

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 29th February 2016**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

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

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|                         |  |
|-------------------------|--|
| Application Number      | I5/03797/OUT   |
| Site Address            | Land South East of Pinsley Farm<br>Main Road<br>Long Hanborough<br>Oxfordshire |
| Date                    | 17th February 2016   |
| Officer                 | Catherine Tetlow   |
| Officer Recommendations | Refuse   |
| Parish                  | Hanborough   |
| Grid Reference          | 443274 E 214093 N  |
| Committee Date          | 29th February 2016   |

**Application Details:**

Erection of up to 120 dwellings and provision of building for Class D1 use, together with associated works (means of access only)

**Applicant Details:**

Commercial Estates Group  
C/o Agent

**I CONSULTATIONS**

I.1 One Voice  
Consultations

Highways

Recommendation:

No objection subject to conditions

Key issues:

Site is located on the eastern edge of Long Hanborough village but still within reasonable walking and cycling distance of the local services on offer - site junction gives adequate access to existing footway-cycleway on A4095 (with some improvements needed to crossing islands)

Even without the possible station car park and associated footbridge, the rail station is within very easy reach for the new residents, providing a realistic alternative to car travel to and from the site. Trip generation assessment is robust. There is a negative impact of development on the junctions tested in the future - but it is considered to be small (even in the station car park scenario). A S106 financial contribution is required towards public transport services and infrastructure to mitigate against that negative impact on the transport network and to cement the development's sustainable transport credentials

Overall it is considered that the transport impact of the development would not be severe according to the National Planning Policy Framework

Junction of the main site road with the A4095 Main Road is acceptable for this number of dwellings/traffic generation (drawing number ST16237-05 refers). Further safety audits will be required if planning permission is granted

Over reliance on rear parking on the indicative street layout

Footpath right of way on south west boundary of site will require improvement

Resident and visitor cycle parking will be needed

Full drainage strategy will be required

Construction Travel Management Plan required

Residential travel plan and travel information packs required

Legal agreement required to secure:

Section 278 required for provision of the means of access/junction onto Main Road (including refuge crossings), and adequate hard standings and connecting footways to enable improvements to the existing pair of bus stops outside the current rail station entrance.

Section 106 financial contribution required towards

(i) Bus service enhancement - a contribution of £1,000 per new residential dwelling towards enhancing strategic public transport provision through Long Hanborough i.e. an indicative contribution £120,000 is required from the developer.

(ii) £20,000 towards the cost of physical bus stop infrastructure (one pair of bus stops at the existing location outside the current rail station entrance), including poles, flags and shelters (assuming necessary layby and footway connection works are delivered by a S278).

(iii) £2,480 (£1,240 each for the 120 residential units and the D1 building) will be required for the monitoring of the Travel Plan for a period of 5 years post occupation of the site.

Archaeology

The applicant has undertaken and submitted a geophysical survey of the application area.

This has not revealed any anomalies that are of certain archaeological origin and of sufficient significance to preclude development but there are certain discreet anomalies that will require further investigation.

We would recommend that should consent be granted that conditions are attached for a staged programme of investigation in advance of development.

Education

Based on the information currently available, this proposed development has been estimated to generate 37 primary pupils, 27 secondary pupils (including 3 sixth formers) and 0.7 pupils requiring education at an SEN school.

Primary education

Expansion of primary school provision in the area would be required as a direct consequence of this proposed housing. Hanborough Manor CE Primary School is the catchment school for this development.

Hanborough Manor's current school site would be below the government minimum guidelines. To facilitate the necessary expansion of the school, an agreement needs to be reached to secure sufficient and satisfactory additional site area for the school. There

are two current separate proposed routes towards securing sufficient site area:

Planning permission for site 14/1102/P/OP, Church Road, includes additional land for the school, and provides for the pre-school, currently on the school site, to be relocated. The S106 agreement for this has not yet been signed.

There is a current live application (15/03341/FUL) to provide a detached playing field for the school, but this will only be implemented if planning permission is also granted for the site on Witney Road which is currently at appeal.

Neither of these solutions is yet secured, and until they are the school's site does not support expansion. Education therefore objects to this proposed development unless it can provide a solution to the site constraints at the primary school.

If the application is approved, £428,534 Section 106 would be required for the necessary expansion of permanent primary school capacity serving the area, at Hanborough Manor School.

Secondary education

£474,633 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, at Bartholomew School.

Property

Legal Agreement required to secure:

Library £25,500.00

Administration and Monitoring £5,000.00

The admin fee may increase depending on the value of any Transport related contributions.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire and Rescue Service as a condition to the grant of any planning permission.

Ecology

No comments received.

I.2 WODC - Arts

A S106 contribution of a maximum of £12,600 is required towards a programme of public art post occupation on site and in the vicinity to link new and existing residents, enhancing wellbeing and complementing local services.

I.3 Wildlife Trust

No Comment Received.

|      |                                 |  |
|------|---------------------------------|--|
| I.4  | Ecologist                       | No objection subject to condition.   |
| I.5  | WODC Community Safety           | No Comment Received.   |
| I.6  | WODC Architect                  | No Comment Received.   |
| I.7  | WODC Drainage Engineers         | No Comment Received.   |
| I.8  | Environment Agency              | <p>Due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints for the location and have the following guidance.</p> <p>The proposal is for residential development and a non-residential institution and the environmental risks in this area relate to groundwater protection.</p> <p>Land at the site is potentially contaminated due to its proximity to the railway, which could pose a pollution risk to the Secondary A Aquifer beneath the site.</p> <p><b>Groundwater Protection</b></p> <p>If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document I. In addition, they must not be constructed in ground affected by contamination.</p> <p><b>Other Consents</b></p> <p>As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be</p> <p>I <a href="https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3">https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3</a> required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body.</p> |
| I.9  | WODC Env Services - Car Parking | No objection   |
| I.10 | WODC Env Health - Uplands       | <p>Following the submission of additional information, a condition is recommended to control noise within the proposed dwellings in relation to noise generated from the railway.</p> <p>As regards potential contamination, a condition is recommended to cover site investigation prior to commencement of any development.</p>  |

- |      |                                     |   |
|------|-------------------------------------|---|
| I.11 | WODC Head Of Housing                | There are over 220 households on the Council's waiting list who are in housing need and would qualify for affordable housing were it available today. Of these there are 55 households that have a connection to Long Hanborough. 50% affordable housing is sought on this site.  |
| I.12 | WODC Landscape And Forestry Officer | No Comment Received.  |
| I.13 | WODC Legal And Estates              | No Comment Received.  |
| I.14 | Network Rail                        | <p>This is an outline planning application with a draft heads of terms for Section 106 (found in the Planning Statement, Pg. 48) listing "provision of land for railway station infrastructure improvements". Network Rail welcomes the provision of land as the railway infrastructure provider for car parking as it would provide mitigation for the significant increase in rail passengers using the station.</p> <p>In addition to this I note that the developers public consultation found that half respondents supported the provision or facilitation of improved station facilities, including additional car parking (page 13 of the Planning Statement).</p> <p>Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.</p> <p><b>FENCING</b></p> <p>If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.</p> <p><b>DRAINAGE</b></p> <p>Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.</p> <p><b>SAFETY</b></p> <p>No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto</p> |

Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

#### ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

#### ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property /structure can occur. If temporary compounds are to be located adjacent to the



operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling equipment and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The Developer should contact the Network Rail's Asset Protection Western Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

- |      |   |   |
|------|---|---|
| I.15 | Oxon Primary Care Trust                     | No Comment Received.  |
| I.16 | WODC Planning Policy Manager                | The Planning Policy Manager has provided lengthy comments which are available on the Council's website. These comments will be reflected in the main body of this report.<br>In summary there are concerns about:<br>The appropriateness of housing development in this location in principle.<br>Impact on landscape character and visual impact.<br>Impact on infrastructure. |
| I.17 | TV Police - Crime Prevention Design Advisor | No Comment Received.  |
| I.18 | WODC - Sports                               | Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sport facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.   |

Based on a football pitch of 0.742ha, a provision cost of £81,600 (Sport England Facility Costs Fourth Quarter 2013 plus 2% inflation for 2014) and a commuted maintenance cost of £204,408 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £462,547 per 1,000 population or £1,110 per dwelling (at an average occupancy of 2.4 persons per dwelling).

#### Contributions

$£1,110 \times 120 = £133,200$  off site contribution towards sport/recreation/facilities for young people within the village.

#### Play Facilities

Offsite contributions are sought; the onsite play area shown on the application plan is not required due to the proximity of existing play provision. WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas of Play, LEAPs - Local Equipped Area of Play and NEAPS - Neighbourhood Equipped Areas of Play).

#### DEVELOPMENT TYPES, THRESHOLDS AND REQUIREMENTS

Of the FIT standard of 8sq m of play space per person, we will expect 5sq m to be casual and 3sq m to be equipped. At an average occupancy rate of 2.26 persons per dwelling this equates to 11.3sq m

of casual space and 6.78sq m of equipped space for every dwelling. We will liaise with the town/parish council to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. In particular, the type of play facility will need to reflect the minimum sizes for a Local Area for Play (LAP) (100m<sup>2</sup>), a Local Equipped Area for Play (LEAP) (400m<sup>2</sup>) and a Neighbourhood Equipped Area for Play (NEAP) (1,000m<sup>2</sup>) and the need for adequate buffer zones and minimum distances from dwellings.

### Contributions

The cost of providing and maintaining play facilities of the minimum sizes set out above is estimated to be as follows:

| Facility | Provision | Maintenance |
|----------|-----------|-------------|
| LAP      | £ 16,000  | £ 22,128    |
| LEAP     | £ 52,000  | £ 71,916    |
| NEAP     | £143,000  | £197,769    |

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a NEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £143.00 for provision and £197.76 for maintenance. This equates to an overall contribution of £817.85 per dwelling (at an average occupancy of 2.4 persons per dwelling).

The illustrative master plan features an onsite play area and public open space, the Parish Council will need to be consulted regarding the future ownership and management. In accordance with District Council policy should the Parish Council elect not to take over the play area and public open space a management company will be necessary.

$£817.85 \times 120 = £98,142$  for the enhancement and maintenance of play/recreation/Activity areas within the village and or the provision of an onsite play area.

Total of Contributions Sought = £231,342.00

### I.19 Thames Water

#### Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into

the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

#### Water Comments

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- |      |                                   |  |
|------|-----------------------------------|--|
| I.20 | WODC Env Services - Waste Officer | No Comment Received.   |
| I.21 | WODC Env Services - Landscape     | No Comment Received.   |
| I.22 | Parish Council                    | <p>The Parish Council objects and the concerns are summarised as follows:</p> <p>The magnitude of the proposed development is out of proportion with the existing village of Long Hanborough, would exceed infrastructure capacity within the village and would harm the well-being of the community.</p> <p>The economic, social and environmental benefits purported to stem from the development and mitigate against existing infrastructure</p> |

limitations are aspirational, undeliverable and they lie outside the scope of reasonable obligations set out in government guidance. The location of the housing would cause significant harm to the appearance of the rural area in which it is proposed: failing to integrate well with the village of Long Hanborough and its surroundings by disrespecting the scale, pattern and character of the settlement. New housing would be distant from the village focal point, forming an incongruous dormitory satellite settlement that would force its inhabitants to add more traffic to an already congested route and use an access that had been described as highly dangerous in the Council's housing assessment.

There are serious concerns in relation to the design and details of the proposal that ought to be flagged up at this outline stage.

The combination of harm caused by the development would demonstrably outweigh any benefits that it may have and indicate through national and local planning policy that the proposal is unsustainable and should be refused.

Conclusion -

Turning back to the presumption in favour of sustainable development that is the golden thread running through the planning system and set out in paragraph 14 of the NPPF, that test indicates that development proposals should be approved (without delay) unless:-

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...."

This letter demonstrates within its various sections that the development proposal would indeed result in a series of adverse impacts. It is on land that has been assessed as unsuitable by WODC, it is of a magnitude that is out of proportion with the village and has an alien pattern and character to it, in a location in open countryside away from the built up area of the village and distant from its focal point and local services, it would overwhelm a number of elements of village infrastructure including the local primary school, village surgery as well as adding traffic to an already congested road. The development would result in significant harm to the character and appearance of the village and AONB setting though its prominence, urbanising of a green gap and obstructing views of Pinsley Wood. It would amount to an alien dormitory satellite to the village that was poorly designed with unsatisfactory living conditions and that could never integrate with the village, harming the wellbeing of both communities. The significant adverse impacts that would result from the application are unmitigated through the range of undeliverable 'benefits' or the offer of land which itself cannot be considered as an obligation, being unrelated and out of scale and kind with the development proposed.

The level of harm identified through these adverse impacts therefore significantly and demonstrably outweighs any benefits of the scheme when assessed against the NPPF as a whole and it follows that the proposal does not constitute sustainable development and should be

refused.

The application is extremely unpopular with the village and is generating widespread concern with around 150 letters of objection. The Parish Council has outlined its concerns in relation to the proposal. The summary of these concerns is set out in the bold bullet points at the head of this letter and in the conclusion above. WODC is respectfully requested to refuse this application for all of those reasons listed above and defend its decision at any subsequent appeal.

