

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 7th September 2020**

### REPORT 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 Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

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

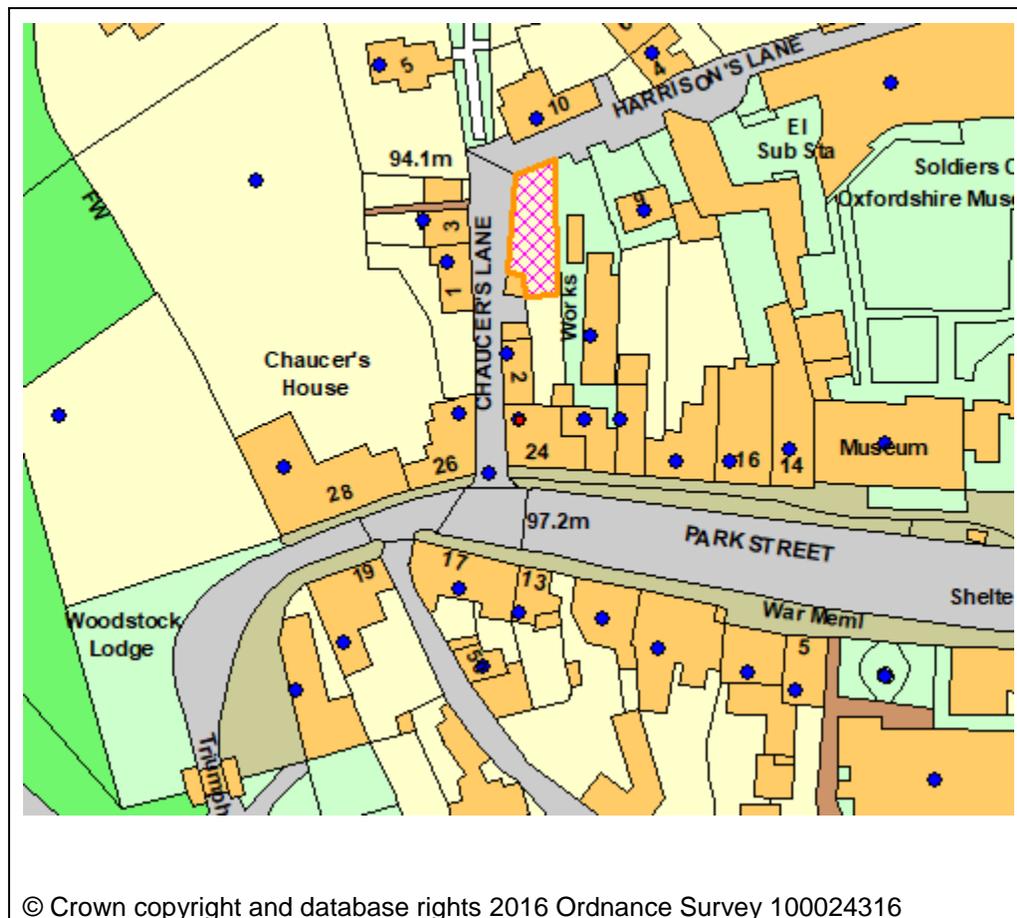
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings) and:
2. A "presentations pack" containing the slides which will be referenced during the meeting will also be published – follow the links from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
20/01246/FUL	<a href="#">24 Park Street, Woodstock</a>	3
20/01511/FUL	<a href="#">1 Farley Lane, Stonesfield</a>	18

Application Number	20/01246/FUL
Site Address	24 Park Street Woodstock Oxfordshire OX20 ISP
Date	25th August 2020
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444315 E 216776 N
Committee Date	7th September 2020

### Location Map



#### Application Details:

Erection of a new dwelling

#### Applicant Details:

Ms C Beaumont  
24 Park Street, Woodstock, Oxfordshire, OX20 ISP

## I CONSULTATIONS

I.1 Town Council

Woodstock Town Council objects to this application on the grounds that it contravenes the following planning policies: OS2, OS4, EH9, E10, E11, EH13 and T4 in the West Oxfordshire Local Plan.

Around 600 new dwellings are already planned for Woodstock so there is no housing need for this development. It is an unnecessary additional dwelling in the garden of a listed building. It is a contrived building to fit into the available space and does not conserve or enhance this corner of Woodstock. It creates a new access into what is an old wall that lends particular character to this area of old, some of which are listed, buildings. The structural inspection report on this boundary wall states that construction will have an impact on the existing wall's footing and discusses the challenge to the building foundations and their implementation in order to protect the wall. Further, will the small space between building and wall cause issues such as damp and inaccessible vegetation, leading to unnecessary deterioration of the wall?

WTC fully support the objections submitted by - at the time of writing - nearly sixty objections from local residents. At this point there are no supportive letters from residents. In particular WTC draws attention to the extremely articulate objection submitted by Mr John Webley on behalf of neighbouring properties which would be directly affected by the erection of the new dwelling.

