

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 2nd March 2020

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



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

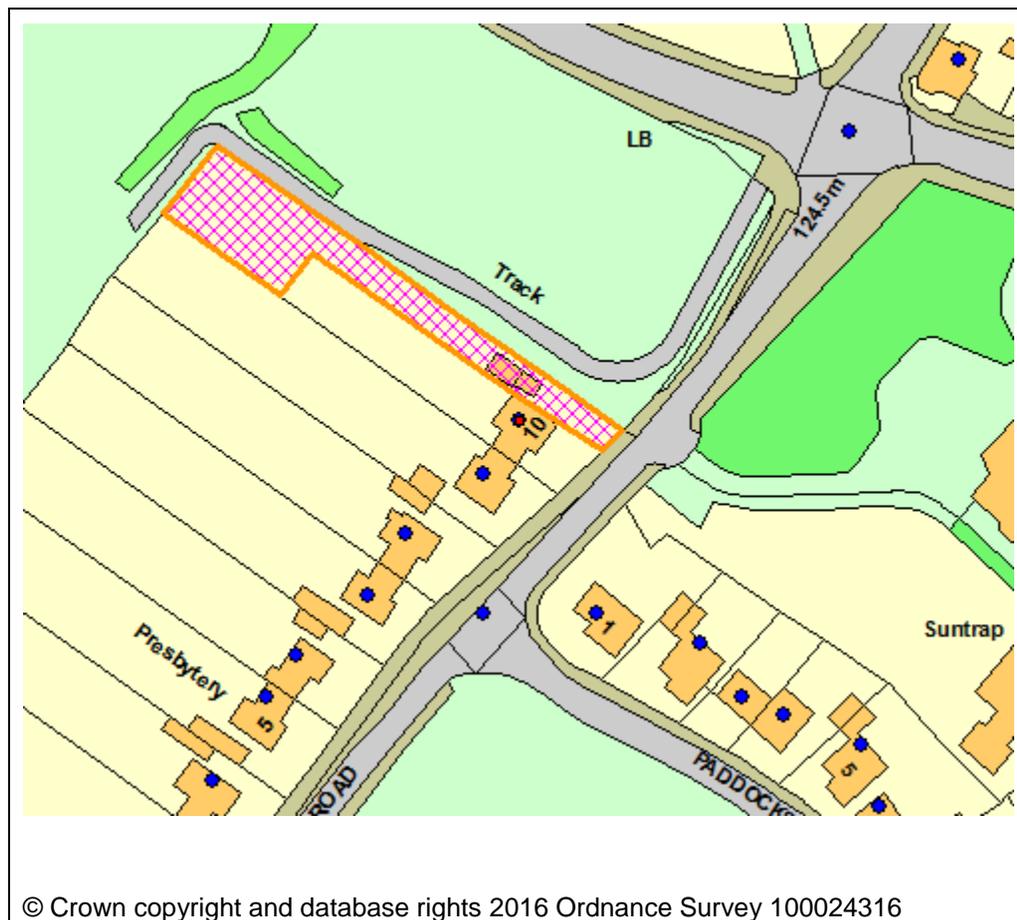
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	I9/02855/FUL
Site Address	The Gables 10 Enstone Road Charlbury Chipping Norton Oxfordshire OX7 3QR
Date	19th February 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Charlbury Town Council
Grid Reference	435937 E 219770 N
Committee Date	2nd March 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.

3.2 A statement dated 28th January 2020 prepared by the applicant's agent has also been submitted addressing some of the points raised in the officers committee report. This is available to view on the Council's website.

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 The application was deferred from the last sub-committee meeting in January in order for Members to visit the site.

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 the Conservation Area

Impact on the Cotswold AONB

Highways

Residential amenities

Principle

- 5.5 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.
- 5.6 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.
- 5.7 As such, the application is unacceptable in principle.

Siting, Design and Form

- 5.8 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

- 5.9 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.
- 5.10 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.
- 5.11 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

- 5.12 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

- 5.13 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

- 5.14 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

- 5.15 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.