## **2 REPRESENTATIONS**

- 2.1 All comments received can be found on public access on the Council's website and they have not been reproduced in full. The summaries of representations are as follows.
- 2.2 156 objections have been received from local residents referring to the following:
- (i) The development will generate considerable additional traffic and exacerbate existing congestion on the A4095 and other village roads.
  - (ii) Impact on highway safety arising from additional traffic, unsafe road layout at the bridge over the railway, proposed access layout, and inadequate footways and cycle paths.
  - (iii) Noise pollution and air pollution arising from increased traffic and congestion through the village.
  - (iv) Village school is over-subscribed and requires additional capacity. There is no agreed and funded plan to achieve the necessary improvements to education provision in this location.
  - (v) The Doctors' surgery in the village is over-subscribed and lacks sufficient parking. The proposal to provide a new surgery on the application site is not supported by residents or the existing surgery and would be remote from the village centre. The suitability of the site for this use, its funding and its delivery have not been demonstrated.
  - (vi) Additional strain on infrastructure, services and facilities in the village.
  - (vii) Urbanisation of the area, coalescence of settlements and sprawl from North Leigh to Bladon.
  - (viii) Impact on countryside, rural character, views, and loss of green space.
  - (ix) The landscape impact assessment is misleading in terms of viewpoints and impacts.
  - (x) Proximity of AONB, Green Belt and Blenheim World Heritage Site.
  - (xi) Impact on wildlife.
  - (xii) Loss of agricultural land.
  - (xiii) Level of already permitted development and proposed development in Long Hanborough not sustainable.
  - (xiv) The proposal would be a disproportionately large addition to the village.
  - (xv) Prospect of further development on adjacent land in the same ownership.
  - (xvi) This would be an isolated development not well related to the village geographically or socially.
  - (xvii) Impact on social cohesion, community and village life.
  - (xviii) Local need for affordable housing has been satisfied.
  - (xix) Provision of public transport has been overstated. Rail services are inadequate to meet current demand and bus services will be affected by withdrawal of OCC subsidies.

- (xx) Suggested future improvements to rail services and rail infrastructure are not certain and in any event none will take place until at least 2019. Investment required in rolling stock, longer platforms, signalling, dualing of line, electrification, bridge improvements, etc.
- (xxi) The provision of the proposed station car park is not certain as there are no current plans to construct it. No guarantees have been provided. The effect of Oxford Parkway on travel patterns in the area is not yet known.
- (xxii) The detrimental impact on the community and village outweighs any benefits.
- (xxiii) Such developments should be planned strategically as part of the Local Plan with necessary infrastructure considered. Developers are taking advantage of status of Local Plan.
- (xxiv) Creation of dormitory settlement aimed at commuters which will push up house prices and affect affordability.
- (xxv) A weight limit should be introduced on the A4095.
- (xxvi) Pressure on parking in the village.
- (xxvii) Level of proposed development here and elsewhere in the village is not sustainable.
- (xxviii) Impact of congestion on wider economy.
- (xxix) The latest assessment as part of the SHLAA deems the site unsuitable.
- (xxx) The proposed station car park will draw people in from elsewhere, adding to congestion, not reducing it.
- (xxxi) Local employment opportunities are limited.
- (xxxii) Thames Water has acknowledged that the foul drainage system is inadequate to accommodate this development and there will be an impact on the village in this regard.
- (xxxiii) The pre-application consultation results are not representative of local opinion.
- (xxxiv) Matters outside the control of the applicants are presented as benefits.
- (xxxv) A full safety audit should be provided before permission is granted.
- (xxxvi) Inappropriate layout and no public facilities.
- (xxxvii) Poor proposed landscaping.
- (xxxviii) Proposed footbridge to station should be in place before dwellings are occupied.
- (xxxix) Traffic surveys provided not unbiased.
- (xl) The travel plan is inaccurate in terms of distances and travel times by different modes.
- (xli) Soulless estates are detrimental to mental health.
- (xlii) Trains unreliable.
- (xlili) Impact on flooding and drainage.

### 2.3 Hanborough Action Group

A 34 page document has been submitted and it concludes as follows.

- The National Planning Policy Framework (NPPF) and Planning Practice Guidance (2014) make reference to the imperative to engage with the community and this and our cited documentation is our attempt to fulfil that aim. The document we have presented here represents the views and perspective of the residents of the community that live in Hanborough and its environs.
- We are aware that the future of Long Hanborough lies mainly with Council Officers, particularly those related to planning, our elected representatives and the developers who have submitted planning proposals. As in all applications of this nature the window of

opportunity to respond to this planning application is short, particularly if this process is to include the views of Hanborough residents.

- The National Planning Policy Framework (NPPF) and Planning Practice Guidance (2014) make reference to the imperative to engage with the community and this document is our attempt to fulfil that aim. The objection we have presented here is based on the information and evidence we have been able to research ourselves and the feedback we have received from residents and relevant others with knowledge of the village's social and environmental context.
- It is clear that the overwhelming majority of residents are opposed to large-scale housing developments in Hanborough, as is evidenced by the level of objections received by WODC regarding the applications it has already received; over 1000 for Land South of Witney Road (No. 14/1234/P/OP and 15/02687/OUT) and some 165 letters of objection, with none in favour, in relation to this application 15/03797/OUT.
- This document highlights that key among those objections are:
  1. This is a large scale development, with significant potential for extension in the future, and as such will undoubtedly have a severe impact on the social and economic infrastructure within Hanborough's community and undermine permanently its ancient rural character and integrity.
  2. The impact of increased vehicle movements on an already heavily congested A4095, particularly at peak times. Not only will that increased traffic lengthen the interval of peak times, there are also particular concerns regarding the safety of the entry and exit point to this development. Not only is it very poorly placed at peak times the volume of traffic to all intents and purposes will cut the village into two halves.
  3. The location of this development at the village's furthest eastern edge is highly undesirable. Not only will it impinge significantly on the village's rural character that includes an immediately adjacent AONB, it is also a location in which many may find it a struggle to reach central village services (school, surgery and shops) without recourse to a car: a situation that is not helped by the bus service.
- The addition of a further 400 car parking spaces at the station is also foolhardy. The need for this is not borne out by the available capacity of trains running through Hanborough at peak commute times; as there is none. The trains are already crowded to capacity. Neither is it likely that Great Western would wish to fund the necessary works that would enable increased capacity on the line between Oxford and Malvern as the cost of such a venture would outweigh the income that could be reimbursed through ticket sales. The only outcome of an additional 400 spaces would be a significant and untenable increase in traffic and frustrated commuters.
- Again, it is important to highlight that residents are not opposed to new housing and have always supported appropriate and organic growth in the village. It is the position and scale of this development, its attendant issues of increased traffic volume and safety, impact on local services and the threat to the coherence and integrity of our village community that are untenable.



## 2.4 CPRE

- In general the planned growth in the District is excessive and unsustainable. The SHMA figures are based on flawed and exaggerated data and yet this document (written by property consultants) is cranking up the pressure to increase the housing target yet further. If we are not careful, the unique rural character of our District will be lost irrevocably, when growth could more usefully be focused instead in other areas of the UK to encourage regeneration where it is needed. This particular application is in addition to sites identified in the Draft Local Plan, so would be in addition to existing targets which are already high and proven to be mostly for in-migration. If sites such as these are passed, WODC will over-deliver again on its target, causing problems in future plan periods. Further, the CPRE favours brownfield sites over greenfield and this site is on greenfield land on the edge of the village settlement. Greenfield land is a valuable resource for farming and self-sufficiency and to retain the pleasant environment and intrinsic value attached to living in the UK and should not be wasted.
- There is permission in place in Long Hanborough for 50 homes near Church Hanborough and a reapplication and ongoing appeal for 169 homes to the west of the village. Clearly, if the application for 169 homes is eventually passed, another 120 would mean relatively high and unacceptable growth in the village.
- Of more concern is the fact that the developer controls fields to the south west of the site which border on to Pinsley Wood. Whilst the currently proposed development site itself leaves a buffer with the Wood and has a backdrop that must already be visible from the Wood area, should development creep into that buffer, the setting of the Wood would be adversely and unacceptably affected.

## 2.5 Dr Rust, Hanborough Surgery

I have written previously regarding recent planning applications in Long Hanborough, to highlight the severely restricted capacity for medical care in Long Hanborough. The Long Hanborough Surgery is already significantly below the recommended size for our current population, and the increase in population from a development of this size would have a significant impact on our ability to continue to care for our existing patients as well as the new residents. There is no scope to enlarge the existing premises, and the car park is woefully inadequate. A new development with its centre approximately 1 mile from our surgery would inevitably require patients to drive to the surgery, compounding this problem. This application makes no attempt to address this issue.

Although I understand that the site offers space that could potentially be used for a new surgery, the location is so far removed from the village centre to make this impractical for our population, a high proportion of whom are elderly and with mobility difficulties. There has also been no suggestion regarding funding for such premises and it is unrealistic to expect funding to be made available by NHS England at this time of financial crisis in the health service. I would urge the committee to ensure that this application is rejected until the problem of medical capacity has been properly addressed.

## 2.6 West Waddy on behalf of JA Pye

- The development proposed is in isolation from the existing village of Long Hanborough. It is connected only by a ribbon development along the A4095. It is more of an isolated settlement in the landscape than a logical continuation of the settlement.
- Although the development relates well to the existing employment site and train station, these are also remote from the village. In effect the proposals create a new settlement close to the employment site and station.
- Arguments espoused by the applicant concerning the appropriateness of the site's location based on being within Long Hanborough should be disregarded as the site is not actually within or adjoining Long Hanborough. The site marks development outside of and in isolation from a recognised settlement.
- The development would obstruct views of Pinsley Wood (ancient woodland). Officers should ensure that key views have been offered a degree of protection and adequate mitigation is proposed.

## 2.7 Railfuture

- This is a voluntary organisation campaigning for improved rail services and promotion of the contribution rail can make to sustainable transport.
- The site is situated adjacent to one of the three core railway stations in the West Oxfordshire District.
- The developer is offering land for 400 car spaces to relieve the full station car park.
- The site meets NPPF policy 32 and is able to make use of rail, bus and walking.
- The car park and upgrade of services will allow modal shift from road to rail and help reduce congestion.
- Reduced travel times as a result of switch to rail and environmental benefits are in accordance with the Treasury's Growth Agenda.
- Planning authorities need to demonstrate there is a 5 year supply of housing.
- Railfuture supports this environmentally sound application with unusually generous transport benefits.
- We urge the Council to approve the application together with 400 car parking spaces.

## 2.8 Stagecoach

- The comments run to 8 pages and can be accessed in full on the Council's website. The following extracts are drawn verbatim from the letter.
- Stagecoach continues to be committed to exploring how patronage can be developed in this corridor to secure a regular service every half hour and potentially higher in the longer term, linking Witney, Long Hanborough and Woodstock with Water Eaton and destinations to the east. This aspiration is shared with Oxfordshire County Council and such a strategy lies to a great extent behind the current requests being made by OCC for proportional contributions from development to pump prime bus service improvements on these kinds of lines while patronage develops. This being the case, the consenting of development proposals directly benefiting from the existing and potential improved services on this corridor can and should be seen as both protecting and taking advantage of the opportunities for sustainable transport; the very thing that NPPF explicitly directs decision takers to do.

- We would close by stating that Stagecoach considers that the application site (15/03797/OUT) is one of the more sustainable development sites currently under consideration in the District, outside the two largest towns when the existing and potential availability of public transport is considered.
- Our public support for this proposal on this basis is exceptional and not something we do lightly especially for sites being promoted as departures from the adopted Development Plan. We nevertheless consider it worthwhile to signal clearly that Stagecoach judges that a positive decision to meet local housing need will enable residents to take advantage of a high quality mode choice other than private car from many local journeys. Granting the proposed development in a place that can readily take advantage of the opportunities for sustainable transport, would in our view be appropriate, given the requirement in NPPF to rebalance land use planning decisions in favour of more sustainable modes.
- 8 expressions of support have been received referring to the following:
  - (i) It will encourage the use of rail transport by improving the infrastructure at Hanborough station
  - (ii) It will enhance the case for improved frequency of the bus service linking Witney and Woodstock.
  - (iii) It will provide much needed affordable housing for the area concerned.
  - (iv) I believe it conforms satisfactorily to the overall planning framework.
  - (v) It is an eminently sustainable development that links bus, rail and road in compliance with national and local policies.
  - (vi) It will encourage the use of public transport by improving the infrastructure at Hanborough station, including additional parking, and it will enhance the case for improved frequency of the bus service linking Witney and Woodstock.
  - (vii) New housing is appropriate in this location with associated infrastructure.
  - (viii) Virtually every town and village in the District is having to accept more housing.
  - (ix) Eventually a second track will be installed at Hanborough and there will be a better rail service.
  - (x) This multi-functional plan is welcomed.
  - (xi) Opportunity to improve site with hopefully award winning design.
  - (xii) West Oxfordshire is required to contribute to Oxford's housing requirements and this should be provided close to Oxford.
  - (xiii) Commuting by rail reduces congestion.
  - (xiv) Proportion of affordable housing could be given over to key workers.
  - (xv) Passenger numbers on the North Cotswold railway line are rapidly increasing since the line was partially re-doubled in 2011, particularly at Hanborough. This growth is placing increasing pressure on station car parks. Huge demand for station car parking. During recent discussion about OCC proposals relating to the A40, WODC members made it clear that rail priorities should be given to access to the Cotswold line from Witney and surrounding villages.
  - (xvi) In these austere times, housing developments are really the only way to fund much needed infrastructure investment. The proposal for 120 new homes adjacent to Hanborough station will fund the land needed for 400 parking spaces for West Oxfordshire rail users. They will complement rail industry plans for the station and route.
  - (xvii) Inconsistencies in WODC Policy advice relating to sustainability of sites across the District. Permitted sites in Chipping Norton are further away from the town and its shops than Hanborough station is from the village.

