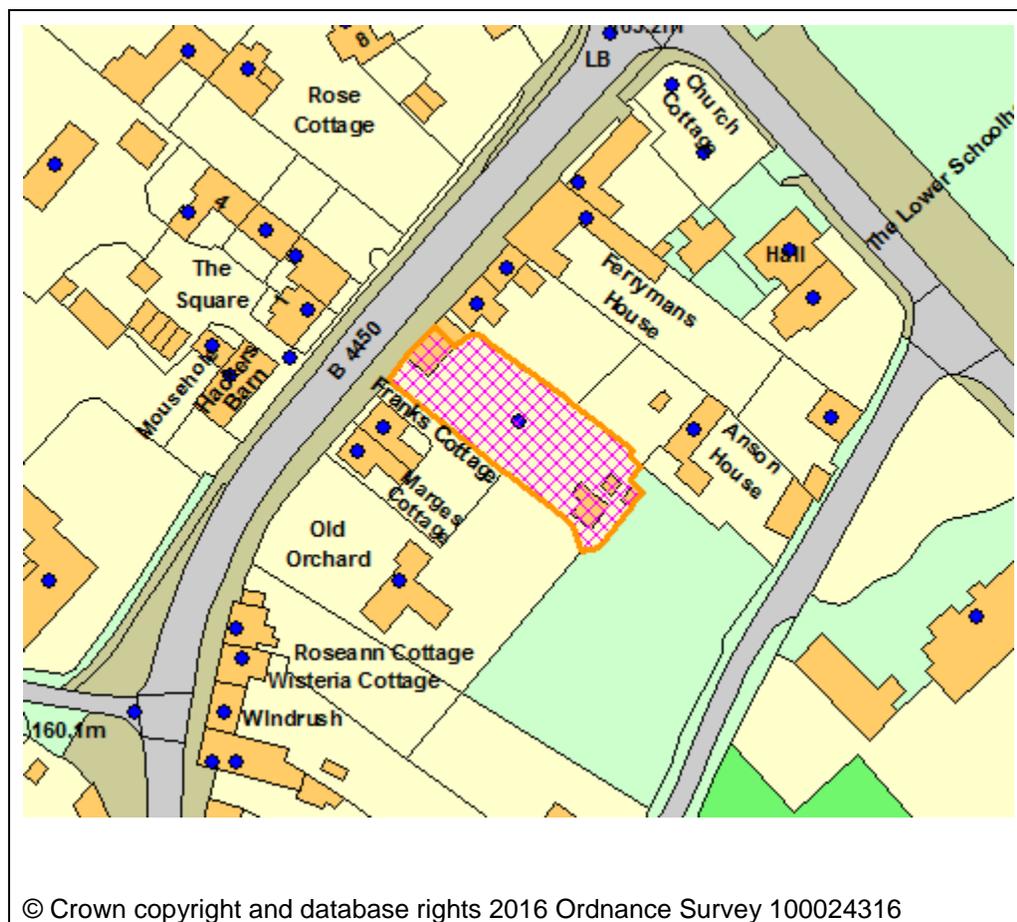
- 5.14 In light of the above, the application is considered to be unacceptable and contrary to policies OS2, OS4, H2, BCI, H6, EH1, EH9, and EH10 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the NPPF 2019.

6 REASONS FOR REFUSAL

- 1 The development, by reason of its siting, would fail to form a logical complement to the existing linear pattern of development along the Enstone Road to the detriment of the character and appearance of the Charlbury Conservation Area and Cotswold AONB. Further, by reason of its siting and design, the development would appear cramped and contrived on the site and would not appear in keeping with the surrounding context failing to conserve or enhance the character and appearance of the Conservation Area. Therefore, the development is contrary to policies OS2, OS4, H2, BCI, EH1, EH9, and EH10 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the National Planning Policy Framework 2019.
- 2 The proposed access, by reason of its siting running in close proximity alongside 10 Enstone Road, would have a detrimental impact on the amenity of the occupants of 10 Enstone Road by way of the noise and disturbance associated with the vehicular and pedestrian movements to and from the new dwelling. Therefore, the development would be contrary to policies OS2 and H6 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the National Planning Policy Framework 2019.