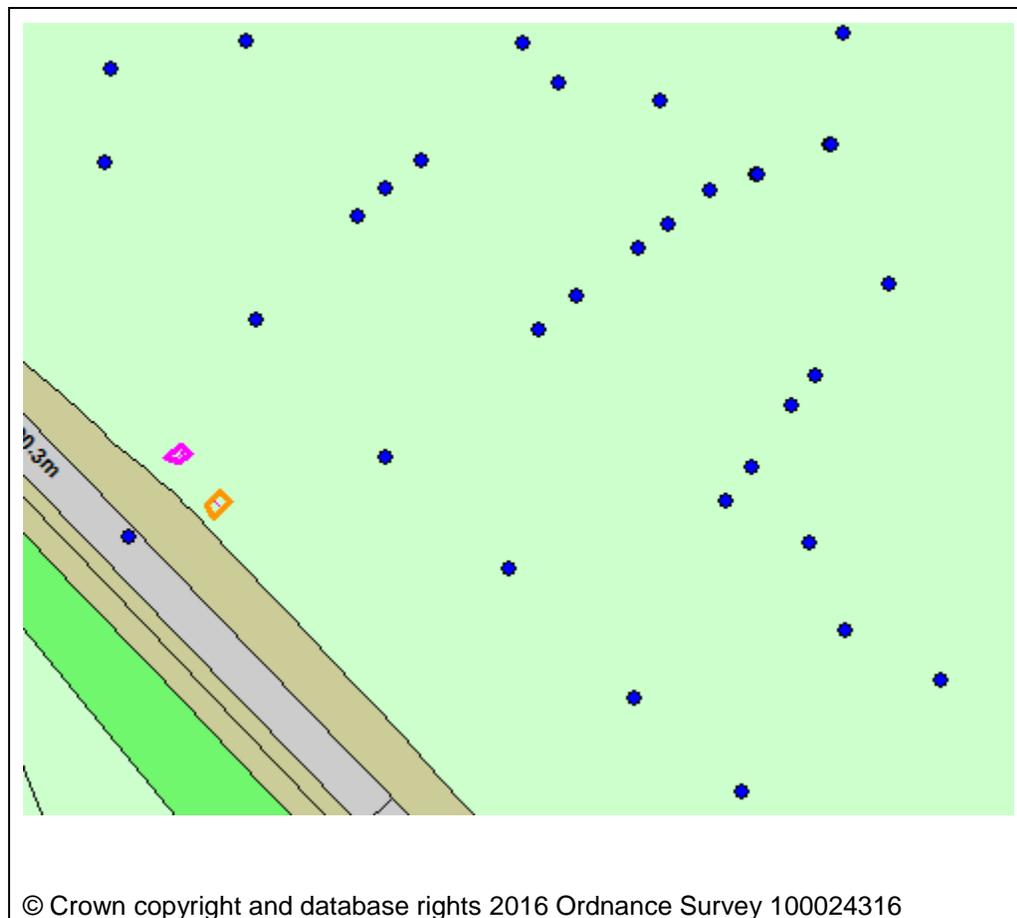
6 REASONS FOR REFUSAL

- 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	19/03513/ADV
Site Address	Land East of Woodstock Oxford Road Woodstock Oxfordshire
Date	19th February 2020
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	445519 E 216334 N
Committee Date	2nd March 2020

Location Map



Application Details:

Planning application for 2 x fixed solar illuminated monolith advertisements. (Retrospective).

Applicant Details:

Mr Ashley Maltman, Langford Locks, Kidlington, OX5 1HZ

I CONSULTATIONS

- 1.1 Town Council The Committee requested that the District Council fully consult with the County Council over its concerns about this new sign being a distraction to drivers.
- 1.2 OCC Highways See below.

2 REPRESENTATIONS

No formal representations have been made.

3 APPLICANT'S CASE

The applicant has not submitted any representations in addition to the information provided with the application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

- 5.1 This is a retrospective application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the 2007 Regulations") for consent to the display of two illuminated advertisements on land to the East of Woodstock. The site lies to the south east and on the edge of the existing settlement boundary for Woodstock. It is not within the Conservation Area.
- 5.2 The signs have been erected on either side of the Oxford Road entrance to the Pye Homes and Blenheim Estates site on which housing development is taking place (pursuant to application 16/01364/OUT). Each sign measures 3500 x 1400 x 200mm and is made with ACM (satin laminate), with wood effect wrapped posts which integrate them into the body of the sign. The lettering on the signs (with the exception of "Opening January 2020") is described as "push-through illuminated acrylic" and so is visible in the dark. The illumination is powered by photovoltaic panels embedded into the top of the signs and invisible from ground level.
- 5.3 The signs are set back some 12.5 metres from the highway and are angled to be easily visible to passing traffic.
- 5.4 The 2007 Regulations provide that the LPA must exercise its powers in the interests of amenity and public safety, taking into account the provisions of the development plan and any other relevant factors. This is echoed in the NPPF which advises that cumulative impacts are to be taken into account. In practice, the 2007 Regulations state that 'amenity' includes both visual and aural amenity and therefore consideration must be had to the effect of the advertisements upon the immediately surrounding area. The issue of 'public safety' relates to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians). Regard must be had to matters such as the behaviour of drivers and possible confusion with, or

obstruction of any traffic sign or signal. It is of course recognised that all advertisements are intended to attract people's attention, however what matters is whether the advertisement, or its siting would be so confusing or distracting so that it creates a hazard for, or endangers, people who are taking reasonable care for their own and others' safety.