- (xviii) From a transport perspective the new Chipping Norton site is much less sustainable than Long Hanborough. If the developments at Chipping Norton are viewed as sustainable, then so should the Long Hanborough site.
- (xix) Opportunity for improvements to bus services linked with rail services.  
Development of Hanborough station and the associated re-doubling of the track will open up exciting possibilities for new higher frequency direct electrified rail services across Oxford and beyond which will, with the bus service improvements, reduce the pressure on the A4095 and the A40. Great Western Railway are very keen to see such improvements delivered.
- (xx) It would be consistent with the recently published proposed changes to Government policy, encouraging housing developments adjacent to public transport hubs or interchanges, a perfect description of the Hanborough location.
- (xxi) I am also very concerned that if the proposal were to be refused, and then granted on appeal, this could be without the infrastructure contributions, a lose-lose situation for Long Hanborough and the District as a whole, and the local rail network.

I General comment has been received referring to:

- (i) Support comments come from people living outside the village of Long Hanborough who are either unaware or don't care about the impact of this proposal on local facilities.

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

- 3.1 The Proposed Development has been considered with regard to the provisions of the development plan, taking into account other material considerations including the Framework and the Emerging Plan (although carrying limited weight).
- 3.2 The Council does not have a five year supply of deliverable housing sites as required by the Framework. This housing shortfall is serious and significant and must be addressed urgently.
- 3.3 The Proposed Development would deliver much needed housing and affordable housing in a highly sustainable location. It would also deliver a range of social, environmental and economic benefits which include:
  - the delivery of up to 120 new homes, including the delivery of up to 60 new affordable homes, to contribute towards reducing the shortfall of housing in West Oxfordshire District;
  - the provision of a building with a Class D1 use, which could be used for a wide range of activities including clinics, health centres, day nurseries and education;
  - Land retained for station improvements;
  - new Homes Bonus funding for both the Council and OCC;
  - excellent access to a range of shopping, education, community and employment opportunities; and o a high quality and locally responsive development that respects the character and quality of Long Hanborough.
- 3.4 The urgency of this need is exacerbated by the fact that the Emerging Plan (as presently drafted) will not meet the full, objectively assessed need for West Oxfordshire District.
- 3.5 The Proposed Development is wholly sustainable and will deliver a wide range of benefits which significantly and demonstrably outweigh the limited number of adverse impacts that are likely to

arise (when assessed against policies in the Framework taken as a whole). As such, the Proposed Development is sustainable development. It must benefit from the presumption in paragraph 14 of the Framework, such that planning permission should be granted by the Council without delay.

#### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE8 Development affecting the Setting of a Listed Building  
BE11 Historic Parks and Gardens  
BE13 Archaeological Assessments  
BE18 Pollution  
BE19 Noise  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
NE15 Protected Species  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
T3 Public Transport Infrastructure  
H2 General residential development standards  
H3 Range and type of residential accommodation  
H4 Construction of new dwellings in the open countryside and small villages  
H7 Service centres  
H11 Affordable housing on allocated and previously unidentified sites  
TLC1 New Tourism, Leisure and Community Facilities  
TLC7 Provision for Public Art  
TLC8 Public Rights of Way  
OS1NEW Presumption in favour of sustainable development  
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  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
H5NEW Custom and self build housing  
E5NEW Local services and community facilities  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH3NEW Public realm and green infrastructure  
EH5NEW Flood risk  
EH6NEW Environmental protection

EH7NEW Historic Environment  
EW1NEW Blenheim World Heritage Site  
EW2NEW Eynsham-Woodstock sub-area  
OS5NEW Supporting infrastructure

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

## 5 PLANNING ASSESSMENT

### The proposal

5.1 The proposal is an outline application for the erection of up to 120 dwellings and a Class D1 building on approximately 5.18ha of agricultural land with only access to be considered at this stage. A range of supporting information and an indicative layout and parameter plans have been provided.

5.2 It is important to note at the outset that the description of development on which the Council carried out consultation, is not the same as that included on the application form, which read:

"The construction of a new access on A4095 Main Road; the construction of up to 120 residential dwellings; the provision of a building for a Class D1 use; and associated road/footway/cycleway provision, open space, landscaping, surface water attenuation and ancillary works. Adjacent land to be retained to facilitate the delivery of up to a 400 space railway station car park and ancillary uses (including new station building, retail and bus drop off facilities)."

The amended description is:

"Erection of up to 120 dwellings and provision of building for Class D1 use, together with associated works (means of access only)."

The reason for the change was to omit reference to the station car park, station building, retail and bus drop off facilities, as these elements, although shown on the indicative layout, were not included within the red line site area. Committee is therefore being asked to reach a decision on the merits of the housing proposal and provision of Class D1 use, together with the means of access to the highway only. For the avoidance of doubt, consent is not being sought for the station car park and associated facilities and these should be treated as indicative.

### Site location

5.3 The site is outside of the Oxford Green Belt, the boundary of which stops at Lower Road to the south. The site is also outside the Cotswold Area of Outstanding Natural Beauty (AONB), the boundary of which is located to the north of Main Road.

5.4 The settlement of Long Hanborough is identified in the West Oxfordshire Local Plan 2011 as a Service Centre which provides a range of services, facilities and employment opportunities. The village is similarly identified in the emerging West Oxfordshire Local Plan 2031 as a second tier settlement behind the main service centres of Carterton, Chipping Norton and Witney. However, the settlement does not have a full range of facilities and is ranked 8th of the 9 service centres in terms of settlement sustainability.

- 5.5 An existing public footpath (Footpath 238/1) crosses the site in a south east - north westerly direction. This footpath connects to the A4095 at its northern end, and Lower Road at its southern end.
- 5.6 The site is not subject to any specific international, European, national or local landscape, biodiversity, scientific, heritage or other environmental policy designations. There are also no Tree Preservation Orders on the site.
- 5.7 The Site is located in Flood Zone I and therefore at low risk of flooding.
- 5.8 The railway and an industrial estate are located to the north east. There is a small area of woodland adjoining the site to the south east and somewhat removed but close by is Pinsley Wood (ancient woodland) to the south. To the west is agricultural land in the ownership of the applicant.

The relevant planning history is as follows:

W94/1174 - Formation of a new access & erection of a new five bar gate closure of existing access - approved 6/10/94.

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:

- 5 year housing land supply
- Principle
- Highways
- Station car park
- Siting, design and form
- Landscape
- Impact on heritage assets
- Trees and ecology
- Drainage
- Residential amenity
- Affordable housing
- Infrastructure

Five year housing land supply

- 5.9 As regards housing land supply, at present the situation is unclear following the first session of the Examination in Public (EiP) of the emerging Local Plan. The EiP Inspector's preliminary findings raise concerns regarding the Council's proposed housing target of 525 homes per year, which is lower than the SHMA recommendation of 660 homes per year. He has not accepted most of the Council's arguments for the lower target, but has accepted that the Council might wish to do some further work using more recent projections on household numbers to determine if the 660 figure should be lower. The Council has now decided to commission this additional work. Whilst the outcome of that work is not yet known it is likely that the housing target of 525 per year will increase significantly, but at present it is not known by how much.

- 5.10 The Council's most recent position statement on 5-year housing land supply was published in February 2015 and suggests the Council has a 5-year housing supply, but it was benchmarked against the draft Local Plan target of 525 per year. The Council's position statement will need to be updated following the additional work referred to above. The Council will seek to make additional site allocations in the most appropriate, sustainable locations through the local plan process in order to provide a 5-year housing supply and to meet the overall housing requirement, whatever that may be.
- 5.11 At this time Officers therefore cannot definitively say whether the Council has a 5-year housing land supply or not. Developers argue that we don't have a supply of deliverable sites and that in the absence of a recently adopted Local Plan housing requirement, the default position should be the SHMA figure of 660 per year. However, given that the EiP Inspector recognises that the Council may wish to undertake further work to determine if some reduction of this figure may be appropriate, the default use of the SHMA is not considered reasonable. It is also important to allow time for the local plan process to bring forward additional sustainable housing site allocations.
- 5.12 The importance of 5-year housing land supply is that if the Council cannot demonstrate that it has sufficient supply, paragraph 14 of the NPPF is engaged. However, this does not automatically suggest that all other factors having a bearing on the proposal have less importance, and the delivery of housing should prevail in all cases. Indeed, as paragraph 14 of the NPPF directs all local planning authorities, decision taking means:
- "where the development plan is absent, silent or relevant policies are out of date, granting permission unless - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole; or specific policies in this Framework indicate development should be restricted."
- 5.13 In light of the current uncertainty regarding 5-year housing land supply, and also given the age of Policies H5 to H7, your officers would advise that they are given limited weight at present. However, given that the Council has a supply in excess of the 525 plus 5% previous target, your officers do not accept, in advance of the additional EiP work, that paragraph 14 of the NPPF is necessarily engaged at the present time. Nevertheless, it is considered appropriate to determine applications on a positive basis and, in doing so, as advocated in the NPPF, undertake a balancing exercise, whereby the benefits of proposals are weighed against the harm. Thus, if the proposal is a poor scheme in a poor location it should be refused, with reference to the local plan and other material considerations. Conversely, if it is a good scheme in a good location, even if it doesn't comply with local plan policies H5 to H7, it could be considered favourably.

#### Principle

- 5.14 The Local Plan 2011 is time expired, but many of its policies are subject to a saving direction. They therefore remain the statutory development plan for the purposes of S38 of the Planning and Compulsory Purchase Act 2004. The weight to be attributed to these policies will be dependent on their degree of consistency with the NPPF, but it remains appropriate to refer to them in planning decisions.
- 5.15 The emerging Local Plan 2031 has been submitted for examination (EiP) and as referred to above, the EiP Inspector has raised questions, particularly in relation to the 5 year housing land



supply, and further work on the part of the Council is necessary in this regard. Nevertheless, given its stage, the emerging plan should be afforded some weight.

- 5.16 The site is agricultural land, located to the east of Long Hanborough and is entirely green field, as opposed to previously developed land.
- 5.17 Long Hanborough has historically been linear in character with development along Main Road. It is now generally nucleated around Millwood End, Church Road and the A4095, with various cul-de-sacs off these roads providing the bulk of the housing in the village. Development east of the village is generally ribbon in character along the A4095, with modern housing infilling gaps between older buildings, and being developed piecemeal over time. There is also some modern development mixed with older housing off Park Lane to the north of the A4095.
- 5.18 The extension of built form in an easterly direction stops some way short of the railway. The houses to the south of the road extend further east than those to the north of the road, but there is a significant and appreciable gap between the last house and the railway. Open countryside is therefore evident on both sides of the A4095 in this location. The station and industrial estate are separate from the village and occupy an island between the railway, the A4095 and Lower Road.
- 5.19 Local Plan 2011 Policy H7 (in relation to development in the larger settlements in the District) allows for the following:-
- Infilling;
  - Rounding off within the existing built up area;
  - The conversion of appropriate existing buildings; and
  - Allocated local plan sites

This proposal is on a substantial greenfield site which does not constitute infilling or rounding off as defined in the Policy. Nor is it allocated in the Local Plan. The proposal is therefore contrary to Policy H7.

- 5.20 In the circumstances of the proposal not qualifying under the criteria of Policy H7, it must therefore be defined as development in the countryside and fall to be assessed under Policy H4. Since this policy is of limited scope in supporting housing development, and is restricted to occupational dwellings, the proposal would not comply with this policy either.
- 5.21 Emerging Policies OS2 and H2 introduce a more flexible approach to development on the edge of settlements, recognising that the release of greenfield land adjoining built up areas may be necessary to meet housing land supply requirements. However, criteria that both policies have in common is that development should be a logical complement to the existing scale and pattern of development and character of the area. In this case, it is considered that the development would not form a logical addition to the village in terms of siting and location.
- 5.22 Whilst within walking and cycling distance of the village, its location means that it feels remote from the main part of the settlement. As one travels eastwards along the A4095, by the time the application site is reached there is a clear feeling of having left the village with the ribbon development along the road giving way to open fields before reaching the railway bridge. The development would close that gap. In this regard, Policy BE2 of the Local Plan 2011 requires new development to be well-designed and respect the existing scale, pattern and character of

the surrounding area. In addition, in open countryside it should be easily assimilated into the landscape and wherever possible be sited close to existing groups of buildings. The proposal is only very tenuously related to the settlement in this regard. The core principles at paragraph 17 of the NPPF include: taking account of the different roles and character of different areas; recognising the intrinsic character and beauty of the countryside; and contributing to conserving and enhancing the natural environment.

- 5.23 Emerging Policy H1 refers to the sub-area of Eynsham-Woodstock contributing 1,600 dwellings to the housing supply over the plan period to 2031. Although the precise locations for new housing within the sub-area have not been defined, the SHLAA provides an indication of where some of this housing is likely to be developed. It is acknowledged that further work on housing land supply may result in a reassessment of SHLAA capacity and additional site allocations. However, the site is not identified in the 2014 SHLAA. It has been put forward for consideration under the current review of the SHLAA, but at present there is no Officer support for this site coming forward to contribute to housing land supply within this sub-area.
- 5.24 Given the site's location, the proposal here could also create an unwelcome precedent for further development in this location, either to the west (on land in the same ownership) or south towards Lower Road.
- 5.25 In summary, as regards principle, the site is not considered to represent an appropriate extension to the settlement of Long Hanborough and would be detrimental to the scale and pattern of development in this location.
- 5.26 In the following sections of this report, the merits of the scheme, beyond matters of principle as regards location, will be assessed.