Application Number	19/03155/FUL
Site Address	Land and Building East of Franks Cottage Junction Road Churchill Oxfordshire
Date	22nd January 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Churchill Parish Council
Grid Reference	428266 E 223995 N
Committee Date	3rd February 2020

Location Map



Application Details:

Erection of a detached dwelling and associated works.

Applicant Details:

The Estate of the Late Alan Sole, c/o Agent

I CONSULTATIONS

- | | | |
|-----|------------------------------|-------------------------------------|
| 1.1 | Thames Water | No comments received to date. |
| 1.2 | WODC Env Health -
Uplands | No comments received to date. |
| 1.3 | OCC Highways | No objection subject to conditions. |
| 1.4 | WODC Drainage
Engineers | No objection subject to conditions. |
| 1.5 | Parish Council | No comments received to date. |

2 REPRESENTATIONS

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

- Would be an eyesore in the landscape
- Would adversely affect biodiversity
- Would result in a loss of important green space in the village
- The road is unsafe and parking is limited
- Would result in adverse and intrusive impact on neighbours
- The Norwegian Spruce on the site should be protected.

3 APPLICANT'S CASE

3.1 The Planning Statement submitted can be read in full online and is concluded as follows:

- The accompanying planning application seeks planning permission to erect a self-contained dwelling, consisting of a 3-no. bed, together with sufficient parking and turning areas, private amenity/garden space and refuse and cycle storage space.
- The above Statement sets out that the principle of the development is acceptable having regard to both the NPPF and the local development plan, by providing a reasonable and proportionate number of additional dwellings in a sustainable and logical location. It assists the LPA in meeting its housing delivery targets in a sustainable location.
- The Design and Access Statement (incorporated above) demonstrates that the character, appearance and setting of the immediate area and wider locality will be preserved and enhanced. The proposals will deliver a high-quality and well-designed development which will reflect the built form, layout, scale and appearance of the village, Conservation Area and Area of Outstanding Natural Beauty (AONB).
- Delivery of the proposed development will not harm identified natural or heritage assets and will lead to a net gain in local biodiversity resources and landscaping/planting across the site.

- For the reasons set out, we consider the proposal accords with the relevant planning policies and respectfully request that planning permission is granted subject to the imposition of appropriate conditions. The proposed development is therefore in accordance with the NPPF and development plan and planning permission should be granted on this basis.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
 OS4NEW High quality design
 H1NEW Amount and distribution of housing
 H2NEW Delivery of new homes
 BC1NEW Burford-Charlbury sub-area
 H6NEW Existing housing
 EH1 Cotswolds AONB
 EH9 Historic environment
 EH10 Conservation Areas
 DESGUI West Oxfordshire Design Guide
 NPPF 2019

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

5 PLANNING ASSESSMENT

5.1 This application seeks consent for the erection of a new detached dwelling and associated works on garden land located to the rear of The Cottage on the east side of Junction Road in Churchill. The Cottage is a detached two storey dwelling with ancillary outbuildings and a relatively large garden to the side and rear. The site falls within the Churchill Conservation Area and the Cotswold AONB.

5.2 The application is before Members of the Uplands Planning Sub-committee for consideration following a request from local member Councillor Owen.

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
 Siting, design and form
 Impact on the Conservation Area
 Impact on the Cotswold AONB
 Highways
 Residential Amenities

Principle

5.4 Policy H2 of the adopted West Oxfordshire Local Plan 2031 states that new dwellings will be permitted on undeveloped land within the built up area of Churchill provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.