- 5.5 Taking into account the requirements of the planning policy and other material considerations, the key considerations of the application are:

Principle

- 5.6 The principle of an advertisement in this location is acceptable. Advertisement consents must by virtue of the 2007 Regulations be temporary, so that, were consent to be granted in this case it would expire 5 years from the commencement of the display - i.e. 19 December 2024.

Amenity

- 5.7 In terms of amenity, the signs, although clearly visible from the street scene are not obtrusive and are of high quality design and materials. Officers do not consider the signs to be harmful to the character and appearance of the surrounding area or to be incongruous in the particular context, bearing in mind the proximity to the Conservation Area and to Blenheim Palace.

Highways

- 5.8 County Highways have raised no objection and having been asked specifically about illumination possibly being distracting to passing drivers have stated:-

"The application details the maximum level of illumination to be 50 cd/m² which even in this at present dark area can be considered as low level lighting. It is not unusual for advertisements to be illuminated within the range 500 - 600cd/m² or even higher.

I cannot demonstrate sufficient harm as to warrant the refusal of the application for reasons of highway safety and convenience."

- 5.9 The application is therefore considered to comply with local plan policy.

Conclusion

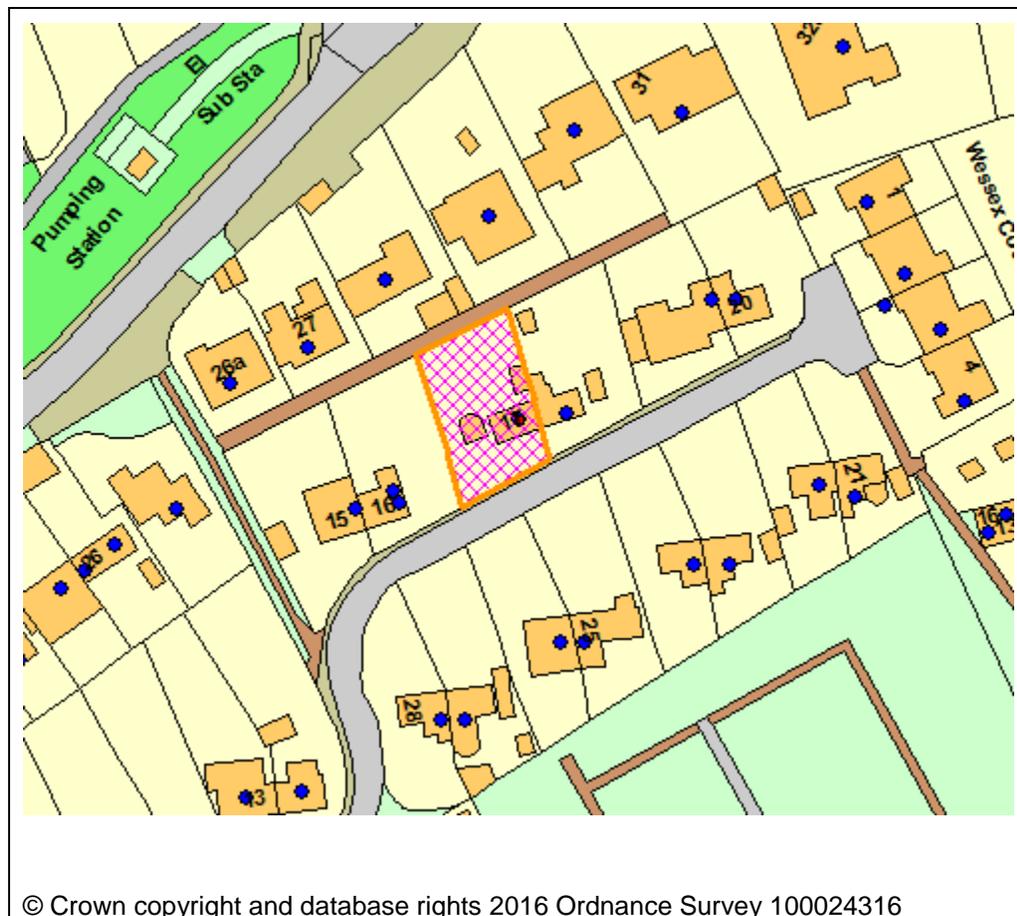
- 5.10 In view of the reasoning above and since they are compliant with policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 and relevant provisions of the revised NPPF, the signs are recommended for approval subject to the usual conditions for advertisements.