#### Highways

- 5.27 The proposed means of access would be at the north of the site onto the A4095, where there is an existing agricultural access. It is intended that the access would be laid out and constructed to conform with highways standards, and off-site highways works would be required to alter the road layout. It is not clear, however, how the change in levels between the A4095 and higher level of the site would be dealt with, but it is likely that significant engineering will be required.
- 5.28 Many objectors have referred to highway concerns, including: increased traffic; congestion; unsafe road layout; inadequacy of pedestrian and cycle facilities; and highway safety. These have been brought to the attention of OCC Highways, whose advice notwithstanding objections is set out below. As this is a technical aspect of the scheme, the OCC Officers' comments are related almost verbatim to ensure that Committee is fully informed on highways matters.

#### Site Location

- 5.29 The site is located on the eastern edge of Long Hanborough although its centre is approximately 1.5km from the heart of the village along Main Road. This amounts to a 15-20 minute walk for most able bodied people, although, the gradient walking in a westerly direction may be difficult for some. The route is cyclable given the dedicated cycleway/footway on the north side of the A4095. The site is very close to Hanborough rail station - a short walk along the A4095.

- 5.30 If the station car park were to be provided, the associated pedestrian bridge would make it even closer to hand for residents of the development. The route through the development to the station from the A4095 may prove to be more attractive for people already living in Hanborough.
- 5.31 Bus stops for the 233 service between Witney and Woodstock are located a short walk along the A4095 from the site outside the station entrance. The 233 offers an hourly daytime bus service during the week. The stop for the number 11 to Oxford city centre leaves from the middle of the village.

#### Site access

- 5.32 The access from the site to the public highway would be directly onto the A4095 approximately 75m west of the crest of the bridge across the railway. The form of the site access proposed by the applicant has been determined through a junction testing exercise as part of the Transport Assessment (TA). The County Council is satisfied that the preferred priority T junction with a right turn lane into the site is acceptable in traffic flow terms and would operate safely given the existing level and speed of traffic on the A4095 and the number of vehicular movements generated by the new homes.
- 5.33 The TA states that the priority junction can achieve a visibility splay of 2.4m by 90m. This appears to be the case although the visibility splay will need to be clearly marked on any approved design drawings. Some vegetation will need to be removed or cut back to achieve this visibility splay.
- 5.34 The planning application is accompanied by a Stage I road safety audit of the T-junction which does not appear to raise any issues that couldn't be addressed if the detailed design is progressed. OCC Officers are satisfied that sufficient visibility from the junction is achievable before the bridge, and in any case the crest of the bridge is not sufficiently marked that vehicles from the east side cannot be seen by drivers exiting the development site and vice versa. It is worth noting that if the junction were built, vehicle speeds in the vicinity are likely to be reduced and even if that were only slightly, the visibility requirements would be correspondingly reduced. As any design for the junction progresses, careful attention will need to be paid to ensuring the agreed visibility splays are kept clear of vegetation above 600mm high.
- 5.35 The TA also demonstrates that this junction would cope with the additional traffic generated by a 400 space station car park, should this be granted planning permission in the future.
- 5.36 The inclusion of pedestrian refuge crossing islands either side of the site access on the A4095 is welcomed as this will help to moderate speed on the main road and make walking in either direction from the site equally attractive. These refuge crossing islands should be longer than shown so bicycles and pedestrians can wait comfortably side by side in the middle of the road. The connecting footways on the south side of the road either side of the site access should be shared use footway/cycleway 2.5m wide. If this junction were to become the main access to an enlarged and improved rail station, it is the OCC Officers' view that the refuge island to the west would need to be upgraded to a controlled Toucan crossing given how crossing movements to and from the direction of the heart of the village would increase. This would replicate the crossing facility outside the current main entrance of the station.

### Traffic generation and distribution

- 5.37 The submitted TA seeks to estimate the amount of traffic that the development would generate and what impact this might have on the surrounding transport network. In this application, outline planning permission is sought for 120 homes although the possibility of a 400 space car park and new facilities for the adjacent rail station is also put forward for consideration. The County Council's prime concern with this application is the impact of the 120 homes and the DI building although it is supportive of the principle of the railway improvements.
- 5.38 The TA shows that in principle, the full development scenario is acceptable in transport terms, but the rail car park and station improvements would still need to be the subject of a separate planning application in the future. As such it is considered that the volume of traffic as set out in the TA is a reasonable prediction of what might be generally generated.
- 5.39 The TA also predicts what routes that traffic might take (based on census journey to work data) and the impact it would have on the key junctions affected. This was considered to represent a reasonable assessment of how things would work out if the development were to go ahead.
- 5.40 The TA considers what impact the traffic would have in the future taking into account background traffic growth. The conclusions are that in 2024, traffic generated by the development (homes plus DI use) put together with traffic increases from background growth and other committed local development, result in only small negative impacts on local road junctions at Church Road/A4095, Lower Road/A4095, A44/A4095 south of Woodstock and A40/B4449/Lower Road north of Eynsham. This is based on a comparison of how these junctions would have performed in 2024 without the proposed development. The TA also shows that the traffic likely to be generated by the addition of a 400 space rail station car park only adds another small amount of congestion and delay to those same junctions.
- 5.41 Where certain arms/approaches of these junctions are shown to be operating over capacity in the future with development traffic, the TA shows that these would have been over capacity even without the development. Given that, and the fact that the worsening of junction performance with the development traffic is shown to be small, this does not represent a reason for refusal of planning permission according to the National Planning Policy Framework (NPPF).
- 5.42 The NPPF states that planning permission should only be prevented or refused on transport grounds where its residual cumulative impacts are severe. That does not appear to be the case here although it must be pointed out that where junctions are operating close to or over capacity, the prediction of the likely impact of further traffic increases by traffic models is known to be less robust. The junctions of the A4095 with Church Road in Hanborough itself and with the A44 south of Woodstock would appear to fall into this category, the former in particular experiencing severe congestion even now, but especially in 2024. Because of this the County Council considers that it is reasonable that the applicant should be proposing some form of mitigation for its impact.
- 5.43 However, the County Council does not believe that adding capacity to these junctions for general traffic is a sustainable solution to the existing capacity problems and the extra pressure likely to be brought to bear by the proposed development of 120 homes to the west of the rail station. In any case, such capacity improvements would be difficult to deliver at Church Road and arguably, at the A44/A4095 junction, in excess of what should be expected by the development.

### Public Transport

- 5.44 The County Council requires a contribution of £1,000 per dwelling towards improvements to the bus service through the village. This is in line with what has been required of other developers of local housing sites and would help address congestion hot spots in the future as well as ensuring safe and suitable access for all - by making bus services more attractive and helping to reduce reliance on cars for local journeys by existing and future residents.
- 5.45 The site is located adjacent to an important bus corridor, providing good connectivity to Witney and Woodstock. Improvements to the bus stops outside the rail station entrance would ensure attractive access to the 233 bus service. Strategic plans exist to improve the bus service between Witney, Hanborough and Woodstock, to operate twice an hour. Furthermore, there is an aspiration to extend this service to Water Eaton (and possibly Headington) via Langford Lane and Kidlington. The section 106 contribution from this site would assist in achieving this desired improved bus service and extended route towards Kidlington and beyond.
- 5.46 A more frequent bus service reaching destinations further afield either directly or by means of high quality interchange, will cement the sustainable credentials of the development and give travel possibilities for people unable to afford access to a car.
- 5.47 The nearest bus stops on the A4095, which are outside the current rail station entrance, are somewhat substandard for such an important strategic bus route, and require enhancement to a modern accessible standard. This means two new shelters with premium route style pole and flag with integral bus information case. Amendments to bus layby hardstanding and footways would be required, most obviously on the northern side of the road where the bus stop clearway is completely on the carriageway at the moment. Details of the bus stop enhancements will need to be agreed with the County Council public transport team. The full cost of this is considered reasonable to expect of the developer of this site, as the need for the improvements is directly related to the construction of 120 homes and D1 building. A sum of £20,000.00 would be required to achieve this, assuming layby and footway connection works are delivered by S278 agreement.
- 5.48 The walking distance from the centre of the development to the nearest bus stop is around 400 metres, but from the furthest point will be around 600 metres. The eastbound bus stop on the north side of the A4095 is a further 150 metres to the east. This distance will decrease if the proposed footbridge is constructed across the railway. It is fundamentally important that any future footbridge is outside any future controlled ticket area and can be used by all the residents, not just rail users.
- 5.49 The proposed 'bus turning area' south of the railway station will not be used by scheduled bus services, which will continue to use the bus stops on the A4095. The developer is requested to improve the quality and functionality of these stops, rather than investing in a bus turn-around which will not be used by scheduled bus services.

### Walking and cycling: public rights of way

- 5.50 Given that the A4095 is heavily trafficked throughout the day and the site is on the opposite side of the road to the cycleway/footway, it is crucial that suitable crossing points are provided to encourage new residents to walk and cycle from the site as much as possible. The most obvious

place to do that is at the site access junction, which is what is proposed by the applicant - refuge crossing islands are shown either side of the site access on drawing ST16237-05. See earlier comments about the need for enhancements needed to the design of these islands.

- 5.51 There is a public right of way (footpath 238/1) that is shown on the site layout plans that connects the A4095 to the development from a point approximately 200m west of the proposed site access junction. Given that the development of 120 new homes adjacent to this public right of way would increase its use, the County Council requires the developer to deliver surface improvements where the route runs alongside/within the site, and to agree to taking on the maintenance of that section as part of wider site maintenance. The specification of the surface improvements within the site will need to be agreed with the County Council's rights of way team.
- 5.52 The cycleway/footway across the rail bridge to the east of the site access junction narrows and without significant investment in the structure there is no scope to provide more width. There have been no recorded accidents on the footway/cycleway but the developer must provide new improved signs on the approaches to the bridge to warn users of the need to share the space considerably, in particular for cyclists to give way to pedestrians. This is because the development will increase the use of the footway across the bridge and increase the chances of pedestrian/cyclist conflict. Some of the width of the footway/cycle way on the immediate approaches to the bridge has been lost due to grass/mud encroachment. This should be comprehensively sided out.
- 5.53 If the rail station car park and facilities were to be granted planning permission at a later stage, this would help address the issue of the narrow footway/cycle way across the bridge as most walking and cycling journeys to and from the station would be by means of the new development access and wouldn't go across the bridge. However, in the absence of planning permission and a delivery mechanism this is theoretical at this stage.

#### Site layout

- 5.54 Overall, the illustrative master plan would appear to be a good basis for a detailed site layout design. Tracking of a 10.5m long refuse wagon will be needed of a refined layout if the plans progress beyond this stage, as will clarity on what is proposed for adoption. To help encourage low speeds on the first stretch of the road from the A4095, the first junction with the lower order street would lend itself well to some kind of traffic calming feature i.e. a raised table or similar, maybe using different coloured road surfacing/materials. This would be especially important in the future if the road were to act as the main access to a 400 space car park.

#### Car and cycle parking

- 5.55 It is understood that car parking will be provided in accordance with Oxfordshire County Council's recommendations for car parking standards as set out in the County Council's design guide. Additionally, the applicant will need to make provision for resident and visitor cycle parking as part of any subsequent application.
- 5.56 Detailed layout designs should avoid an over reliance on rear parking spaces and garages or car barns some distance away from the front of dwellings. Generally speaking this approach is not welcome (especially for houses rather than flats) because such parking is not well overlooked and residents often avoid using it - it is simply not as convenient as residents would like. This can

result in residents parking informally in front of their property, often on landscaped areas or at least partially obstructing footways. This can be to the detriment of the overall quality of the environment, to free pedestrian movement as well as the smooth passage of larger vehicles such as refuse wagons.

- 5.57 In any case, the layout (whether adopted or not) will need to include measures to prevent the possibility of rail commuters from parking on the estate roads. This is more likely to be a problem in the short term ahead of an application for the 400 space car park - the TA shows that the current parking provision at the station is fully utilised. Given this and the close proximity of the proposed development, some rail customers may be tempted to park to the west of the rail line. The most effective way to prevent this would be by double yellow lines, but the roads would need to be adopted for this to be possible.

#### Travel Plan

- 5.58 A Travel Plan has been submitted with this application and will be assessed in due course should a reserved matters application be submitted for the proposals following any grant of outline planning consent. It should be noted that full Travel Plans will be needed for both the residential and DI elements of the development and must be put together using the template contained within the OCC travel plan guidance document. The travel plan for the residential element will provide the framework for travel information packs to be provided to all residents on first occupation. The travel plans will need to be updated with the travel data and mitigation actions for the site on final occupation and monitored (and updated where necessary) for a period of 5 years post final occupation.
- 5.59 A Travel Plan monitoring fee of £2,480 will be required to cover the on-going monitoring of the travel plans for both the residential and DI elements for a period of 5 years post final occupation of the site.

#### Construction Travel Management Plan (CTMP)

- 5.60 A CTMP will be needed for this development, particularly given the traffic sensitive nature of the potential approach routes on the wider strategic road network e.g. A4095, A40, A44, but also because of the residential nature of the A4095 as it routes through Hanborough and Bladon.
- 5.61 In summary, on highways matters, whilst the large number of objections on highways grounds are noted, and Officers share the concerns regarding highway safety and congestion on the A4095, the technical advice of OCC is one of no objection. In this context, WODC Officers consider that it would be difficult to sustain a highways reason for refusal. Nonetheless, in assessing the application overall, the well articulated concerns on highways grounds would add to the negative aspects of the proposal in addressing the planning balance, although based on OCC advice this would not represent a reason for refusal in its own right.