- 5.5 Policy OS2 states that villages are suitable for limited development which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state that development should form a logical complement to the existing scale and pattern of development and/or character of the area, be of a proportionate and appropriate scale to its context, not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area, and conserve and enhance the natural, historic and built environment.
- 5.6 In this case, your officers are of the opinion that the development fails to form a logical complement to the predominantly linear pattern of development along this section of Junction Road, eroding an important green area of land currently comprising garden land for the application site failing to conserve or enhance the character and appearance of the Conservation Area and Cotswolds Area of Outstanding Natural Beauty.
- 5.7 In looking at the merits of this proposal as windfall development, paragraph 5.37 of the Plan states that "it is important that any windfall development supports the delivery of the local plan strategy". The Burford-Charlbury sub area strategy places no reliance on windfall development to take account of the fact that much of the sub area falls within the AONB. Furthermore the 5 year windfall allowance across the whole District between 2018 and 2023 is only 140 units. The site is not identified in a Neighbourhood Plan and is not promoted as a rural exception site exclusively for affordable housing and it has not been demonstrated that there is a need for an additional dwelling in this location.
- 5.8 In light of the above, the application is considered to be unacceptable in principle.

Siting, Design and Form

- 5.9 The site context is the properties along Junction Road and there are open views into the site from it.
- 5.10 To the north and south of the site lies a linear row of characterful development along Junction Road, including a mix of large detached dwellings and cottages set in extensive plots ('The Bungalow', 'Old Orchard', 'Peartree' and 'Greystones Barn'), semi-detached dwellings and traditional terrace cottages which form part of the historic core of Churchill. In 2014 the land directly adjacent to the site was developed to form a pair of semi-detached dwellings fronting on to Junction Road, Franks Cottage and Marges Cottage.
- 5.11 The proposal is for a detached two storey dwelling sitting at 7m high using a mix of stone and buff brick and featuring three traditional dormer windows in the front elevation. Whilst the design of the dwelling may reflect some elements of the local vernacular, your officers are of the opinion that it's siting, set back from the frontage, would appear contrived and fails to form a logical complement to the existing pattern of development to the detriment of the character and appearance of the area.

Impact on the Conservation Area

- 5.12 Since the application site is within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance

of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

- 5.13 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.14 In this case, based on the above assessment, by reason of its contrived siting your officers are of the opinion that the development would result in harm to the existing pattern of development in the area and would result in the loss of an important parcel of mature garden land which is considered to be open green space that makes an important contribution to the semi-rural setting of the Conservation Area.
- 5.15 As such, the development would fail to conserve or enhance the character and appearance of the Conservation Area.

Impact on the Cotswold AONB

- 5.16 As the site is within the Cotswold AONB your officers must assess the proposal against paragraph 172 of the NPPF which has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this case, the intensification of development on this site, which is currently typified by its visual character as a mature garden area with a semi-rural character and current low-key residential use afforded by the modest ancillary outbuildings would be transformed by the proposed development and be detrimental to the contribution this part of settlement makes to the AONB. Given the above, there would appear to be no wider planning benefits arising from this proposal which would outweigh the harm the proposal would have on character of the special landscape of the AONB.

Highways

- 5.17 The Local Highway Authority has raised no objections to the application subject to conditions. As such, the application is considered to be acceptable in these terms.

Residential Amenities

- 5.18 The proposed new dwelling would sit approximately 25m to the rear of The Cottage fronting Junction Road. Therefore, by virtue of its siting and scale, the development is not considered to be overbearing or result in a loss of privacy to their detriment. However, given the siting of the dwelling in relation to the position of the sun the development may result in the loss of sunlight to the remaining garden serving The Cottage. Further, your officers are concerned about the impact on the amenity of the occupants of Anson House which sits to the rear of the site. The new dwelling would sit approximately 7m corner to corner with the rear elevation of Anson House. The rear garden serving Anson House sits adjacent to the site the subject of this application and is approximately 14m long. The proposed new dwelling would sit 2.5m from the boundary at 7m high. It would run approximately 9m along the boundary with Anson House. Given the close proximity to, and the neighbours relatively limited outdoor amenity space, your officers are of the opinion that the development would be overbearing to the detriment of the occupants of Anson House; it would also result in the loss of some evening sun due to its

position in relation to the sun. As such, the application is considered to be unacceptable in these terms.