6 CONDITIONS

- 1 This consent shall operate for a period of five years from the date of the commencement of the display (19 December 2019).
REASON: By virtue of the Advertisement Regulations.
- 2 That the advertisements are in terms of design, form and location, as shown on the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

Application Number	19/03539/FUL
Site Address	17 Bear Close Woodstock Oxfordshire OX20 1JT
Date	19th February 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444814 E 217006 N
Committee Date	2nd March 2020

Location Map



Application Details:

Erection of two flats with associated parking and gardens.

Applicant Details:

Mr ChangLei Sun, 17 Bear Close, Woodstock, Oxfordshire, OX20 1JT

I CONSULTATIONS

- I.1 Town Council WTC object to this application on the grounds that it does not comply to policy H6 bullet point 2 of the West Oxfordshire Local Plan 2031 as shown below:-
Alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area. Sub-division of existing dwellings in the open countryside and small villages will be limited to large properties where continued residential use cannot be secured in any other way;
- Council was also of the opinion that this proposal constituted overdevelopment. Bear Close is an area of semi-detached homes some of which have been extended as a part of the main dwelling. However, this extension results in two further homes. This means that there could be as many as four cars resulting in overflow parking in the street. It is not rare for the refuse collection lorries to be unable to access the end of the street because of vehicles parked on the street.
- Imposing two new homes on the neighbours who will now have three dwellings to which they are semi-detached appears to WTC to fail to respect neighbourliness. This is yet another blow on neighbours that have had the anxiety of several previous proposals for this site in recent years.
- I.2 Thames Water No Comment Received.
- I.3 OCC Highways No objection subject to conditions.
- I.4 WODC Env Health - Uplands No Comment Received.
- I.5 WODC Drainage Engineers No objection subject to condition.
- I.6 Conservation Officer No Comment Received.

2 REPRESENTATIONS

- 2.1 5 letters of objection have been received in respect of this application. The full versions can be accessed on the Council's website. The key issues raised are as follows:
- overdevelopment of the site;
 - would set a precedent which would destroy character of the area;
 - space for parking is inadequate;
 - could cause serious issues for refuse collection and emergency services;
 - no provision for refuse storage.

2.2 A letter of objection has also been received from Cllr I Hudspeth as follows:

- I do object to this planning application on the grounds of increased vehicle movements in a road that is already suffering from too many vehicles which regularly impacts on refuse vehicles being able to get through to collect the rubbish. If there was an incident that required a fire engine to attend then it might not be able to get through due to the parked vehicles.
- The solution to this is to put a condition that people living in the properties are not able to own a vehicle. They are minutes away from the town centre which has one of the best bus services in the county. There are frequent buses to central Oxford, Oxford Parkway and Hanborough Rail Stations. Such a condition would comply with West Oxfordshire's recent council motion to reduce carbon emissions.

3 APPLICANT'S CASE

The design and access statement is concluded as follows:

- The proposal is a high quality and sympathetically designed scheme, which will fit in with the character of the area. This is in keeping with the overall scale of the adjacent houses and allows for two self contained dwellings whilst retaining the existing adjacent, attached house.
- The proposal recognises the importance of the character and feel of the area and draws upon previously agreed designs and the local vernacular. The proposed materials are in keeping with the existing buildings. Works will be completed to a high standard. This is in accordance with Policy OS2 as set out in the pre-advice response.
- There is no overbearing impact of this proposal on its surroundings; it will not significantly affect the existing views or levels of daylight of the adjacent dwellings and fits well into the existing setting.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H6NEW Existing housing

T4NEW Parking provision

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 two flats (1 x 1-bed and 1 x 2-bed) with associated parking and gardens on land at 17 Bear Close in Woodstock. The site does not fall within any special designated areas of control.