#### Station car park and associated facilities

- 5.62 As referred to above, whilst the provision of the station car park and improved accessibility to the station have been included in the applicant's TA and other supporting documentation, it is important that Committee remains mindful that planning permission has not been sought for these. They are shown indicatively and must be treated as aspirational at best at this stage. Indeed the TA paragraph 4.50 states (with Officer emphasis added):

"It is an aspiration of OCC, First Great Western and Network Rail to include a new car park for Hanborough rail station due to the increasing parking demand at the existing car park, which is supported by Network Rail and First Great Western. A proportion of the safeguarded land within Scenario 2 as shown in Appendix B will be safeguarded to provide a 400 space car park associated with the rail station. There is the potential delivery for a new station building, taxi and bus drop-off and ancillary retail facilities within the site."

- 5.63 As noted in the highways section above, OCC does not support the provision of a bus interchange at the site, and the site's suggested connectivity with wider public transport provision is limited to that which is currently provided on the A4095 route.
- 5.64 Officers are not aware of any firm, strategic plans which are funded and scheduled that would bring about significant increased capacity on the railway and allow for consequent significant increases in passenger numbers. Many objectors have expressed scepticism about the likelihood of investments being made in longer platforms, rolling stock with greater capacity, frequency of service, electrification, doubling of the line and improved passenger facilities. All of these would need to be addressed in a strategic manner along with a proposal for a new car park and bridge. No such strategic approach appears to be well advanced in relation to Hanborough.
- 5.65 The reservation of land for a station car park and agreement with rail companies about its being made available for rail infrastructure purposes in the future is a property issue, and can take place entirely outside the planning process. Until such time as a persuasive case for it is made as part of a planning application, its relevance to the matter in hand is very limited and remains aspirational at best. Indeed, at the pre-application stage, the applicant was clear that in their view the merits of providing housing stood up on their own without consideration of the potential benefits of providing the car park and other rail infrastructure.
- 5.66 With reference to the NPPG the following guidance is noted:
- "Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind."
- Officers consider that including the station car park land within a legal agreement associated with any grant of consent for housing on the site would not meet the relevant tests.
- 5.67 In hypothetical terms, should the car park come to fruition, it would be operated as a commercial entity, separate from the housing scheme. Potential rail passengers generated by the new housing would have no need of the car park, and it would not therefore be required to off-set any demand arising from these new residents. Accordingly, the provision of the car park should carry very little weight in the assessment of the application.

#### Siting, Design and Form

- 5.68 The application is in outline with only means of access to be considered, therefore all layout and design information provided is indicative. However, it is important to consider the parameters



of the scheme so that any necessary controls on the distribution of the development, density and height can be introduced should permission be forthcoming.

- 5.69 The density would range from 20 dph to 45 dph with the higher density applying closer to the railway.
- 5.70 The height would be generally 2 storey and 2.5 storey with higher forms being located closer to the railway.
- 5.71 The masterplan shows a main access through the site which would have substantial buildings fronting it in the form of apartments, cul de sacs would lead off this to lower density development.
- 5.72 There would be some buildings fronting the A4095 to the east of the access. The siting, scale and appearance of these would require further consideration. The existing gap between the edge of the village and the development to the east of the railway is a defining feature and places the village in its rural setting. To develop the frontage here would mean continuous built form from the extreme western edge of the village to the junction of the A4095 with Lower Road. Even with development set well back from the frontage one would still have the impression of the gap being closed.
- 5.73 To the south and south west of the site the existing public footpath would be accommodated on its existing alignment within landscaped margins. These margins would also include new ponds.
- 5.74 The general impression of the layout is that it is very sub-urban in character. This, and the large expanse of car park (should this be developed as envisaged), would unacceptably urbanise the countryside in this location. The extent and scale of development at the end of the village, beyond single plot depth ribbon development, would be visually jarring and totally out of keeping with the prevailing appearance of the existing development to the west. The highway works to create a right turn lane, traffic islands, and bollards, changes in levels, together with the necessary road markings, signage, etc., would compound the urbanising effect and give the impression of being in a town rather than a rural village.
- 5.75 Although it is acknowledged that the industrial estate features large buildings, because of the topography, levels and existing screening in this location they are not particularly prominent when viewed from the north west, west, south and south west. By contrast the proposed development would be highly visible.

#### Landscape impact

- 5.76 The site is sensitively located in open countryside. Although not subject to a statutory designation, it forms part of the rural setting of Long Hanborough. It lies in the Evenlode Valley, at the junction between two character areas as identified in the West Oxfordshire Landscape Assessment, i.e. the Lower Evenlode Valley and Eynsham Vale. Here the land is characterised as semi-enclosed rolling vale farmland. The site and wider area are within the Wychwood Forest Project Area wherein development proposals are expected to give special consideration to reviving landscape character and mix of habitats found in the area when it was a royal hunting forest in the Middle Ages, including woodland management new woodland planting in appropriate locations.

- 5.77 Within a short distance to the north, on the opposite side of the A4095 is the Cotswolds AONB, and beyond this the registered park and World Heritage Site at Blenheim to the north of the river. The striking feature of this particular area is the visual relationship between rolling fields enclosed by hedges and large wooded areas. These wooded areas present striking landscape features, those at Pinsley Wood, Burleigh Wood and Blenheim Park being highly visible in the landscape.
- 5.78 The submitted baseline landscape assessment shows how the proposed development would impose itself markedly on the landscape.
- 5.79 Viewpoint A, taken from the public footpath where it emerges to the rear of properties on the A4095 shows a clear view of the site from an elevated position looking south east. The development superimposed here shows a substantial area of built form that would dominate the outlook south east. The presence of development here would significantly obscure the view towards Burleigh Wood and the dramatic contrast between rolling fields and elevated woodland.
- 5.80 Viewpoint B from the A4095 looking south east gives no real sense of the presence of the railway and industrial estate and illustrates the rural character of this gap in development. The superimposed development shows that this gap would be closed by the prominence of buildings close to the frontage.
- 5.81 Viewpoint C looks south from the railway bridge over the A4095. Here, particularly in this winter view, the site can be clearly seen through the existing hedge, and somewhat filtered views are available to the landscape beyond, including Pinsley Wood. The superimposed development shows the view entirely dominated by development.
- 5.82 Viewpoint D is taken from the public footpath to the south, looking in a north, north westerly direction. This viewpoint is across a field in the foreground, hedgerow on its boundary and a barn, but the superimposed development is still very evident. From here and elsewhere on the footpath looking north, the open longer range view beyond the site to the north of the A4095 towards the AONB and Blenheim would be closed off.
- 5.83 The Zone of Theoretical Visibility highlights those areas where development modelled at a development ridge height of 8m would be visible from. The "high" potential visibility areas are extensive and include locations to the north, south, east and west. On this analysis it suggests that there is no direction from which the development would be completely obscured.
- 5.84 Although the masterplan indicates that additional planting would be provided, particularly to the south and south west edges of the site, this would take time to become established and even when mature would not completely screen the site. Its presence in terms of visible buildings and street lighting would be evident.
- 5.85 Regardless of any landscape mitigation measures, the views from the public footpath and, the public's experience of using it, would always be materially and detrimentally affected. A pleasant walk in the countryside would be transformed into a walk through a housing estate. Public views from the A4095, and to a slightly lesser extent from Lower Road, would also be harmed.

- 5.86 Although landscaping is a reserved matter, the impact on the existing landscape is a matter of principle as regards the acceptability of development here, and there would be clear and unacceptable harm in landscape terms.

Impact on heritage assets

- 5.87 The Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF require that regard is had to listed buildings, conservation areas and other heritage assets, and their settings.
- 5.88 Millwood End Conservation Area in Long Hanborough is some distance from the site and there is much intervening development between. Therefore it is considered that this heritage asset would not be materially affected.
- 5.89 The Church Hanborough Conservation Area is also some distance from the site and although the intervening areas is agricultural land, the presence of Pinsley Wood effectively provides a very substantial physical and visual break between the village and the development.
- 5.90 Blenheim's Registered Park and Garden (Park) and World Heritage Site(WHS) lie approximately 300m to the north east of the site. Within these designated areas there are numerous individually listed buildings and structures, but none of these is close to the boundary of the designations.
- 5.91 In addressing the landscape and visual impacts of the development, it was noted that views to the north beyond the site would be materially affected. Therefore, views from the north within the Park and WHS, and in their setting between the site and the designations would likewise be affected. The effect is not direct in terms of the relationship, but rather concerned with the role the application site plays in forming part of the valley landscape here and the interplay between open spaces and landscape features, whether designated or not.
- 5.92 The openness that is retained in this part of the Evenlode Valley, notwithstanding existing development to the east and west, and the importance of the gap occupied by the application site to link landscape to the north and south is a key consideration. With respect to a layering and relationship of designated areas and character areas, it can reasonably be asserted that the development would be harmful to the setting of the Park and WHS. Paragraph 132 of the NPPF advises that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. In this context, the international value of the WHS sets it at this higher level of consideration.
- 5.93 Although the harm would be significant, having regard to the advice in the NPPF it is considered that the harm would be less than substantial under the terms of paragraphs 133 and 134. This harm therefore needs to be weighed against the public benefits of the proposal. This exercise will follow later in the report.
- 5.94 The closest listed building to the site is the Old Farm House on the A4095. This is Grade II Listed and approximately 65m from the site at its closest point. The list description is as follows:
- HANBOROUGH MAIN ROAD SP4214 (South side) Long Hanborough 19/146 The Old Farmhouse II Farmhouse, now house. Mid/late C17, extended in late C18. Coursed limestone rubble, buttressed to rear; gabled stone slate roof; left end stack of stone finished in brick and brick ridge stack. 3-unit plan. 2 storeys; 2-window range. Timber lintels over C20 two-light

casement to left and C19 three-light casements with iron fittings to right. Roughcast C20 porch on right adjoins C19 projection, part roughcast and with stone slate roof, to right. Interior: central room has stop-chamfered beams and stop-chamfered bressumer over open fireplace; possibly reset spice cupboard, with butterfly hinges, in rear wall. Roof not inspected.

- 5.95 As the name of this building suggests, it is a former farm house and therefore historically related to the land. It is one of a number of historic buildings scattered along Main Road which were either associated with farms, or were labourers' cottages, workshops or hostelries.
- 5.96 Although it is acknowledged that the Farm House has experienced the development of 3 modern dwellings to the east, affecting its setting to some extent, an agricultural setting for the building still remains by virtue of open land opposite, to the rear and extending to the west and south. The proposed development would replace a large parcel of agricultural land with a housing estate, which would materially alter the setting. In addition, views of the building from the public footpath would be dramatically changed by the presence of the housing, reducing the appreciation of the farmhouse in an open landscape.
- 5.97 The Council is statutorily obliged, under S66 of the Act, to 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. " The NPPF also imposes a requirement to assess the setting of listed buildings.
- 5.98 It is considered that the harm to the setting of the Old Farm House by reason of the nature, scale and proximity of the development would be significant but less than substantial. With regard to paragraph 134 of the NPPF such harm would need to be weighed against any public benefits of the proposal. This will be assessed below.

#### Trees and Ecology

- 5.99 The applicant has submitted an ecological report and additional related information which has been assessed by the Council's Biodiversity Advisor.
- 5.100 The main habitats identified are semi improved grassland, arable fields, hedgerows, trees and a woodland edge. Surveys for bats, badgers, birds and amphibians were all carried out to assess the ecology of the site.
- 5.101 The hedgerows, trees and woodland edge habitat present on site are identified as having the highest biodiversity interest and the hedgerow to be removed is identified to be a species poor hedge. The pond which is over 200m away was identified as containing breeding great crested newts (GCN) but in very low numbers, as such it is considered that GCN are unlikely to be encountered. However, in order to reduce the risk of harm to GCN which might be present in scrub, woodland and hedge habitats, all areas of such habitat should be retained. The ecology report also recommends a buffer area adjacent to the existing woodland. Whilst the illustrated master plan layout shows some tree planting across the site and a narrow band of green area adjacent to the existing woods, the majority of these areas are taken up with large attenuation ponds not woodland buffer planting areas.
- 5.102 Ideally a wider buffer alongside the existing woodland should be incorporated into this scheme in the form of planted woodland edge as well as public open space. The attenuation ponds' primary purpose will be to alleviate flooding, the creation of which has the potential to impact

on the adjacent woods. The new drawing submitted shows that the SUDS basins will have an emergent edge planted up with wet woodland type plants which will have adjacent woodland buffers planted up with barrier plants.

- 5.103 The revised drawing shows the identified habitats can be retained and have sufficient buffers to ensure their retention and that the buffers have been put in place to protect them in the future from impacts from this proposed development.
- 5.104 The proposal has been assessed with reference to the Habitat Regulation tests required for great crested newts and bats and the tests are met provided all the recommendations are followed.
- 5.105 It is considered that an appropriately worded condition regarding the recommendations in the report, mitigation, enhancements and future management of the site would address the ecological matters.

#### Drainage

- 5.106 The site is in Flood Zone 1 and therefore at low risk of flooding. Although the Environment Agency declined to offer detailed advice on this particular application, they did not raise an objection.
- 5.107 The intentions of the applicant as regards surface water drainage are noted, including the proposed use of attenuation ponds. Subject to a suitably worded condition, it is considered that surface water drainage arrangements can be satisfactorily addressed within the site.
- 5.108 Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. They therefore advise that should the application be approved, there would need to be a condition requiring the submission and approval of a drainage strategy detailing any on and/or off site drainage works, in consultation with the sewerage undertaker. No discharge of foul or surface water from the site would be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 5.109 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained and access to it for maintenance ensured.