WTC also draws attention to WODC's refusal of the application for an additional dwelling in the garden of 28 Park Street (Ref: 15/00836/FUL) as this is a nearby property and the proposal had similarities with this one.

In conclusion, WTC fully support local residents' objections to this proposal on the planning grounds quoted at the beginning of this submission.

I.2 Town Council

No Comment Received on amended plans.

I.3 Conservation Officer

Dealing first with the general idea of a house on this site, I note that this more historic part of the Conservation Area is fairly densely developed - both along the streets and lanes, and also in the various back-land areas. And with respect to this particular site, I note that there are indeed existing two-storey structures to north, south, east and west. I also note that there is a tall stone wall to the west and north roadside boundaries of the site, itself a good storey high, behind which much of the proposed house would nestle. And it is particularly notable that the wall already confers a built-up feel to the streetscene, with no public views of the garden land within. So, it seems to me that a new house here, if handled well, would not be uncharacteristic.

Turning to the massing of the proposed dwelling, we note that the design has been subject to pre-application advice - and that as a result, the taller parts of the building have been lowered and pulled

back from the boundary, whilst the lower elements would be concealed by the boundary wall, except in the vicinity of the gateway. It seems that in views from the roads around the site, which are narrow, and which thus limit longer views, the proposed dwelling would not be overly dominant. This seems to be demonstrated by the submitted 3D images.

With respect to the design, I note that a more contemporary approach has been taken. In principle this is perfectly acceptable - and we note that in the immediate vicinity of the site there are a range of relatively recent modern structures, including, inter alia: the Blenheim estate office; the Soldiers of Oxfordshire Museum; the extension to the Oxfordshire County Museum (connected to a Grade II listed building); the arch-roofed dwelling just off Oxford Street, opposite Brookside Court; the development on Oxford Street opposite Upper Brook Hill. And in this case I note that the approach has been used with some restraint, relating more to details such as fenestration - whilst the primary visible massing has reassuring traditional duo-pitched forms, with chimney stacks.

In summary, considerable thought and care has gone into the design of this dwelling which, whilst not uncharacteristic, would nonetheless add another layer of architectural interest to an already rich Conservation Area. From our point of view, it is supportable.

- |     |                           |  |
|-----|---------------------------|--|
| I.4 | OCC Highways              | <p>Given the vehicle speeds/traffic flows on the adjacent highway the proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following condition</p> <ul style="list-style-type: none"> <li>• G28 parking as plan</li> </ul> |
| I.5 | WODC Env Health - Uplands | I have no objection in principle and no conditions to recommend.   |
| I.6 | WODC Drainage Engineers   | No objection subject to drainage conditions.   |
| I.7 | Biodiversity Officer      | Having reviewed the Design and Access Statement and Planning Statement and recent photographs of the site, I recommend biodiversity conditions and an informative be attached to any permission granted.   |
| I.8 | Thames Water              | No Comment Received.   |
| I.9 | Newt Officer              | No Objection: Informative relating to great crested newts (GCN)  |

provided.

## **2 REPRESENTATIONS**

- 2.1 55 letters have been received objecting to the application. A summary of the concerns raised are detailed below. A full copy of the representations received can be viewed on the Council's website.
- Daylight and Sunlight assessment is deficient.
  - The proposed House is too high and seriously adversely impacts on this part of the Historic Centre of the Town.
  - Overlooking and loss of privacy and overshadowing
  - Not in keeping with surrounding development and would adversely affect the setting of listed buildings
  - Would erode the quality of the street scene and spoil the character and appearance of Chaucer's Lane and Harrison's Lane and would be out of character with the historical appearance of the area and would be highly visible to views within the Conservation Area
  - Would affect visual amenity and loss of light.
  - Over development and loss of a Grade II listed garden which results in an adverse impact on the character of the neighbourhood and on the amenity of the residents in this Conservation Area.
  - Inadequate parking
  - Increased congestion
  - Noise, dust and inconvenience during construction
  - Oversized and unsympathetic construction project
  - Lane too narrow for extra traffic
  - Inadequate amenity areas for new dwelling and existing property
  - No public benefit
  - Loss of burgage plot
  - Harmful to both designated and non-designated heritage assets
  - Contrary to Local plan policies
  - No housing need
  - Undesirable addition to the ambiance, ecology and lighting of Chaucer's and Harrison Lanes.
  - Would set an unacceptable precedent
- 2.2 2 letters have been received in support of the application on the following grounds:
- Good design and would blend in well. Its design is very in keeping with the surroundings conservation area.
  - Optimises the amount of sunlight and daylight available throughout the year.
  - The light survey shows that the impact on adjoining properties falls within acceptable standards defined within the current planning framework.
  - Being small scale, with a roof height similar to those surrounding it, this modest development wouldn't compete or have a domineering effect upon the surrounding properties.
  - Adequate amenity space is provided
  - The burgage plot would be preserved and unharmed
  - This development is keeping in character and would cause no harm to the heritage site.
  - Seeks to enhance and preserve the historic boundary wall therefore sustaining the streetscape for the future.