- 5.2 Planning permission was granted in 2018 (ref: 18/03457/FUL) for the erection of one new semi-detached dwelling with associated parking and gardens.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 Policy H2 of the adopted West Oxfordshire Local Plan 2031 states that new dwellings will be permitted on previously developed land within the built up area of Woodstock provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. 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 The proposal, the subject of this application, comprises of the provision of two flats within a similar built form to the single dwelling previously approved under ref: 18/03457/FUL. These issues will be assessed in detail below but your officers are of the opinion that the development is acceptable in principle.

Siting, Design and Form

- 5.6 There is a mix of house types and extensions to properties along Bear Close. The properties directly adjacent to the site are two storey semi-detached houses which feature hipped tiled roofs and rendered facades.
- 5.7 The proposed development comprises two flats within the build which has been designed to have a hipped roof and would be constructed using rendered finish, a tiled roof and UPVC and aluminium fenestration.
- 5.8 The siting, scale and design of the proposed development is all consistent with the previously approved single dwelling on the site (18/03457/FUL). The external built form will be relatively unchanged albeit the form and design is slightly simplified. Therefore, in light of the previously approved consent and by virtue of the siting, scale, and design, your officers are of the opinion that the development would be in keeping with local vernacular, respect the character and appearance of the street scene and would form a logical complement to the existing pattern of development along Bear Close.

Highways

- 5.9 The proposal includes the provision of two additional car parking spaces to serve the two flats proposed. Bear Close is a narrow road and your officers note the concerns raised by the local residents in relation to the parking provision and the impact on the local road network. The Local Highway Authority has stated that it cannot be demonstrated that although Bear Close is narrow with substandard alignment that the additional traffic generation during the morning peak hour (when traffic in Bear Close is busiest) would cause such harm in terms of highway safety and convenience as to warrant the refusal of the application. Further, given the location of the site which is within walking/cycling distance of the town centre and public transport the

parking provision is not considered inadequate. Therefore, no objections have been raised subject to a number of conditions. In light of this, your officers consider that the application is, on balance, acceptable in these terms.

Residential Amenities

- 5.10 Your officers are of the opinion that given the context of the site, and by virtue of the siting, scale, and design the proposed development would not be overbearing or result in a loss of light or privacy to the detriment of the occupants of neighbouring properties, and would not have any additional or significant impact than that previously approved under ref: 18/03457/FUL.
- 5.11 Further, the internal floorspace of the proposed flats would meet the national housing standards, and your officers of the opinion that any future occupiers of the development would be afforded sufficient levels of amenity.

Conclusion

- 5.12 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS3, OS4, H1, H2, H6 and T4 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 National Planning Policy Framework 2019.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.
- 5 Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable

for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 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 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.

- 8 No dwelling shall be occupied until a plan indicating the provision of safe and secure cycle parking has been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be completed in accordance with the approved details and retained thereafter.

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

- 9 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. 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

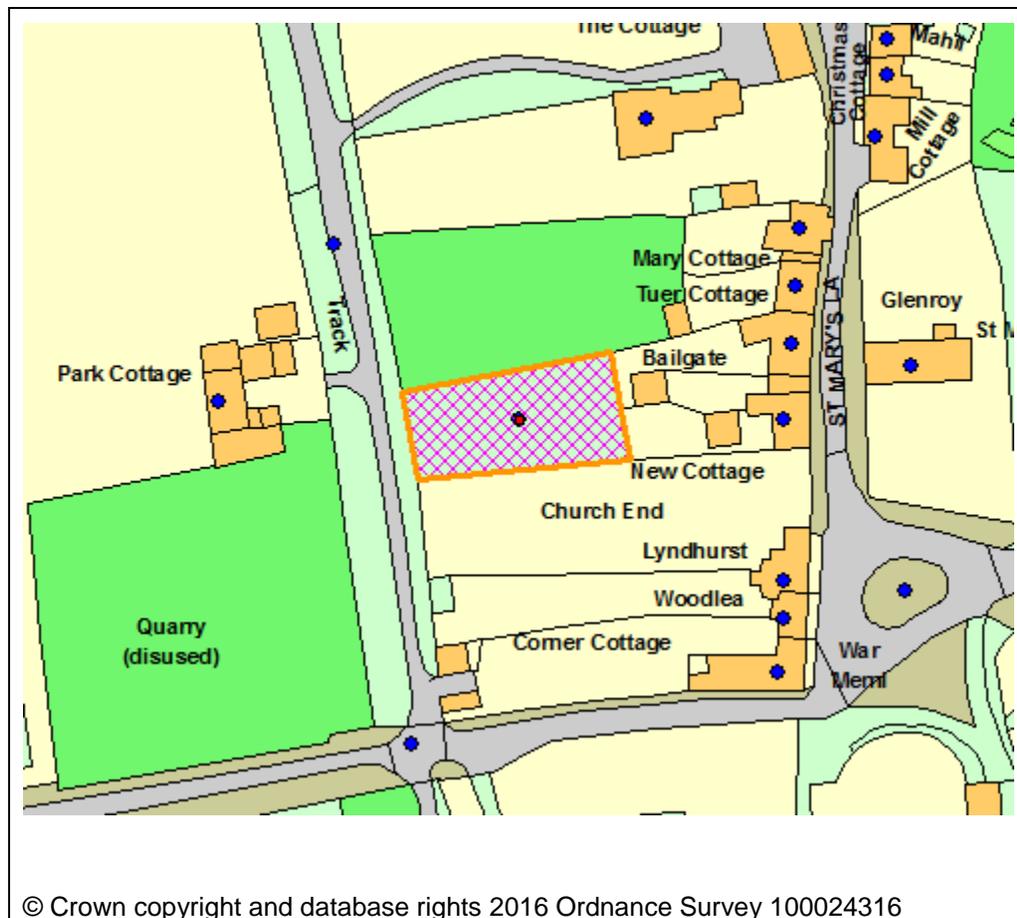
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works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