#### Residential Amenity

- 5.110 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any neighbouring dwellings. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings.
- 5.111 The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.112 Although there may be some relatively short term disturbance during construction, it is considered that general amenity to existing properties would not be materially affected by the

development. A construction management plan can be agreed by condition. Loss of view is not a material planning consideration.

- 5.113 There is potential for future occupants of the development to be affected by noise from the A4095, the railway, and from the industrial estate. In this regard, as the exact layout of development is not yet known, it is considered that a condition could be imposed in relation to the achievement of acceptable levels of noise for new residents. This could, for example, include acoustic fencing and specialist window glazing.
- 5.114 It is acknowledged that the A4095 is congested at peak times and that this is of concern to residents as regards air quality. Nevertheless the site is not within an Air Quality Management Area and this is not considered to represent a constraint on development.

#### Affordable housing

- 5.115 Local Plan Policy H11 requires contributions to affordable housing at a rate of up to 50% on unallocated sites. The emerging review plan Policy H3 introduces an approach on large scale schemes whereby the district is divided into zones where different proportions of affordable housing will be sought. In the case of Long Hanborough the requirement would still be 50%.
- 5.116 The Council's Housing Enabling Officer has commented that there are over 220 households on the Council's waiting list who are in housing need and would qualify for affordable housing were it available today. Of these there are 55 households that have a connection to Long Hanborough. Therefore the proposal to provide 50% affordable housing is supported. This would be secured by legal agreement.
- 5.117 The applicant is agreeable to the provision of specialist housing that may be required as part of the overall provision of affordable housing, and has also indicated that a number of plots could be made available for self-build. This could be delivered by way of legal agreement or condition.

#### Infrastructure

- 5.118 Many objectors have referred to the impact of the development on the capacity of infrastructure in the village.
- 5.119 The applicant has included within the application a proposal for the siting of a Class D1 building (community use). The intention is that this would provide a site for a relocated Doctors' surgery.
- 5.120 The primary care provider in this location, Hanborough Surgery, has confirmed that the existing surgery is already significantly below the recommended size for the current population of the village, and that the increase in population from a development of this size would have a significant impact on their ability to continue to care for existing patients as well as the new residents.
- 5.121 There is no scope to enlarge the existing premises, and the car park is inadequate. The proposed building within the new development is some distance from the centre of the village and would inevitably require patients to drive to the surgery, compounding existing problems. The application does not address this issue. A high proportion of patients are elderly and with mobility difficulties.

- 5.122 There has also been no suggestion regarding funding for such premises and it is unrealistic to expect funding to be made available by NHS England at this time.
- 5.123 There has been an attempt to address provision by way of inclusion of a surgery on the Pye Homes site, west of the village (15/02687/OUT), and by a contribution to healthcare from a development at Church Road. Whilst the surgery is supportive of the revised arrangements put forward by Pye Homes, at the time of writing this issue remains unresolved to the extent that existing provision is inadequate.
- 5.124 The surgery maintains its objection to the application as the D1 building proposed would not fulfil its needs.
- 5.125 Given the distance from the village it is difficult to envisage that an alternative community use here would be successful here or be supported by existing residents.
- 5.126 The capacity of Hanborough Village school is a key issue raised by many objectors. The current situation at the school is that it is over capacity and has to turn away in-catchment children. The site is constrained in size and has no capacity to expand without seriously compromising the external play space, which would take it below the recommended standards.
- 5.127 Various options have been explored through discussions, the first and most obvious being a potential 'land swap' and expansion of the school onto the land immediately adjacent to the site, which is already in use as a playing field/recreation area. However the Hanborough Playing Fields Association controls this land and has indicated that it does not wish to consider a land swap. As such there is no certainty that this will come forward.
- 5.128 Pye Homes have looked to offer land of a similar size to provide an off-site playing field. They have come forward with a proposal to develop an area of land south and rear of Riely Close, which was the subject of a separate application (15/03341/FUL). However when advised by Officers that they were minded to refuse that application the applicants appealed against the non-determination of the application and so the decision will now be taken by the Inspectorate.
- 5.129 There is currently no means to educate any pupils generated by the development within catchment and indeed the capacity in the whole south east corner of the District is so limited that even bussing children to less popular schools does not appear to be a remedy. It is difficult to conceive of a position where allowing houses without the means to educate any children who live there could be classed as sustainable development.
- 5.130 Until a solution to both the current shortfall of space on the school site and potential growth of the school in line with potential population increase is clarified, funded and secured there is still some way to go before this issue is resolved. In the interim, whilst the issues may not be insurmountable, they do indicate the solution is some way off before the school would be at a capacity to be able to cope with an increase in intake, in any sustainable way.
- 5.131 If permission were to be granted, OCC would require £428,534.00 towards primary education and £474,633.00 towards secondary education.
- 5.132 Under current circumstances it is considered that the development of an additional 120 dwellings in this location would not ensure an integrated and sustainable approach to the

provision of housing and community facilities which would be contrary to Local Plan 2011 Policy BE1, emerging Local Plan Policy OS5 and paragraph 70 of the NPPF.

#### Other matters

- 5.133 The land is not of high agricultural quality and there would be no justification for resisting its loss as regards agricultural land classification.
- 5.134 Potential contamination can be dealt with by way of a condition.
- 5.135 Although there are no known archaeological features on the site, the OCC Archaeological Officer has advised standard conditions to address suitable investigations to assess these matters.

#### Conclusions and planning balance

- 5.136 The application is seeking outline planning permission with only means of access to be considered at this stage.
- 5.137 The site does not relate well to the existing settlement, would be an inappropriate extension to the settlement of Long Hanborough, and would be detrimental to the scale and pattern of development in this location. The principle of development in this location is therefore unacceptable with regard to Local Plan Policies BE2 and H2, emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF.
- 5.138 The means of vehicular access to the A4095 and proposed highways works are not objected to by the OCC Highways Officer. Although the concerns of objectors are acknowledged and noted, based on OCC advice, it is considered that a stand alone reason for refusal on highways grounds would be difficult to sustain. Details of the provision of parking within the site can be resolved at the reserved matters stage.
- 5.139 The introduction of development of this siting and scale, would unacceptably urbanise the countryside in this location. The extent and scale of development beyond the village, past the single plot depth ribbon development, would be visually jarring and totally out of keeping with the prevailing pattern and appearance of the existing development to the west. The highway works to create a right turn lane, traffic islands, and bollards, together with the necessary road markings, signage, etc. would compound the urbanising effect and give the impression of being in a town rather than a rural village. This would be contrary to Local Plan 2011 Policies BE2 and H2, emerging Local Plan Policies H2 and OS4, and paragraphs 17, 58, 61, and 64 of the NPPF.
- 5.140 Although the masterplan indicates that additional planting would be provided, particularly to the south and south west edges of the site, this would take time to become established and even when mature would not completely screen the site. Its presence in terms of visible buildings and street lighting would be evident.
- 5.141 Regardless of any landscape mitigation measures, the views from the public footpath and, the public's experience of using it, would always be materially and detrimentally affected. A pleasant walk in the countryside would be transformed into a walk through a housing estate. Public views from the A4095, and to a slightly lesser extent from Lower Road, would also be harmed.



- 5.142 Although landscaping is a reserved matter, the impact on the existing landscape is a matter of principle to be considered as regards the acceptability of development here, and there would be clear and unacceptable harm in landscape terms. Although it is acknowledged that the industrial estate features large buildings, because of the topography, levels and existing screening in this location they are not particularly prominent when viewed from the north west, west, south and south west. By contrast the proposed development would be highly visible in the landscape.
- 5.143 The harm to the landscape would be contrary to Local Plan 2011 Policies BE2, BE4, H2, NE1, and NE3, emerging Local Plan Policies OS2, H2, EH1, and paragraphs 17, 58, 75, and 109 of the NPPF.
- 5.144 The openness that is retained in this part of the Evenlode Valley/Eynsham Vale, and the importance of the gap occupied by the application site to link landscape to the north and south is a key consideration. With respect to a layering and relationship of designated areas and character areas, it can reasonably be asserted that the development would be harmful to the setting of Blenheim Park and WHS. Paragraph 132 of the NPPF advises that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. In this context, the international value of the WHS sets it at this higher level of consideration. The proposal is considered contrary to Local Plan 2011 Policy BE11, emerging Local Plan Policies EH7 and EW1, and Section 12 of the NPPF, in particular paragraphs 131, 132, 134, and 137.
- 5.145 As regards the Grade II Listed Old Farm House, an agricultural setting for the building still remains by virtue of open land opposite, to the rear and extending to the west and south. The proposed development would replace a large parcel of agricultural land with a housing estate, which would materially alter the setting. In addition, views of the building from the public footpath would be dramatically changed by the presence of the housing, reducing the appreciation of the farmhouse in an open landscape.
- 5.146 The Council is statutorily obliged, under S66 of the Act, to 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. " The NPPF also imposes a requirement to assess the setting of listed buildings. It is considered that the harm to the setting of the Old Farm House by reason of the nature, scale and proximity of the development would be significant but less than substantial. The proposal is considered contrary to Local Plan 2011 Policy BE8, emerging Local Plan Policy EH7, and Section 12 of the NPPF, in particular paragraphs 131, 132, and 134.
- 5.147 The ecology of the site has been assessed and it is considered that an appropriately worded condition regarding the recommendations in the submitted ecology report, mitigation, enhancements and future management of the site would address the ecological matters. A condition regarding tree protection measures can also be applied. Appropriate landscaping of the site would be fully considered at the reserved matters stage. Subject to compliance with necessary conditions, there is considered to be no conflict with Local Plan 2011 Policies NE6, NE13 and NE15, emerging Local Plan Policy EH2, and paragraph 118 of the NPPF.
- 5.148 Thames Water raises objection in relation to foul drainage capacity in this location and request that a drainage strategy is agreed by way of condition. Sustainable drainage will be included as part of the development at the reserved matters stage and can be conditioned. Subject to compliance with appropriate conditions, it is considered that the proposal would comply with emerging Local Plan Policy EH5 and paragraphs 99 to 103 of the NPPF.

- 5.149 The layout is indicative at this stage and therefore matters relating to privacy, light and amenity within the site cannot yet be assessed as regards the relationship of buildings and spaces around them. It is considered that a reserved matters submission could satisfactorily address the potential impacts on privacy, light and general amenity in relation to existing dwellings. There is concern regarding the effects of noise and this can be addressed by appropriate conditions.
- 5.150 It is intended that 50% of the dwellings would be affordable and plots can also be identified for self-build at the reserved matters stage. Subject to legal agreement, the proposal would comply with Local Plan Policy H11, emerging Local Plan Policy H3 and paragraph 50 of the NPPF.
- 5.151 Impacts of the development as regards social infrastructure are capable of being addressed through a legal agreement and various contributions are sought, as identified elsewhere in this report. However, it is important to note that the provision of a D1 building for a doctors' surgery on the site is not supported by the existing doctors' practice in the village, and many local residents object to it. The need for or appropriateness of a surgery on the site, or any other use falling within Class D1 of the use classes order has not been demonstrated. However, the need for larger premises with more car parking for the practice is recognised. The village primary school is over-capacity and at present a solution to increase capacity is urgently needed. Under current circumstances it is considered that the development of an additional 120 dwellings in this location would not ensure an integrated and sustainable approach to the provision of housing and community facilities which would be contrary to Local Plan 2011 Policy BE1, emerging Local Plan Policy OS5 and paragraph 70 of the NPPF.

#### Planning balance

- 5.152 The current uncertainty regarding housing land supply suggests that the proposal should be assessed by way of an overall planning balance under paragraph 14 of the NPPF. However, under footnote 9 of paragraph 14 we are directed that there should not be a presumption in favour of development where specific policies in the framework indicate that development should be restricted. Such policies include those relating to heritage assets, which would apply in this case. Nevertheless, paragraphs 133 and 134 of the NPPF as regards the effect on heritage assets also require public benefits to be weighed against the harm identified, and therefore a balance is required in any event. It should be noted, however, that the Council is also required to apply a higher level of assessment when dealing with the setting of listed buildings under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.153 The applicant in their planning statement has set out a list of suggested benefits that would be delivered by the proposal and these will be dealt with in turn.

#### Economic

- (i) Increase in capital investment in the area/Increased spending in local businesses and other services/New housing to support economic activity - These are accepted, but they could equally be delivered by other development in the wider area and are not specific to this development.
- (ii) Accessibility to a range of job opportunities - It is acknowledged that Long Hanborough does have an industrial area and a number of commercial premises. However, it is a village and accordingly does not provide high levels of employment opportunities. Although some commuting by rail would be possible from Long Hanborough Station and via local bus

service, it remains likely that there would be significant out commuting by car which would not be sustainable.

(iii) Provision of construction jobs - Accepted but these too could be provided on other sites.

- (iv) Jobs within D1 use - the need for and appropriateness of the D1 building have not been demonstrated and this cannot be considered as guaranteed to be delivered. In any event, the numbers of jobs are likely to be limited in this use.
- (v) Provision of land for infrastructure improvements - Permission has not been sought for these improvements as part of the proposal and they cannot therefore be factored into the balance. An intention to set land aside for infrastructure improvements is entirely a matter for the landowner. In any event, such improvements could be proposed separately and their merits assessed at that time.
- (vi) New Homes bonus - It is accepted that this would be a benefit should permission be granted. However, it could equally be delivered on sites that are considered sustainable and supported by the Council elsewhere in the District.