Conclusion

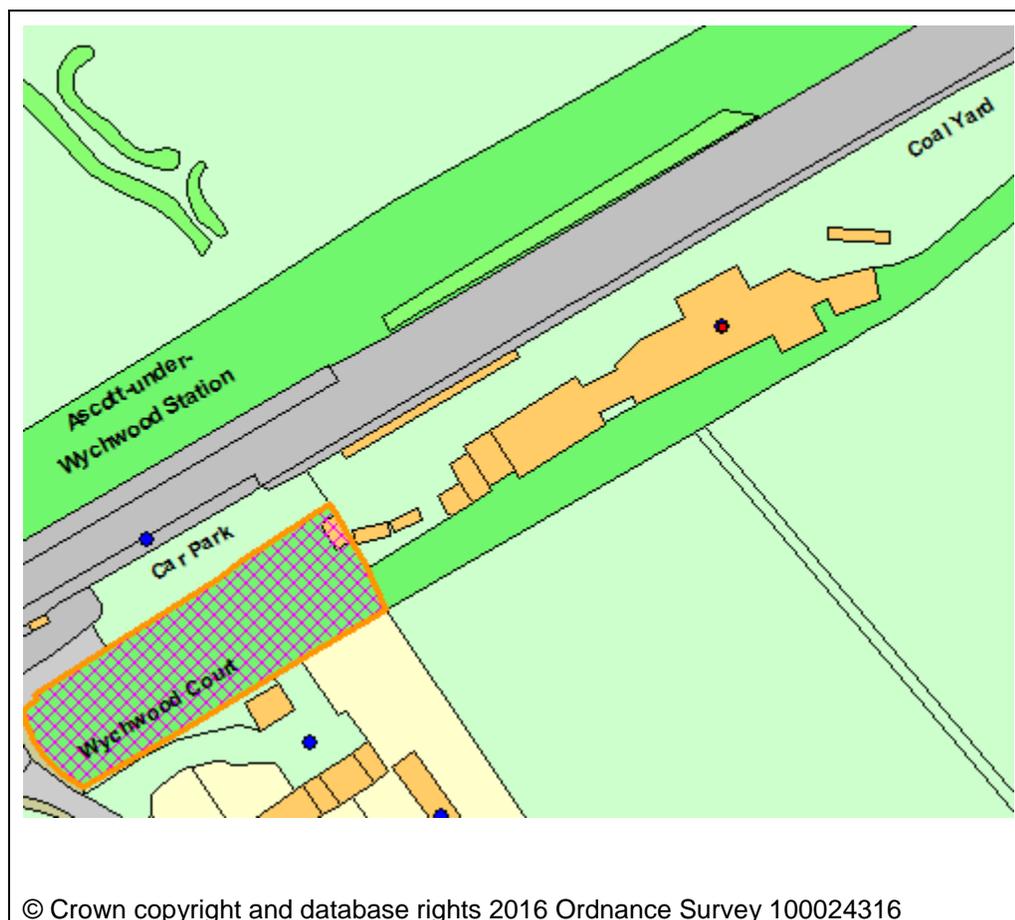
- 5.19 In light of the above, the application is considered to be unacceptable and fails to comply with policies OS2, OS4, H1, H2, BCI, H6, EH1, EH9 and E10 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the NPPF 2019.

6 REASONS FOR REFUSAL

- 1 The proposed development, by reason of its siting, fails to form a logical complement to the existing linear pattern of development along this section of Junction Road, eroding an important green area of land currently comprising garden land for the application site and failing to conserve or enhance the character and appearance of the Conservation Area and wider area of the Cotswolds Area of Outstanding Natural Beauty. This is therefore contrary to policies OS2, OS4, H2, BCI, EH9, EH10 and EH1 of the West Oxfordshire Local Plan 2031, West Oxfordshire Design Guide 2016, the National Design Guide 2019 and the relevant paragraphs of the NPPF 2019.
- 2 The proposed development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of a very low 5 year windfall allowance and is therefore contrary to Policies H1, H2 and BCI of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF 2019.
- 3 The development, by reason of its siting close to the boundary with the existing dwelling Anson House, will appear overbearing to the detriment of the occupants. Further, by reason of its siting, the development would result in a detrimental loss of light to the occupants of Anson House and The Cottage. As such, the proposal is considered contrary to policies OS2, OS4, H2 and H6 of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF 2019.