### 2.3 Amended plans

BDLA Consultancy - Reiterate the strong opposition to the proposal, raised by all the neighbours and Woodstock Town Council. The view that the proposed development will cause an adverse impact on the current levels of daylight and sunlight enjoyed by the neighbouring properties is, therefore, maintained.

A letter has been received reiterating their previous concerns raised (as detailed above). The overall impact of this change is derisory. There is no change in the impact this development would have on the sensitive site as a whole, the neighbouring properties or the listed buildings affected. The impact on overshadowing and the daylight/sunlight assessment is also negligible. All the arguments already advanced setting out the reasons why this application should be categorically refused remain as strong as ever. A further letter has also been submitted pointing out deficiencies in the response from the Design and Conservation Architect.

## 3 APPLICANTS CASE

3.1 A Design and Access Statement, Planning Statement and Heritage Impact Assessment have been submitted in support of the application and a full copy of these documents can be viewed on the Council's website.

3.2 The Planning Statement concludes:

The principle of residential development on previously developed land in the built up area of Woodstock, identified as a rural service centre is considered acceptable and in accordance with the locational strategy set out in the Local Plan. The principle of partial demolition of the existing curtilage listed wall is deemed acceptable due to the works having no minimal on the value or character of the heritage asset. This takes into account the restorative works the applicant is proposing to strengthen and protect the heritage asset. The proposal offers a contemporary yet respectful design that enhances the character and heritage of the setting whilst being truthful to today's construction standards. The site is in a sustainable location, the proposed transport arrangements and support of sustainable transport are deemed acceptable for the proposed safe access for pedestrians, cycles and vehicles. This proposal is therefore in accordance with NPPF and local Plan policy relating to sustainable transport. The proposed residential use is appropriate in this sites location where there is a mix of residential and town centre uses and will not have a detrimental impact on the surrounding residential properties. An appropriate level of amenity space is provided given the location and site constraints. There are no technical issues which would result in planning permission being refused. Overall, it is demonstrated that the proposal is in accordance with the policies of the Development Plan and has addressed the principles and guidance of the NPPF.

## 4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
H2NEW Delivery of new homes  
T1NEW Sustainable transport

T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EW10 Eynsham- Woodstock sub area  
DESGUI West Oxfordshire Design Guide  
NATDES National Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks planning permission for the erection of a new dwelling with the demolition of a garage and partial demolition and remedial works to a curtilage listed wall and with the provision of associated amenity space and facilities. The applicant has been notified of the requirement to obtain listed building consent for the demolition works proposed.
- 5.2 The scheme has been evolved following pre-application advice and consultation with the local community.
- 5.3 The site lies within the town of Woodstock and comprises land to the rear of No 24 Park Street. No 24 Park Street is a Grade II listed building as are a number of adjoining properties along Park Street. The site lies within the Woodstock conservation area.
- 5.4 The application is to be heard before the Members of the Lowlands Area Planning Sub-Committee as the Town Council has objected to the application. Cllr Cooper has also requested that the application be referred to Committee as the recommendation is for approval.
- 5.5 An extension of time has been agreed to enable the application to be reported to Committee.
- 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
  - Siting, Design and scale
  - Impact on Heritage Assets
  - Neighbouring amenity
  - Highway/Parking issues

### Principle

- 5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The

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.

5.8 Woodstock is classified in the Local Plan 2031 as a rural service centre, which is considered suitable for a reasonable scale of development, whilst recognising the need to protect its important historic character (policy OS2). Housing Policy H2 states that new dwellings will be permitted in certain circumstances including on sites allocated for housing and on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. These general principles include that all development should:

- Be of a proportionate and appropriate scale to its context
- Form a logical complement to the existing scale and pattern of development and/or the character of the area
- Not have a harmful impact on the amenity of existing occupants
- Conserve and enhance the historic and built environment
- Provide safe vehicular and pedestrian access

As such, given the location of this site within the built up area of the town, the principle of development on this site is considered to be acceptable. The detail of the proposal as assessed against the general principles of Policy OS2, as outlined above, are considered in more detail in the relevant sections below:

#### Siting, Design and Scale

- 5.9 Paragraph 127 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourage development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the recently published National Design Guide.
- 5.10 The proposal seeks to erect a new 2 storey dwelling immediately adjacent to the garden face of the existing boundary wall and extending down to a level similar to the ground levels on the road verge. The excavation works will lower the levels by up to a metre. As a result of these excavation works the proposed dwelling will be sited at a lower level reducing its visibility from Chaucer's Lane and from Harrison's Lane. The first floor of the dwelling is to be stepped further back from the boundary wall. The dwelling would have a similar ridge height to the surrounding buildings and will be lower in height than the existing vernacular building.
- 5.11 The dwelling is to be constructed in coursed stone with stone roof tiles. Traditional gables are proposed for the ends of the first floor elements which would be in keeping with the context. The dwelling has a contemporary appearance including a first floor cantilever at the entrance and eave-less gable with a concealed gutter. Concerns have been raised in respect of the limited amenity space provided but the proposal does include the provision of an internal courtyard area and in Officers view the proposal would be acceptable in this town centre context.