### Social

- (i) New homes including 50% affordable - The provision of new homes in the District is a requirement and delivery of affordable housing as part of this is an aim of the Council. However, such provision can be made on sites that are considered sustainable and supported by the Council elsewhere in the District.
- (ii) Land to accommodate D1 - The need for and appropriateness of the D1 building have not been demonstrated and this cannot be considered as guaranteed to be delivered.
- (iii) High quality physical environment with green infrastructure - The replacement of open countryside with major development of the type envisaged, could not be considered a benefit in social terms.
- (iv) Through good design a reduction in the fear of crime and opportunities for crime and anti-social behaviour - This is a matter that would be a factor at reserved matters in terms of design. However, leaving the land as agricultural with no crime, opportunities for crime or anti-social behaviour would optimise the ability to avoid crime in this location.
- (v) Accessible facilities - The proposed development would allow its residents a short walk to the station, bus services and the industrial estate. However, it would be removed from the main core of the village and other services and facilities that exist there, such as the primary school, as well as day to day community activities and interaction. Accessibility in social terms is not considered a significant positive factor in this case.
- (vi) Opportunity to improve transport facilities at Hanborough station - This is purely hypothetical at this stage and cannot be factored into the balance.

### Environmental

- (i) High quality design that reinforces local character and distinctiveness - At this outline stage not enough is known about the design to establish whether or not this would reinforce local character and distinctiveness. However, in any event, for the reasons expressed in this report, notwithstanding any design that could be put forward at reserved matters the harm to the environment is significant and the outline proposal should be resisted on this basis.
- (ii) Biodiversity enhancements - Whilst it is acknowledged that a reserved matters scheme could have the potential to deliver ecological enhancements compared to the relatively limited ecology of the site at present, this is not considered to weigh heavily in favour of developing this greenfield site.

(iii) New green infrastructure and open space - The replacement of open countryside with major development of the type envisaged, could not be considered in any way a benefit in environmental terms notwithstanding proposed inclusion of green infrastructure and open space.

5.154 The applicant has not made out a persuasive case that the benefits of the proposed development outweigh the harm that has been set out in this report. Accordingly, the proposal does not represent sustainable development and fails to test of paragraph 14 of the NPPF. Over and above this, the limited benefits accepted by Officers in the analysis of the balance above would not be sufficient to off-set the harm to the setting of Blenheim Park and WHS, and the Old Farmhouse under paragraphs 133 and 134 of the NPPF. This too strongly supports refusal. Committee is also reminded of the statutory duty, in relation to listed buildings, to 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 your Officers' opinion the proposal would not preserve the setting of the Old Farmhouse.

## **6 REASONS FOR REFUSAL**

- 1 The site does not relate well to the existing settlement, would be an inappropriate extension to the settlement of Long Hanborough, and would be detrimental to the scale and pattern of development in this location. The principle of development in this location is therefore unacceptable with regard to Local Plan Policies BE2 and H2, emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF.
- 2 The introduction of development of this siting and scale, would unacceptably urbanise the countryside in this location. The extent and scale of development beyond the village, past the single plot depth ribbon development, would be visually jarring and out of keeping with the prevailing pattern and appearance of the existing development to the west. The highway works to create a right turn lane, traffic islands, and bollards, together with the necessary road markings, signage, and street furniture. would compound the urbanising effect and give the impression of being in a town rather than a rural village. This would be contrary to Local Plan 2011 Policies BE2 and H2, emerging Local Plan Policies H2 and OS4, and paragraphs 17, 58, 61, and 64 of the NPPF.
- 3 Notwithstanding the illustrative planting shown on the submitted plans, this would take time to become established and even when mature would not completely screen the site. The openness that is retained in this part of the Evenlode Valley/Eynsham Vale, and the importance of the gap occupied by the application site to link landscape to the north and south is a key consideration. The development's visual presence in terms of buildings, infrastructure and street lighting would be very evident. The views from the public footpath 238/1/10 and, the public's experience of using it, would be materially and detrimentally affected. Public views from the A4095, and to a slightly lesser extent from Lower Road, would also be harmed. There would be clear and unacceptable harm in landscape terms to the Eynsham Vale of which the site forms part. The harm to the landscape would be contrary to Local Plan 2011 Policies BE2, BE4, H2, NE1, and NE3, emerging Local Plan Policies OS2, H2, EH1, and paragraphs 17, 58, 75, and 109 of the NPPF.

- 4 The site is located within the setting of the Blenheim Park Grade I Listed Park and Garden, Blenheim World Heritage Site and the Grade II Listed Old Farmhouse. An agricultural landscape setting for these heritage assets is provided by farmland to the north and south of the A4095, the wider Evenlode Valley, and Cotswolds Area of Outstanding Natural Beauty north of the A4095. The proposed development would replace a large parcel of agricultural land, forming an important gap in development, with a housing estate, which would be materially harmful, altering the setting of these heritage assets by imposing an extensive and visually significant development within this landscape. In addition, views of the assets from the public footpath 238/1/10 would be dramatically changed by the presence of the housing, reducing the appreciation of them in an open landscape. By reason of the nature, scale and proximity of the development, the proposal is considered contrary to Local Plan 2011 Policies BE8 and BE11, emerging Local Plan Policies EH7 and EW1, and Section 12 of the NPPF, in particular paragraphs 131, 132, 133, 134 and 137. The harm in relation to these heritage assets is considered less than substantial with regard to paragraph 134 of the NPPF, and this harm is not outweighed by any benefits of the proposal.
  
- 5 The applicant has not entered into a legal agreement to secure public transport and highways improvements, education contributions, contributions to community facilities, public art and affordable housing. Consequently the proposal conflicts with West Oxfordshire Local Plan Policies BE1 and H11, emerging West Oxfordshire Local Plan 2031 Policies H2 bullet point 14, OS5 and H3, and paragraph 17 bullet point 3, and paragraph 203 of the NPPF.

|                         |   |
|-------------------------|---|
| Application Number      | I5/03542/FUL  |
| Site Address            | Thornycroft<br>Woodstock Road<br>Charlbury<br>Chipping Norton<br>Oxfordshire<br>OX7 3ET |
| Date                    | 17th February 2016  |
| Officer                 | Joanna Lishman  |
| Officer Recommendations | Approve   |
| Parish                  | Charlbury   |
| Grid Reference          | 436407 E 218798 N   |
| Committee Date          | 29th February 2016  |

**Application Details:**

Erection of a new dwellinghouse with detached garage and associated works.

**Applicant Details:**

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

**I CONSULTATIONS**

- |     |                                     |  |
|-----|-------------------------------------|--|
| I.1 | OCC Highways                        | I cannot demonstrate that the proposal, if permitted, will cause such severe harm in terms of highway safety and convenience that would warrant the refusal of a planning permission. No objection subject to condition.   |
| I.2 | WODC Landscape And Forestry Officer | No Comment Received.   |
| I.3 | WODC Architect                      | Amended design - agree this is an improvement - in terms of formal qualities, differentiation of elements etc. Also, the lowermost gable end, with full-height glazing omitted, is looking better. The lowered linking element, while also an improvement, could arguably be less of a physical presence still (e.g. by being more transparent); however, overall better. No objection subject to condition. |
| I.4 | WODC Drainage Engineers             | No objection subject to condition.   |
| I.5 | Parish Council                      | The materials to be used are important in this location.<br><br>No objection provided that the access has adequate visibility splays.  |

## **2 REPRESENTATIONS**

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

## **3 APPLICANTS CASE**

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

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

#### 1. Insulation

The building will be insulated to the highest standard practically possible, including high performance windows. Some of the external walls are below ground level which is very good for reducing heat loss when it is particularly cold. Sedum roofs have very high insulation values.

#### 2. Air-tightness

Careful construction, particularly around doors/windows and services penetrations will result in a very air-tight building.

#### 3. Heat recovery ventilation

The air tight building is to be provided with large volumes of fresh air, and pre-warms the fresh air taking energy from the equivalent volume of warm stale air being removed. The two objectives being heat retention and air quality. In summer, the system can be bypassed to keep internal temperatures within a comfortable range.

These will greatly reduce the amount of energy required to keep a building warm in the colder months. The heating will be provided by carbon neutral solid fuel stoves supplemented with low energy gas or electric heating solutions.

In addition, low energy lighting will be utilised throughout; the sedum roof helps with surface water retention and supports bio-diversity; and roof run-off will be harvested for irrigation.



## **4 PLANNING POLICIES**

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

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

## **5 PLANNING ASSESSMENT**

- 5.1 The application was deferred at Committee on 1st February 2016 for a Members site visit. The application was brought to Committee by Councillor Graham and Councillor Haines having received a complaint from a neighbour regarding inconsistency of decisions over visibility splays from OCC Highways.
- 5.2 The application seeks planning permission for the erection a single 5-bed dwelling and detached 2-bay garage and store on land forming part of the garden of adjacent property, Thorneycroft, Woodstock Rd, Charlbury.

### Background Information

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

Principle

Scale, siting, design and form

Impact on the character and appearance of the Conservation Area

Highways

Residential amenities

Impact on the AONB

Trees

## Principle

- 5.6 At the present time, the Council's position in relation to 5-year housing land supply is unclear. The most recent Housing Land Supply Position Statement published in February 2015 suggests the Council has a 5-year supply of deliverable housing sites when assessed against the submission draft Local Plan requirement of 525 homes per year.
- 5.7 However, following the Local Plan hearing sessions in November 2015 the Council has received the preliminary findings of the Inspector which raise a number of concerns regarding the 525 per annum target. His findings provide a clear indication that the Local Plan housing requirement will need to be increased but at this point in time, it is not clear by how much (and therefore whether or not the Council can demonstrate a 5-year supply).
- 5.8 The Inspector has essentially given the Council a choice of either adopting the SHMA figure of 660 per annum or, if it wishes to, undertaking further work to take account of a lower demographic starting point of around 490 dwellings per annum (compared to the 541 dwellings per annum starting point used in the SHMA). Any such further analysis could potentially lower the SHMA midpoint figure of 660 per annum. The Inspector acknowledges in his findings that he is unable to identify what the housing requirement should be and that 'it is likely to be between the recommended figure in the SHMA (660 dpa) and that in the plan (525 dpa)'.
- 5.9 The Council is yet to make a decision on how it intends to proceed. For this reason it is not possible at the present time to definitively conclude whether the Council has a five-year housing land supply or not. In light of this current uncertainty and also taking account of its relative age, your officers do not consider that significant material weight should be afforded to Policy H7 of the adopted Local Plan in the determination of this application.
- 5.10 Your officers do not accept that paragraph 14 of the NPPF is necessarily engaged (because of the current uncertainty) and consider it appropriate to nonetheless undertake a balancing exercise whereby the potential benefits of the scheme are weighed up against the potential harms having regard to the NPPF and NPPG.
- 5.11 Your officers also consider that other relevant policies of the adopted Local Plan which do not relate directly to the supply of housing such as H2, BE1, BE2, BE4 etc. should be afforded full weight.
- 5.12 Some weight should also be given to relevant emerging Local Plan policies such as OS2 and H2 given that the draft plan is at a relatively advanced stage.
- 5.13 The principle of the erection of a new dwelling in this location is controlled by Policy H2 and H7 of the West Oxfordshire Local Plan 2011 with increased weight given to the emerging Local Plan 2031 Policy OS2 and H2. These policies allow for the provision new dwellings in Rural Service Centres, of which Charlbury is one, in the form of development within the built up area. It is also important to note that the Burford-Charlbury sub area identified in the emerging Local Plan seeks 800 new dwellings in the period to 2031. As the development proposes a single dwelling, officers consider that the principle is acceptable.

### Scale, Siting, Design and Form

- 5.14 The proposed single dwelling is of a modern design, form and siting that pay regard to the existing mature oak tree and, sloping topography of the site and the unusual shape of the site.
- 5.15 The scale of development proposed is considered acceptable for the size of the site, with other detached dwellings nearby sitting in similar sized plots. It is not considered to be overdevelopment of the site.
- 5.16 Siting is discussed further in relation to impact on residential amenity and trees below, nevertheless the building line along Woodstock Road is respected and is set back from the street frontage. The site forms an existing garden area, between existing dwellings and is largely screened by an existing hedgerow from the road frontage. It is not considered to be an area of open space that makes an important contribution to the character and appearance of the area, with the exception of the oak tree which the scheme has been designed around to retain.
- 5.17 The design and form have been amended from pre-application stage and as part of the formal consultation with the Conservation Architect. It was suggested that the roofs should be pitched in opposing directions, albeit acknowledged this would go against the topography of the site. In response, the applicant felt it would not respect the topography of the site. It was also suggested that the two mono-pitch elements were pulled apart or differentiated in height in order to give a more legible break between the two elements. It is noted that the site is constrained by the shape and topography and the need to avoid overlooking and appearing overbearing. As such it was agreed that the current design and form are acceptable having received modifications to the amount and height of some of the fenestration.
- 5.18 The proposed materials which consist of random coursed natural stone and vertical timber cladding for the external walls, natural slate and sedum for the roof, would be sympathetic to existing dwellings in the area whilst introducing a modern, innovative design.
- 5.19 The proposed development is considered to form a logical complement to the existing scale and pattern of development and is considered to accord with policies BE2, BE5, H2 of the adopted plan and OS2, OS4 and EH7 of the Emerging Plan.

### Impact on the character and appearance of the Conservation Area

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

### Highway

5.22 The proposal has shown a minimum of two spaces for the dwelling in garage form and plenty of additional parking to the front of the garage and immediately in front of the dwelling. The vehicular access from the Woodstock Road is an existing field access. The proposal is not considered to result in an unacceptable intensification of this access and retains sufficient visibility splays (2.4m x 43m) with the removal of the hedgerow and taking regard of 30mph traffic speeds.