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

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

Application Number	20/00181/S73
Site Address	Land at Church End Swerford Chipping Norton Oxfordshire
Date	19th February 2020
Officer	Claire Green
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	437123 E 231120 N
Committee Date	2nd March 2020

Location Map



Application Details:

Variation of condition 2 of planning permission 18/00249/FUL to allow the insertion of doors, window and rooflights.

Applicant Details:

Mr J Smith, C/O Agent.

I CONSULTATIONS

I.1 Parish Council

History

The applicants, Charlbury Builders have owned the little site accessed off Backside, Swerford, since at least 1990 and probably before. They bought a site approximating to two burgage plots (you can find it on the 1802 map) between St Mary's Lane and Backside, demolished the tumbledown houses and built two new ones fronting onto St Mary's Lane and reserved to themselves a small plot with access only from Backside.

Since that date they have applied for planning permission to build a small house at least five times. Each time permission has rightly been rejected because such a build would wholly contradict the Area Plan which, in the absence of any local infrastructure, clearly prohibits such a development.

In the meantime the plot has been left, almost abandoned. However, in the way of builders a certain amount of material has been dumped on the site possibly out of convenience, but more likely simply to demonstrate usage. At no time since the building of the two houses on St Mary's Lane in about 1990 has the site been used intensively.

Indeed, most residents would say that quite usually there would be no traffic at all onto the site for a twelve month period or more.

Certainly, there has been no activity other than storage - nothing has been assembled, disassembled, etc.

None of the above should be a surprise. Charlbury Builders are based in Charlbury and are not employed significantly hereabouts - so why should any sane builder ship materials in and out of a site quite at the back of beyond?

However it is futile to argue that the site has not been used to store materials and as such having failed in around 2016 to gain permission, again, for a dwelling on the site, Charlbury Builders sought and were granted a Certificate of Lawful Use to confirm their valid use of the site for the storage of building materials.

What must be clear from the above was that Charlbury Builders had as their objective the use of the plot for a dwelling. That has been their objective for the last thirty years. Its use as a dump has simply been to buy time.

Application 18/00249/FUL

In 2018, armed with the Certificate of Lawful Use, Charlbury Builders applied for permission to build a "materials storage shed". Their stated logic being that this would allow them to store things in a safer, weatherproof, neater, less untidy fashion. This was self-evidently bogus as they had never tried to be any of these things before nor could they evidence any historic losses. However, there is a presumption that applicants are genuine and after modifications, and subject to conditions, permission was granted.

The design was of a stone walled shed with wide hinged double doors to the front access onto Backside all under a tiled roof. There were no internal divisions. A safe secure low-cost design suitable to hold

building materials in shelter. There was no ornamentation, there were neither windows nor other doors, and why should there be? Any delivery or removal required the front doors to be wide open giving direct access to the whole shed, which was only 8 metres by 10. Bearing in mind the extensive history of Charlbury Builders attempts to gain permission for a dwelling, the conditions applied to the approval included (in paragraph 8) " No development permitted under Schedule2, Part 2, Class A, Schedule 2 , Part 3 or Schedule2 Part 7 Class H of the Order shall be carried out other than that expressly authorised by this permission". Or to put it more baldly "no creeping development".