- 5.12 The proposed development has taken into consideration the site, context, character and heritage of the conservation area and has undergone several iterations to ensure that it is in keeping with the context as much as possible. This includes the use of traditional materials and breaking up the volume of the structure to reduce its overall massing. The design is simple in form with contemporary detailing. The siting, design and scale of the proposed development is considered to be acceptable.

#### Impact on Heritage Assets

- 5.13 No 24 Park Street (Hoggrove House) is a Grade II listed building which lies within the Woodstock conservation area and to the northeast of Blenheim Palace World Heritage Site (which is Grade I Registered Park and Garden). A number of other properties along Park Street are also listed. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10 and EH11 of the Local plan reflect these duties.
- 5.14 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits.
- 5.15 The submitted Heritage Impact Statement identifies that the site of Hoggrove house, 24 Park Street, has early origins, being part of the early burgage plot arrangement when the new town of Woodstock was planned and developed during the 12th and 13th centuries. Its streetscape setting is densely occupied with high walls to the boundary of the plots defining this tight street. The curtilage boundary wall is recognised as being a significant feature of the site and streetscape and has been used to conceal the site and provide a definite boundary. The structural integrity of the wall has been evaluated and, as a result, will benefit from a new sub-structure to sustain the wall for the future, therefore preserving the setting. A small section (1.3m) of wall, set further back within the plot, is proposed to be removed to accommodate parking for the new dwelling and existing property (A separate listed building consent application for the removal of the wall and attached garage will need to be submitted). The Statement concludes that the chosen materials and design seek to provide a harmony between this new dwelling and pre-existing. The character of the area is dense and careful consideration has been given to ridge and eaves detail to ensure the dwelling is subservient and does not compete with its surroundings. This proposal seeks to do no-damage to the plot, but to build a 'fairly' quiet new dwelling in local materials of a subservient scale and form, retaining the plot boundaries ensuring this burgage plot, and those adjacent, are readable for future generations.
- 5.16 The detailed comments of the Council's Design and Conservation Architect (DCA) are set out in the Consultations section of the report. Given the fairly densely developed nature of the area and existing boundary wall which already confers a built-up feel to the streetscene, with no public views of the garden land within, a new house on this site would not be uncharacteristic. Following pre-application advice, the taller parts of the building have been lowered and pulled back from the boundary, whilst the lower elements would be concealed by the boundary wall, except in the vicinity of the gateway. In views from the roads around the site, which are narrow,

and which thus limit longer views, the proposed dwelling would not be overly dominant. The more contemporary design approach taken is acceptable and in the immediate vicinity of the site there are a range of relatively recent modern structures. The contemporary approach relates principally to details such as fenestration, whilst the primary visible massing has reassuring traditional duo-pitched forms, with chimney stacks. In summary, the DCA considers that the new dwelling would add another layer of architectural interest to an already rich Conservation Area and raises no objection to the application.

- 5.17 In conclusion, it is considered that there would be less than substantial harm to heritage assets arising from the proposed works, which includes the removal of a small section of wall. This less than substantial harm would be outweighed by the public benefits of the proposal through the provision of a new dwelling on an undeveloped site together with economic benefits from both the construction phase and through bringing new residents to the town. It is also noted that the Structural Inspection Report on the listed boundary wall advises that the resulting new integrated sub-structure will improve the foundation of the existing wall and ultimately increase the walls robustness and longevity.

#### Neighbouring Amenity

- 5.18 The site comprises a corner plot at the junction of Chaucer's Lane and Harrison's Lane and is surrounded by neighbouring residential properties. Concerns have been raised by neighbouring residents in respect of overlooking, loss of light and overshadowing resulting from the proposed development.
- 5.19 In terms of neighbouring property, Leathercraft House is located to the south east of the site with access off Harrison's Lane. They have raised concerns relating to loss of privacy and overshadowing of their front garden. The first floor window on the south elevation which will face onto the parking area of the new dwelling will serve a bathroom and as such will be required to be obscure glazed. There are no windows on the east elevation facing this property. The submitted sunlight and daylight assessment, detailed below, which assessed the impact of the development on this garden area, concludes that the proposed development would have a negligible effect on the area.
- 5.20 Nos 1 and 3 Chaucer's Lane are located on the opposite side of the lane to the west of the site. There are two bedrooms at first floor level on the street facing elevation (west). These windows have been recessed and angled so that direct views out from the bedrooms are not towards the properties opposite. No 2 Chaucer's lane is located to the south of the plot and adjoins No 24 at the rear. This property has no windows on its end elevation facing the plot and has no amenity space. As such there would be no overlooking of this property resulting from this development.
- 5.21 No 5 Chaucer's Lane has objected on the grounds that windows will directly overlook what is currently a private walled garden. As detailed above, the bedroom window on the west elevation will be recessed and angled so there is no direct view into neighbouring properties. The first floor window on the northern elevation which faces onto Harrison's Lane serves a bathroom and as such will be conditioned to be obscure glazed.
- 5.22 A sunlight and daylight analysis has been undertaken to assess the impact of the proposed development on neighbouring properties in terms of daylight and sunlight and to assess predicted daylight and sunlight within the proposed development. The assessment is based on