Application Number	19/03196/OUT
Site Address	Cotswold Fuels Railway Yard Station Road Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AP
Date	22nd January 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Ascott Under Wychwood Parish Council
Grid Reference	430219 E 218890 N
Committee Date	3rd February 2020

Location Map



Application Details:

Outline application for two dwellings with associated access works.

Applicant Details:

Palladian Properties, C/O Agent.

I CONSULTATIONS

- | | | |
|-----|---------------------------|--|
| I.1 | Thames Water | No Comment Received. |
| I.2 | WODC Env Health - Uplands | No objection subject to condition. |
| I.3 | OCC Highways | No objection. |
| I.4 | WODC Drainage Engineers | No objection subject to conditions. |
| I.5 | Parish Council | <p>A full version of the Parish Councils response is available on the Council's website. The letter is concluded as follows:</p> <p>Ascott-u-W Parish Council is concerned that this is an application for Outline Planning Permission. 2 dwellings on this site may be acceptable (even though these do not meet a demonstrable need in the village or the District) because only 2 would mean that there would not be too many extra vehicles using that extremely dangerous junction. However, 'outline permission' is vague, planning permission might be easier to obtain on a very different application and, in the meantime neighbours and all users of that junction live in fear of the worst.</p> <p>Given the extremely dangerous junction, the questions about vehicular access and the concern about drainage issues, we strongly request an officer site visit. Given the many misleading or inaccurate statements in the Planning Application Statement we are concerned that this application is trying to lay the foundation for a very different plan, perhaps to include many more dwellings, when full planning permission is sought.</p> <p>Ascott-under-Wychwood Parish Council objects unanimously to this Outline Planning Application.</p> |

2 REPRESENTATIONS

- 2.1 Three letters of objection have been received in respect of this application. The main points raised are as follows:
- The development would look cramped
 - The road is dangerous
 - The village is not sustainable
 - Increased flood risk
 - No need for houses identified
 - Detrimental impact on biodiversity
 - Would put pressure on foul water drainage

3 APPLICANT'S CASE

3.1 The Planning Statement submitted with the application is concluded as follows:

3.2 This supporting statement confirms that:

- The site is a sustainable location for housing, within the village built up area and highly accessible;
- Development would make a meaningful benefit to District housing targets and towards sustaining the vitality of the village;
- The land would be put to a more efficient use and would enhance the character of the area;
- Parking is provided in accordance with local standards; the site is well connected by existing footways to the village and future residents would be able to make use of the adjoining railway line;
- The dwellings would adopt a traditional vernacular design, which is considered to be appropriate and will enhance the character of this part of the AONB.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

BC1NEW Burford-Charlbury sub-area

H6NEW Existing housing

T4NEW Parking provision

EHI Cotswolds AONB

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

5 PLANNING ASSESSMENT

5.1 This application seeks outline planning consent for the erection of two dwellings and associated works on land at Cotswold Fuels Railway Yard in Ascott under Wychwood with matters of appearance and landscape reserved. Therefore, the matters for which approval is sought as part of this application are access, layout and scale.

5.2 The application site comprises a parcel of vacant land adjacent to the railway yard and Ascott under Wychwood Railway Station. The railway yard is currently used for storage and there are residential dwellings to the south of the site.

5.3 The site falls within the Cotswold AONB.

5.4 The application is before Members of the Uplands Planning Sub-committee for consideration as your officers recommendation is contrary to the Parish Council's response in accordance with the scheme of delegation.