Autumn 2019

As the autumn progressed it became clear that Charlbury Builders were not building the approved design. There were windows to all three plain sides, a rear door and a side door, roof lights etc etc. Local residents, and this Council, reported the matter to Planning Enforcement who agreed that what had been built was not in any way acceptably close to the approved plan and Charlbury Builders have now sought retrospective approval to their wilful disregard of what had been approved.

Planning Application 20/00181/S73

Bearing in mind that the approved design has bare plain walls, two hinged "shed" doors, and a tiled roof what have Charlbury Builders built?

Looking at the shed on Saturday 8th of February they have indeed built the walls of stone, the roof of tiles and there are two hinged doors.

In addition there is, all in blatant disregard of the approved design:

- a) A recessed square with stone drip moulding for a window in both the front and the rear gable-end elevations, ideal for the first-floor bedroom.
- b) Roof lights to both north and south roofs, again ideal for the first-floor bedroom.
- c) Roof trusses, not detailed in the original drawing, are designed in both dimensions and in geometry to support first floor rooms without the slightest need for alteration.
- d) Initial works for a decorative fireplace in the ground floor.
- e) Two doors, one to the rear and another to the side.
- f) 3 windows to the South side and to the rear, 2 of which are now "disguised" by being block-filled after the lintels have been installed.
- g) 2 high level windows (ideal for illuminating a stairway up to the first floor) to the North side with lintels and sills installed.

The Planning Application seeks retrospective approval to the two doors, two roof lights and one window whilst ignoring all the works carried out for the four other windows to the side and rear, the two windows in the gable ends and the fireplace. There is no stated

intention whatsoever to actually restore the building design to what was submitted and approved.

The justification for the two doors and one window is "operational", whatever that might mean, and none is given.

Any openings of course make a building more insecure, and not less, and are out of sight of the right of way. If there is an issue of securing the double doors, there are many designs of a pedestrian entry door set within a larger hinged door.

It is instructive that we are assured that the roof lights "will not allow instances of overlooking": well they wouldn't, being 3 metres off the ground, unless the builders were intending to put a first floor into the shed! These roof lights cannot be of any value down on the ground floor, as there is a forest of heavy-duty rafters installed.

No explanations for the other alterations are given: they are "swept under the carpet" because there is no "operational" justification; they are there as the precursors of the intended conversion into a dwelling. If there is an operational reason for the fireplace or the ditzy little windows in the North wall, we would really, really be interested.

The Application itself is incorrect/untrue in that if the two doors and a window are to be the only alterations to the as-was-approved building, then the applicants are undertaking to, as one example, demolish the two gable ends to remove the pre-prepared windows. We do not believe this is the case however - the Application is silent. Have WODC asked for formal clarity of their intentions?

The Parish Council has considered this Application and recommends that it be REFUSED and that the applicants be required to build the approved design. This approved design, chosen by the builders who are the owners and operators of the site, is perfectly adequate for the purpose of storage of building materials. All of the alterations, with a blatant disregard of the application and its subsequent approval, have only one purpose, which is to facilitate a conversion into a dwelling with the minimum cost and maximum ease.

2. REPRESENTATIONS

To date, one objection comment has been received, from Mr M George. The document is available to view in full online, but is summarised as follows:

- Successive applications over many years by the builder to erect a dwelling on this site have all been refused.
- It was my understanding that in granting permission for the storage building it was made clear that there could not be a presumption that at some future date it could be converted into a dwelling. Therefore any additional features inserted into the building fabric that

would facilitate such a conversion are in fact a deliberate attempt to overturn the restriction on such a conversion.