applying the tests set out in BRE 209 published by the BRE Trust: Site Layout Planning for Daylight and Sunlight - A guide to good practice (Second edition). The results show that due to the site's orientation and the positioning of the proposed dwelling daylight and sunlight standards for the adjoining properties are comfortably met and as such the impact on adjoining properties falls within acceptable standards defined within the current planning framework. Given the physical constraints on the site, the tests show that it is possible, with careful design, to create indoor and outdoor living spaces that optimise the amount of sunlight and daylight available throughout the year.

- 5.23 An independent assessment has been undertaken by a Consultancy (BDLA) on behalf of the owners/occupants of the properties surrounding the proposed development. This assessment identifies inaccuracies and inadequacies in the way the assessment was carried out and its results presented. A technical assessment has been carried out to form a view on the acceptability of the likely effects which the proposed development will cause. A laser scan measured survey of the site and neighbouring buildings has been undertaken. In terms of modelling the development itself, it is claimed that due to lack of accurate dimensions on the submitted drawings, manually adjustments have been made to the massing, which it is felt fairly represents what is being proposed. This assessment concludes that the proposed development will cause an adverse impact on the current levels of residential amenity enjoyed by the occupants of the dwellings surrounding the site. While the Development's effects on the levels of sky visibility and direct sunlight may be considered overall acceptable in a more urban area in accordance with the BRE guide; the historic more rural setting of the development site should be taken more into consideration.
- 5.24 Whilst it acknowledges that the neighbouring windows are 'compliant' with the BRE target values for VSC (vertical Sky Component), it argues that the vast majority of the windows will still experience reductions to their current levels of sky visibility and several windows will experience more noticeable differences to what is being currently enjoyed. Therefore, it is considered that, in the specific historic context of the site and neighbouring buildings, the proposed development will result in an adverse impact on the current levels of natural light and more specifically on the levels of visual amenity enjoyed by the occupants of the neighbouring buildings. It is also stated that the current levels of sunlight will be adversely affected by the proposed development and the occupants of the neighbouring buildings will notice a detrimental effect to their current enjoyment of this amenity. It is also argued that the results of the transient overshadowing assessment have shown that the proposed development will cause noticeable additional shadowing effect onto the neighbouring properties and their open spaces.
- 5.25 In response to this assessment the agent has noted that BLDA confirm that the BRE guidance needs to be treated with flexibility. It is argued that the point on flexibility (i.e. that it relates more to higher density urban areas) is subjective. Within the local context, this town centre location is high density with its own unique idiosyncrasies. Accurate scaled plans have been submitted as part of the application. The BRE guide is clear that north-oriented windows are exempt from testing for annual sunlight hours, however in good faith and in the spirit of openness and transparency, these tests were run in any case. These tests demonstrated that the building could be both higher and closer to the boundary and still pass the tests. In terms of windows to 10 Harrisons Lane and 3 Chaucer's Lane the ground floor windows achieved a clear pass. 3 Chaucer's Lane is north-oriented however all of the windows tested met the guidelines. Given the density of the built up area and that the main facades affected are north-oriented, the winter solstice test is largely irrelevant. The level of testing carried out is fully compliant with the BRE guide. It is also noted that BLDA confirm that their own results are 'more or less'

similar to those of the application assessment and that it is stated "...the windows are compliant with the BRE target values". Whilst BDLA state that there will be an increase in overshadowing, which is correct, those increases remain within the BRE guidelines. The purpose of the guide is to control increases in overshadowing and loss of daylight/sunlight, not to completely prevent it.