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
Siting, design and form
Impact on the Cotswold AONB
Residential Amenity
Highways
Biodiversity

Principle

- 5.6 Policy H2 of the adopted West Oxfordshire Local Plan 2031 states that new dwellings will be permitted on undeveloped land within the built up area of Ascott under Wychwood provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.
- 5.7 Policy OS2 states that villages are suitable for limited development which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state that development should form a logical complement to the existing scale and pattern of development and/or character of the area, be of a proportionate and appropriate scale to its context, not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area, and conserve and enhance the natural, historic and built environment.
- 5.8 The site lies within the Burford-Charlbury Sub-Area wherein the housing strategy (see policies OS2/H1) anticipates delivery of 774 new dwellings through allocated sites comprising a combination of homes already completed and existing commitment, and, where the focus for new housing is centred on Charlbury and Burford. No allowance is made for speculative 'windfall' development within this sub-area, as an allowance has been made in the other sub-areas). This does not however, mean that no further housing development will be permitted.
- 5.9 In this case, the site is located in the heart of the village fronting the village green with residential dwellings on one side, and the rail line and station car park clearly bounding the village to the north of the site. Therefore, your officers are of the opinion that the development would represent infill development that would be comfortably accommodated on the site and would respect the existing pattern and character of development in the area. Therefore, the principle of the development is considered to be acceptable subject to its compliance with the other relevant policies in the adopted Local Plan.

Siting, Design and Form

- 5.10 The application is made for outline consent only and therefore details of the elevations are provided for indicative purposes only and consideration should only be given to the layout and scale of the proposal. In this case, the dwellings are proposed as two storey in scale and would sit fronting onto London Lane with small front gardens. The vehicular access proposed is to the North East of the site where garages and a parking area are proposed to the rear.
- 5.11 The context of the site is a mix of the railway station to the North and residential dwellings along the frontage of London Lane.

- 5.12 In this case, your officers are of the opinion that the site could comfortably accommodate two dwellings of this scale, and by virtue of their siting the development would form a logical complement to the existing pattern of development in this part of the village.
- 5.13 The final details relating to design and landscaping would form part of an application for the approval of reserved matters.

Impact on the Cotswold AONB

- 5.14 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance, the context of the site is a mix of the commercial train station and yard, and residential development fronting on to the London Road. This parcel of land is presently of an unkempt and dis-used appearance in a gateway position for visitors entering the village. There is significant planting currently bounding the site. Given that the dwellings will be set back in the plot to allow for small front gardens this will allow for the retention of some landscaping around the edge of the site. The proposed landscaping would be the subject of any reserved matters application submitted. In light of the context of the site, the scale and layout of the proposed development, and that the design of the dwellings would be carefully considered at the reserved matters application stage, your officers are of the opinion that the wider landscape and scenic beauty of the Cotswold AONB would be conserved.

Residential Amenity

- 5.15 Given the location of the site and distance to the nearest residential dwelling, your officers do not consider that the development will give rise to any adverse impacts on the amenity of neighbours.
- 5.16 In terms of the amenity of any future occupants of the proposed development, your officers note the close position of the dwellings to the adjacent railway line. However, this is not considered to be unusual and any noise impacts of passing trains can be mitigated by incorporating high level insulation properties into the build. By virtue of the siting and orientation of the proposed dwellings your officers do not consider that there will be any adverse mutual overlooking to the detriment of future occupants arising from the development. Further, your officers consider that sufficient outdoor amenity space is afforded to each proposed dwelling.

Highways

- 5.17 The Local Highway Authority has been consulted on the application and has raised no objection to the proposed new access and parking provision.

Biodiversity

- 5.18 The Ecologist's consultation response remains outstanding. Your officers will update Members verbally on matters relating to biodiversity, and any additional conditions which may be proposed.

Conclusion

- 5.19 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, H1, H2, BCI, EHI, T4 and H6 of the adopted West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF 2019.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 Details of the Appearance and Landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with the site location plan and the site layout plan (MD AUW PA2 01). The development shall be limited to up to 2 dwellings and the building shall be no more than 2 storeys in height, consistent with the submitted Planning Application by JPPC - Chartered Town Planners in November 2019.
REASON: For the avoidance of doubt as to what is permitted.
- 4 That, prior to the commencement of above ground works, 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. The details shall include a management plan setting out the maintenance of the drainage asset. 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 and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 5 No above ground works shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before

any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

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

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 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 local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)) - CIRIA C753 SuDS Manual 2015