- The additional provisions for doors and windows are of no relevance to the functioning of the building for its approved purpose.
- The building was required to be constructed with local materials to fit in with its surroundings. Additional windows and doors are a negative factor in this respect, especially on the south side, which can easily be seen from the adjacent property.
- Assuming that heating is even necessary, the roof lights will make no sensible contribution to heating.
- The applicant claims there are door openings on the south and east elevations but makes no mention of any windows. There is a window opening on the east elevation.
- The applicant claims that for security purposes an additional doorway is needed to allow access of the main westerly door from the inside. Even if the need for internal control of the large doors is conceded there is no need for more than one additional door into the building.
- There is a further deviation from the drawings submitted with the original planning application in the height of the top of the doorway in the west elevation relative to the bottom edge of the roof. The top of the doorway is shown on the original drawing to be about 0.5 metres above the roof verge whereas it is now actually roughly level with the verge. The roof pitch appears to be as shown on the original drawing so that unless the doorway has been reduced in height the roof ridge will now be about 0.5 metres higher than was approved. This deviation is clear from the drawings submitted with the revised application because they are the original drawings amended to show the extra openings but not the change in height of the west doorway and the date of the drawings has not been amended.
- There are factual inaccuracies in the presentation. It is claimed, for instance that the building is centrally placed on the plot, it is, except that it as close as possible to the northern boundary.
- The application refers, as far as other users of the lane called Backside, only to Park Cottage. It is the vehicle access to The Cottage, and Swerbrook to the north and the rear access to 3 properties to the south. It is also the access for the farmer at the north end of the lane and the lane itself is a footpath to Hook Norton.
- The applicant does not fully detail the additional visible features that have been incorporated into the building structure.
- The applicant has shown blatant disregard for the approval originally given and has proceeded to create a structure that can be easily converted into a dwelling.
- The very least that should be required of him is remove all visible non-plain stone work and to substitute plain stone work in their place so that the building will then conform to the character that was agreed to by local residents and the Parish Council in good faith.

3 PLANNING POLICIES

DESGUI West Oxfordshire Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

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

4 PLANNING ASSESSMENT

- 4.1 Planning permission was granted under LPA Reference 18/00249/FUL for the erection of a storage building. Construction of the development is largely complete.
- 4.2 This retrospective application is made under section 73 of the Town and Country Planning Act (1990) (as amended) and is seeking the variation of conditions 2 of approval 18/00249/FUL to allow the insertion of doors, a window and rooflights.

The amendments include:

- 1 rooflight in North roof slope (side)
- 1 rooflight in South roof slope (side)
- 1 door and 1 window to the Southern elevation (side)
- 1 door to the Eastern elevation (rear)

- 4.3 The principle of development has been established in the approved scheme whereby, with relevant conditions, it was considered to be acceptable in design terms and appropriate for the site location and the character and appearance of the wider setting.
- 4.4 This retrospective application is seeking to regularise the minor changes to the approved development.
- 4.5 The site is within the Swerford Conservation Area. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further, the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to the consideration of the application.
- 4.6 It is Officers opinion that the minimal changes - the insertion of one window, two doors and two rooflights, are sympathetic to the sites Conservation Area context. High quality traditional materials have been used in the building project thus far, and will be required by condition should consent be granted. The variations to the original scheme are acceptable and are not considered to unacceptably erode the character and appearance of the Swerford Conservation Area. Furthermore, views into and out of the Conservation Area, as well as views within the Conservation Area are not harmed.
- 4.7 In accordance with Section 66(1) the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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. In this regard, by reason of the distance between the development and the nearest Listed buildings, it is Officers opinion that the additional openings represent less than substantial harm to the assets, and is therefore considered to preserve the setting of the Listed buildings.
- 4.8 Following a site visit, it was observed that no partitioning has been carried out internally and that no other aspects of the scheme, including the external measurements, were identified as being changed from the original approval.

- 4.9 The proposed changes, to include additional openings, are considered to be of an appropriate design which fall within the scope of section 73 of the planning Act, and would not result in detrimental harm to the character and appearance of the approved development scheme or the Swerford Conservation Area. Therefore and, having regards to the above it is considered that the proposal accords with the considerations of policies OS2, OS4, EH9, EH10 and EH11 of the West Oxfordshire Local Plan 2031 and as such the recommendation is that the application to variation to Condition 2 be approved.

5 CONDITIONS

- 1 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Notwithstanding the plan submitted, 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.
- 5 No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building(s).
REASON: To protect the residential and visual amenities of the locality and to ensure there is no interference with the circulation and manoeuvring of vehicles on the site.

- 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), the building hereby permitted shall be used for storage Class B8 only (as set out in the Town and Country Planning (Use Classes) Order 1987 as amended). No development permitted under Schedule 2, Part 2, Class A, Schedule 2, Part 3 or Schedule 2, Part 7, Class H of the Order shall be carried out other than that expressly authorised by this permission. As referred to in condition 5 of this decision notice, storage outside the building is not permitted.
REASON: Control is needed on the site as development permitted under Schedule 2 Part 2, Part 3 and Part 7 could be inappropriate in this location due to its unsustainable location, impact on neighbouring amenity, residential amenity and visual amenity given its position within a Conservation Area.
- 7 Notwithstanding the site plan submitted, no development (including site works and demolition) shall commence until the tree labelled T7 shown on plan no. 171079-12 has been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' The 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.
- 8 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.