- 5.26 BDLA have responded reiterating their concerns and maintain their view that the Proposed Development will result in an adverse impact on the current levels of natural light and more specifically on the levels of visual amenity enjoyed by the occupants of the neighbouring buildings. Particularly, the current levels of sunlight will be adversely affected by the Development and the occupants of the neighbouring buildings will notice a detrimental effect. Furthermore, in terms of the overshadowing effects, the Proposed Development will cause a noticeable additional shadowing effect onto the neighbouring properties and their open spaces. Specifically, there will be an additional shadow onto Nos. 1 and 3 Chaucer's Lane in the early morning hours all year-round, as well as onto No. 10 Harrison's Lane where the shadow will be particularly felt within the living room in the winter months. Furthermore, the Development will cast additional shadow over Leathercrafts House all year-round, and particularly onto its open/amenity area in the summer afternoon hours and additionally onto the conservatory well into the summer long evening hours. Therefore, the shadowing effect caused by the Development will be detrimental to the current levels of amenity enjoyed by the immediate neighbours.
- 5.27 In considering the concerns raised, it is noted that the BDLA assessment is not based on the scaled plans submitted and seeks to argue that the site should be viewed in a 'suburban/rural context' when it lies within the town and has a more dense urban grain. Notwithstanding, these points, their assessment still concludes that the daylight results are similar and pass the relevant tests and that the sunlight results are still mostly compliant with BRE guidelines. The submitted daylight and sunlight assessment in support of the application, undertaken using recognised BRE guidelines, concludes that in terms of overshadowing, the results show that due to the site orientation and the positioning of the proposed dwelling that daylight and sunlight standards for the adjoining properties are comfortably met. It is also noted that the height of the building has also been further reduced since that assessment.
- 5.28 In conclusion, it is not considered that the development will have a significant adverse impact of the amenity of neighbouring residential properties to warrant refusal.

#### Highway/Parking Issues

- 5.29 There is an existing vehicle access to a garage from Chaucer's Lane. It is proposed to retain this access and widen it (from 4.5m wide to 5.8m wide) to provide parking for two vehicles, one for No. 24 and one for the new dwelling. The car parking area would have an electric charging point. The widening works will also involve the removal of a section of stone wall as detailed in the heritage section above.
- 5.30 OCC Highways has advised that given the vehicle speeds/traffic flows on the adjacent highway the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. As such OCC Highways raises no objection to the application subject to a condition requiring the provision of the proposed parking spaces.

## Conclusion

- 5.31 The principle of residential development on previously developed land in the built up area of Woodstock, identified as a rural service centre is considered acceptable and in accordance with the locational strategy set out in the Local Plan. The proposed development is considered to be of an appropriate size, scale, siting and design that would not harm the character and appearance of the surrounding area or significantly adversely impact neighbouring amenity. The less than substantial harm to heritage assets would be outweighed by the public benefits of the proposal.
- 5.32 Therefore, having regard to the above it is considered the application proposal would accord with the design considerations of policies OS2, OS4, H2, EH9, EH10, EH11 and EW10 of the local plan 2018. As such the recommendation is that planning permission be Approved.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
5. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
6. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

7. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority in writing 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 not be occupied until cycle parking and bin storage has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The cycle parking so approved shall thereafter be permanently retained and kept available for cycle parking.  
REASON: In the interests of promoting sustainable transport and to protect the visual amenities of the area.
9. 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 building 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 additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
10. Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
11. Before first occupation of the building hereby permitted the en-suite bathroom window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
12. Before the development hereby authorised is brought into use, the electric charging point shall be installed.  
REASON: In the interests of air quality and to reduce greenhouse gases

13. 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.

NOTES TO APPLICANT :

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

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

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

With regard to the condition for nest boxes, it is recommended that at least 3 no. swift bricks are integrated into external walls on the northern or eastern elevations. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in>

2. There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or

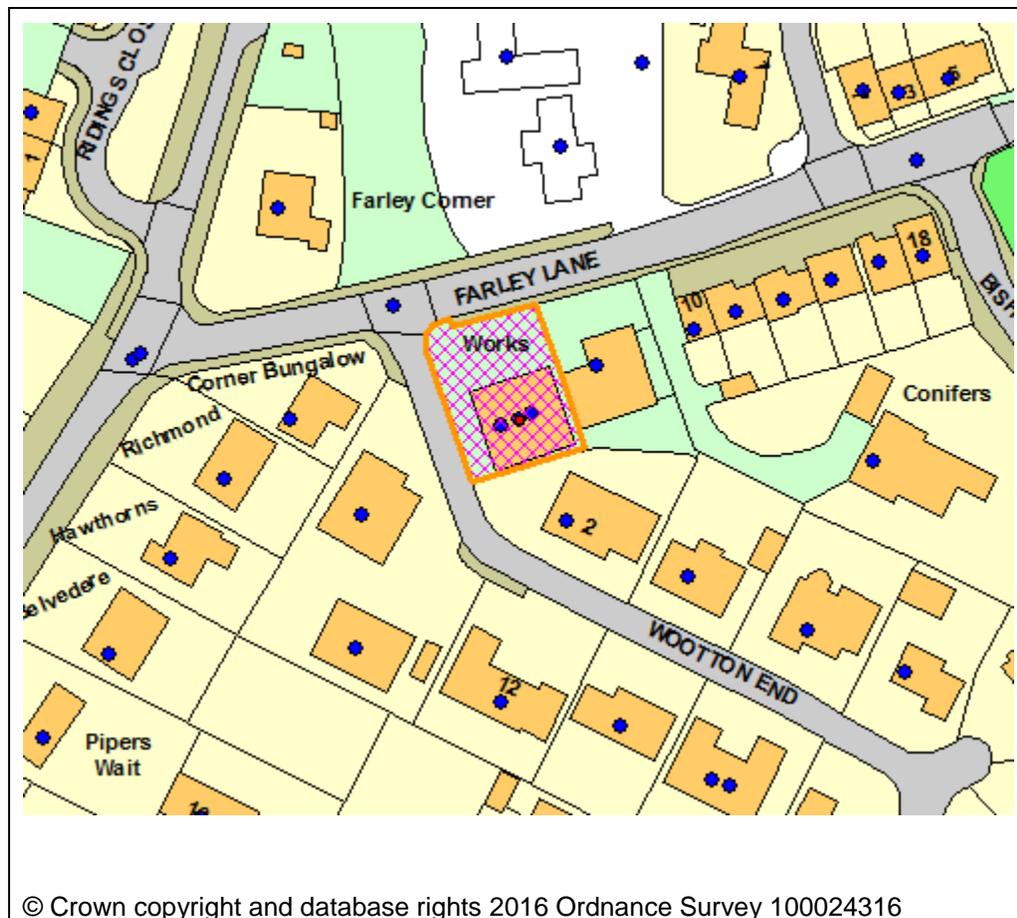
construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

3. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- 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

Application Number	20/01511/FUL
Site Address	1 Farley Lane Stonesfield Witney Oxfordshire OX29 8HB
Date	25th August 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve subject to Legal Agreement
Parish	Stonesfield Parish Council
Grid Reference	439487 E 217726 N
Committee Date	7th September 2020

### Location Map



### Application Details:

Conversion of existing office premises to six residential apartments

### Applicant Details:

Mr Richard Dennis  
Amberley, Pitts Lane, Hailey, Witney, Oxfordshire, OX29 9UT

## **I CONSULTATIONS**

- I.1 OCC Highways No objection subject to conditions.
- I.2 WODC Drainage Engineers As the application is for conversion of an existing building with apparently no increase in footprint, it would usually be acceptable for the existing drainage connection to the main sewer to remain in place; however there are no public sewers in Farley Lane according to the Thames Water plans. Can the present drainage arrangement please be confirmed (connection to OCC surface water sewer?).
- I.3 ERS Env. Consultation Sites No objection.
- I.4 WODC Env Health - Lowlands I recommended a scheme for protecting the proposed dwellings from noise, which would include a boundary noise barrier/fence and all works which form part of the acoustic scheme shall be completed before occupation. I still believe that such a condition is proportionate to the circumstance and setting and to protect residential amenity. I think a condition along the same lines would still be appropriate. You will note that I have based this view in the absence of the applicant providing a noise assessment report. I think I could only retract the recommendation for a condition if a noise assessment was commissioned and the results of which demonstrated very low or no noise impact.
- I.5 Parish Council Stonesfield Parish Councillors had concerns over additional parking with the planning application 20/01511/FUL. It is felt there is too many dwellings on this site although six affordable dwellings would be beneficial for youngsters or single persons in this area. The council OBJECTS to this planning application of six developments on the basis of over development but feel it would be more acceptable to have a smaller development of these apartments with a better design (current design with laundry room downstairs could cause noise for neighbouring properties, there are concerns over fumes entering the building from the neighbouring business, lack of windows in room upstairs is of a concern to the council). The current proposal will cause an increase in parking which will be a problem in this particular area which is currently congested and would already be a problem particularly if emergency vehicles required access.

## **2 REPRESENTATIONS**

25 letters of objection have been received. The key points raised are as follows:

- Emergency access not sufficient;
- Increase in traffic will adversely impact road use and safety of drivers and pedestrians;
- Six parking spaces insufficient and parking on the street impacts amenity and safety of residents;
- Noise and disturbance caused by a residential use will adversely impact neighbours;

- Shared garden would adversely impact the amenity of neighbours;
- Development will add pressure to waste water and sewage services;
- Not in character with the village;
- Infrastructure such as village school and GP services are already at capacity;
- Could adversely impact the neighbouring business;
- Farley Lane has already been subject to number of new dwellings;
- One bed flats are not in character with the village.

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

The Design and Access Statement is concluded as follows:

This is a sensible, ingenious and practical proposal to provide and enhance the stock of much needed compact residential properties in Stonesfield.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H3NEW Affordable Housing

H6NEW Existing housing

E1NEW Land for employment

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

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 conversion of an existing office building to six one-bed residential apartments at 1 Farley Lane in Stonesfield. The site falls within the Cotswold AONB.

#### Background Information

- 5.2 Planning permission was granted under ref. 18/00031/FUL for the demolition of the existing commercial unit and the erection of two dwellings with garages and associated parking.
- 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 Given that the extant consent, ref. 18/00031/FUL, permits the demolition of the existing commercial unit and redevelopment of the site for residential housing, the loss of the employment space has been accepted in principle.

- 5.5 Stonesfield is identified as a village in the settlement hierarchy in the West Oxfordshire Local Plan 2031.
- 5.6 Policy H2 of the adopted Local Plan states that new dwellings will be permitted on previously developed land within or adjoining the built up area of Stonesfield provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan.
- 5.7 Policy H3 of the Local Plan states that within the Cotswolds AONB, housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000m<sup>2</sup> will be required to make a financial contribution towards the provision of affordable housing off-site within the District. This commuted sum will be deferred until completion of the development to assist with viability.
- 5.8 Therefore, subject to its compliance with the other plan policies and a legal agreement to secure a contribution towards affordable housing, your officers consider that the development is acceptable in principle.

#### Siting, Design and Form

- 5.9 The application proposes to convert the existing commercial unit with alterations to upgrade the building so that it is more suitable for residential use. Externally the existing ground floor stone will be retained, but the first floor metal cladding will be replaced with stained vertical lap larch boarding, and the roof replaced with weathered zinc insulated roofing. The curved eaves would also be replaced with traditional domestic eaves. A number of new window and roof light openings will also be introduced. The access into the site will remain the same and the parking is proposed on the existing hardstanding to the front of the building.
- 5.10 There are four low quality cherry trees to the west which will be removed leaving three large trees to be retained on the site which are considered to contribute to the character of the streetscene along Farley Lane and Wootton End. The site does not fall within the Conservation Area so these trees do not come under control and their removal would not require consent from the LPA.
- 5.11 By virtue of the mixed residential context of the site, the nature of the alterations, and the design and materials proposed, your officers are of the opinion that the conversion works would respect the character and appearance of the 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 instance given the context of the site, and the nature of the conversion works, your officers are of the opinion that the development would conserve the landscape and scenic beauty of the Cotswold AONB.

#### Highways

- 5.13 The access into the site will remain the same and there are six car parking spaces proposed to serve the six one-bed apartments. With regard to the impact on highways safety and

convenience, the Local Highway Authority has raised no objections to the application subject to two conditions.

#### Residential Amenities

- 5.14 The site is adjacent to an existing car repair workshop. The Council's Environmental Health Officer has advised that with the provision of an acoustic barrier the development is acceptable. Therefore, a condition has been recommended requiring the submission of a scheme to protect the apartments from noise prior to first occupation.
- 5.15 The proposed change of use would arguably lessen the amenity impact of the adjacent occupiers as a residential use would be less disruptive by reason of noise and disturbance compared with certain employment uses of the site.
- 5.16 In terms of direct impacts, your officers note that there are no first floor windows proposed in the South elevation so there will be no direct overlooking of no.2 Wootton End. Further, given that the building already exists and will not be altered or extended to increase the scale, the development will not be anymore overbearing or overshadowing.
- 5.17 The proposed apartments are set over two floors served by their own staircases and are considered to be of an acceptable size. The Parish Council have raised concerns over the lack of windows in the first floor rear flats. These are served by rooflights which are considered to be sufficient for providing light and ventilation to these rooms. Concerns have also been raised over the proposed laundry room on the ground floor. However, your officers are of the opinion that given the residential context of the area and the level of noise associated with laundry appliances, it is not unreasonable for the apartments to be served by this facility and it would not result in an adverse level of noise or disturbance to the detriment of neighbours.
- 5.18 Your officers note that there is a limited area of outdoor amenity space provided. However, it is not unusual for flats to not have private garden space. Therefore, this is considered to be acceptable.

#### Drainage

- 5.19 The Council's Drainage Engineer has advised that as the application is for conversion of an existing building with no increase in footprint, it would usually be acceptable for the existing drainage connection to the main sewer to remain in place; however there are no public sewers in Farley Lane according to the Thames Water plans. Therefore, your officers have requested confirmation of the present drainage arrangement so that the Drainage Engineers can have consideration of this. Your officers will update Members on this matter either verbally during the meeting or within the additional representations report which will be circulated to Members before the meeting.

#### Conclusion

- 5.20 In light of the above, the application is considered to be acceptable, subject to conditions and a legal agreement, and is compliant with policies OS2, OS4, H2, H3, H6, E1, EH1, EH3, 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 NPPF 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. The first floor section of the external walls of the building shall be constructed with stained larch lap boarding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
5. 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.
6. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
7. A scheme for protecting the proposed apartments from noise which shall include a boundary acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority; and all works which form part of the acoustic scheme shall be completed before any of the permitted dwellings are occupied.  
REASON: To protect the amenity of future occupants
8. Before the commencement of the external alterations approved, 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.

9. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
10. 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.
11. 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.
12. 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.
13. Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.  
REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

14. Before the development hereby authorised is brought into use, Rapid EV charging points shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of air quality, to reduce greenhouse gases and to encourage sustainable travel modes of transport in accordance with paragraph 110 (e) of the NPPF 2019.