5.23 The County Council as Highway Authority were consulted and have raised no objection subject to conditions being imposed. In order to clarify inferred inconsistency in highway consultation advice, the following statement has been provided:

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

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

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

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

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

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

### Residential Amenities

5.25 The dwelling is sited forward of Whitson but on an oblique angle and orientated within the site such that there are no unacceptable overlooking, overshadowing or overbearing impacts on the existing or future occupiers of Whitson or Thorneycroft.

5.26 A condition has been recommended in order to ensure that the flat roof areas are not used as balconies in order to protect residential amenity of the neighbours. In addition, PD rights for new openings, particularly on the east facing elevation, are recommended to be removed and likewise for extensions.

5.27 In light of the above the application proposal is considered acceptable in terms of neighbour amenity and is compliant with Local Plan Policy BE2 and H2 and emerging Local Plan Policy H2.

### Impact on the Cotswold AONB

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

### Trees

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

### Conclusion

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

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development otherwise approved by Classes A, B, C or E of Part I of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.  
REASON: Control is needed to protect the residential amenity of adjacent properties.
- 6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 8 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.  
REASON: In the interests of road safety.
- 9 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 10 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.  
REASON: In the interest of improving connectivity in rural areas.
- 11 The external walls of the dwelling shall be constructed with natural stone and timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.

- 12 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 13 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery, windows and doors, eaves and verges at a scale of 1:5 and 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 14 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 15 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 16 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 17 Demolition and construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 9am hours to 12pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.  
REASON: To safeguard living conditions in nearby properties.

- 18 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard and enhance biodiversity.

NOTE TO APPLICANT

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

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



|                         |   |
|-------------------------|---|
| Application Number      | 15/04215/FUL  |
| Site Address            | Land East of Farley Corner<br>Farley Lane<br>Stonesfield<br>Oxfordshire |
| Date                    | 17th February 2016  |
| Officer                 | Abby Fettes   |
| Officer Recommendations | Pending Decision  |
| Parish                  | Stonesfield   |
| Grid Reference          | 439507 E 217785 N   |
| Committee Date          | 29th February 2016  |

**Application Details:**

Erection of 13 dwellings, associated access and landscaping, and change of use of land to the north to form a burial ground.

**Applicant Details:**

Empire Homes  
C/o Agent

**I CONSULTATIONS**

I.1 Parish Council  
Councillors are broadly in support of this application. The offer to provide the parish with land for a cemetery would be accepted by Parish Council. Council has been unsuccessful in attempts over many years to secure a plot of land for this purpose despite approaching all local land owners. Councillors and residents also note that the developer has taken a very consultative approach to drafting this application. It is viewed as an attractive development. Councillors do however remain concerned about the proposed access points to the development. This comes off a Lane that is a mixed industrial/residential area and is always congested with parked cars. Furthermore occasional visits by HGVs with supplies also use the same Lane. Councillors would like to suggest that access from the Ridings or from adjacent to Wootton End would be preferable.

I.2 One Voice Consultations  
Highways  
Object  
It is clear that a development of this size and nature in this location will not have a significant adverse impact on the capacity of the surrounding transport network. However, the proposals are considered to be unclear or deficient on transport and highways grounds for a number of reasons. Further info required.  
Request Section 106 contribution of £1,000 per residential dwelling towards the cost of additional bus services to/from Stonesfield.  
Section 278 arrangement for the construction of a footway along The Fairway between Farley Lane and the bus stops at Stonesfield green.  
Surface water condition required  
Archaeology

|     |                      |  |
|-----|----------------------|--|
|     |                      | No objection<br>Education<br>No objection subject to contributions to Primary, Secondary and Special Needs education<br>Property<br>£991 towards library stock   |
| 1.3 | Ecologist            | No objection subject to conditions   |
| 1.4 | Environment Agency   | This planning application falls outside our remit as a statutory planning consultee and we do not wish to be consulted on it   |
| 1.5 | WODC Head Of Housing | Having had the opportunity to review this planning application, I can confirm that there are 65+ households on the Council's waiting list who would qualify for affordable housing in Stonesfield, were it available today. The majority of these would require smaller homes. Of the overall figure, 7 households have a local connection to the village.<br>Due to the not inconsiderable demand, it is reasonable for the Council to seek a contribution towards affordable housing either on site, or if an appropriate developer viability assessment is submitted, by way of a financial contribution in lieu. |
| 1.6 | Thames Water         | Waste Comments<br>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.<br>Water Comments<br>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.  |

## 2 REPRESENTATIONS

### 2.1 Four objections received on the following grounds:

#### Highways

- The present proposed access to this site is in my opinion the worst possible
- The entry should be opposite Wootton End with an internal access road to the second part of the development
- Farley Lane is frequented daily by horse riders, delivery vehicles including large HGVs and vehicles going to Bishops Meadow and the farm/industrial buildings at the far end of the lane.
- The number and size of the proposed houses will result in at least 26 extra vehicles using entrances to a narrow part of the lane as there are current residents cars parked at kerbside all down the lane object to the 2 proposed access roads into the estate. It would be better to have one road in opposite Wootton End or if this is unacceptable, one road in opposite Bishops Meadow. There is much daily traffic on Farley Lane: delivery vans of all sorts, private cars, horse-boxes, tractors and other farm vehicles, delivery lorries

bringing/collecting classic cars from the garage next to Witney Welding, 18 tonne long wheelbase lorries back up the lane to deliver long steel girders to Witney Welding, motor-bikes, bicycles, walkers, dog-walkers, horses and riders, ambulances and all the traffic associated with NCCBR.

- In addition, cars are parked outside on the road between No's 18 and 8, often remaining all day. Cars & vans also use the lane to turn round, having lost their way.
- It really is essential for the builder to run some traffic surveys over at least 2 weekdays to discover what comes up and down Farley Lane. Has this been done?
- If the estate goes ahead with the proposed access roads, opposite No's 8 and 16 Farley Lane, there will be road traffic accidents. Some accidents could be complex because of all the animals that use the lane. Please reconsider access to the estate
- Although we feel the developer, has taken into account, some of the concerns raised by the residents of Farley Lane, regarding this proposed development, we still have strong objections to the two proposed access roads, into this development.

#### Policy

The SHLAA site assessment summary references 10 homes within a 0-5 year time period. The proposal now stands at 13. It does not seem unreasonable to suggest that 13 is too many for the area of land available and suggest that the application be reviewed more in line with the SHLAA site assessment summary.

#### Landscape

- I would like to object to the loss of small fields and grazing which this application gives rise to, and ask that consideration be given to the currently approved WODC Local Plan 2011 Environment reference Clause 3.36 and 3.4 which applies to open spaces and green spaces which include paddocks and informally grazed small fields, when it debates its response to the application.
- In such a rural village, small fields used for grazing, are a valuable visual amenity and contribute greatly to the general character of a neighbourhood to quote the local plan. There is an increasing loss of small areas of grazing in Stonesfield.

#### 2.2 Two letters of general comments have been received on following matters:

- I note that it is proposed that plots 12 and 13 will have front doors leading out onto Farley Lane and directly opposite the entrance to Bishops Meadow. Whilst I understand that off-street parking will be provided at the backs of the houses, we are concerned that anyone visiting them, will park outside the front of the houses (on Farley Lane) which will make it difficult or even impossible to access our road.
- We would be grateful if this could also be communicated to the developers and we could have assurances that no site traffic will access our road or use it to turn.
- As a private road, use access and parking is only for the residents of Bishops Meadow

#### 2.3 Three letters supporting proposal has been received (including one from the landowner) on following grounds:

- Whilst we are broadly in support of the small proposed development, as this will help potentially with ongoing viability of both the school and other local amenities/shops we have some concerns regarding access, especially if this was sited adjacent to Wootton End as suggested by the Parish Council.

- Our intention is to retain 4 properties for family occupation and will construct as self build.
- What we are trying to achieve is what Mr Cameron and the government are wanting for young families.
- they will move out of affordable homes and rented accommodation and be home owners.
- We would be contributing towards affordable housing by freeing up the housing association properties they live in.
- My grandchildren would go to the local school and they will be able to enjoy the village amenities.
- The parish council support the scheme.
- The policy team are stalling the development.
- It is the responsibility of the District Council to look at all these matters as a whole.

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

- 3.1 The following documents have been submitted in support of the application and can be viewed online:

Planning Statement  
Ecology Report  
Landscape and Visual Impact Assessment

- 3.2 The Planning statement is concluded as follows:

Having regard to the above, it has been demonstrated that the proposed development accords with the NPPF, development plan and other material considerations. Further the proposed development will meet an identified housing need within Stonesfield and deliver sustainable development within West Oxfordshire.

### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H6 Medium-sized villages  
H11 Affordable housing on allocated and previously unidentified sites  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE13 Biodiversity Conservation  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
EH1NEW Landscape character  
EH2NEW Biodiversity  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application seeks consent for 13 dwellings on a site to the north of Stonesfield, fronting Farley Lane. There is a dwelling to the west and farm buildings to the east, with open countryside to the north. The site is within the Cotswolds AONB.
- 5.2 The scheme will provide 1 no. two bed dwelling, 2 no. three bed dwellings and 10 no. four and 5 bed dwellings with associated parking and gardens, accessed from Farley Lane, arranged in two cul-de-sacs. It will also make provision for a cemetery accessed from the Ridings to the north of this site.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### Principle

Siting, design and form

Highways

Residential amenity

S106 heads of terms

### Principle

- 5.4 In terms of the District's settlement hierarchy, Stonesfield is identified as a 'medium-sized village' in the adopted West Oxfordshire Local Plan 2011 and a 'village' in the emerging Local Plan 2031. The Council's assessment of settlement sustainability shows Stonesfield as having a reasonable range of services and facilities, including a primary school, a library, public house, post office and shop. It is not, however, on or close to a main road and has limited local employment opportunities.
- 5.5 The most relevant adopted housing policy is WOLP 2011 Policy H6 which allows for residential development on the basis of infilling and rounding off of unallocated brownfield sites within the built-up area and conversion of existing buildings. As this proposal is on a greenfield site it does not comply with the definition of infilling and rounding off and is contrary to policy. However, whilst the application does not fulfil the criteria of adopted Policy H6, it is accepted that this policy is more restrictive than the NPPF which post-dates it. The Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites. This is reflected in Policy OS2 and Policy H2 of the submission draft Local Plan 2031. Under draft Policy OS2 villages such as Stonesfield are identified as being suitable for limited development which respects character and local distinctiveness and would help to maintain the vitality of the community. Under draft Policy H2 development on greenfield sites within or adjoining the built up area will be permitted subject to compliance with various criteria.
- 5.6 The strategy of the draft local plan looks to deliver about 800 new homes in the Burford-Charlbury Sub-Area (2011-2031) - Policy BCI applies. The first hearing sessions into the submission draft Local Plan 2031, dealing with strategic matters including housing numbers, were held in November 2015. The Inspector's preliminary findings were published in December. Whilst these indicate that the draft housing requirement will be increased, at this point in time it

is not known by how much. The Inspector suggests that the housing requirement is likely to be between 525 - 660 homes per annum but that further work would be needed to determine the final requirement and thus provide further clarity with regard to the 5-year housing land supply situation.

- 5.7 In the meantime, considering this proposal against a more 'relaxed' adopted Policy H6 and the draft Policies OS2 and H2, indicates that the principle of residential development at Stonesfield is acceptable in general terms. The site has been identified in the SHLAA as suitable for a frontage development of up to 10 dwellings.
- 5.8 Both the adopted and emerging plan policies trigger an on-site requirement for affordable housing however none has been provided. No evidence was initially provided to suggest this cannot or should not be included as part of the proposal, but some viability information has recently been submitted. Officers are assessing this information and more information is available in the Heads of Terms section of the report, but it is currently considered contrary to local plan policies H11 of the adopted plan and H3 of the emerging plan.
- 5.9 The site is within the Cotswold AONB and is identified as Open Limestone Wolds in the West Oxfordshire Landscape Assessment. Officers consider that the scheme has been designed to have a minimal impact on the landscape, as demonstrated by the Landscape and Visual Impact Assessment. The existing hedgerow that runs north to south across the site has been incorporated into the design. The development will be viewed against a backdrop of existing development from the open countryside. Your officers consider it is in accordance with NE3, NE4 of the adopted plan and EH1 of the emerging plan.
- 5.10 An ecology report was submitted with the application and the consultee has concluded that the proposal will not adversely impact on biodiversity, subject to condition. The proposal is therefore considered to accord with adopted plan policy NE13 and emerging policy EH2.

#### Siting, Design and Form

- 5.11 The proposed dwellings are traditional vernacular forms, two storey dwellings, predominantly detached other than a terrace fronting Farley Lane, each with adequate amenity space. Four properties are to be retained for the landowner are to the west of the site accessed off a private drive.
- 5.12 The houses are considered to be in character with surrounding development and the local area, in terms of their design and materials. They are considered to be appropriately sited, although officers did consider that the scheme would be improved having only one access onto Farley Lane, the proposal does ensure the retention of the hedgerow that bisects the site.
- 5.13 On this basis the proposal is considered to accord with BE2 and H2 of the Local plan and OS4 of the emerging plan.

#### Highways

- 5.14 The site will be accessed from Farley Lane. Each plot has adequate parking and turning space within the site. The Highway Authority had identified several concerns but it is likely that these can all be overcome and it is anticipated that their objection will be removed. Your officers will update members on the situation at committee.

### Residential Amenities

- 5.15 The proposals are opposite houses fronting Farley Lane but it is not considered that the residential amenities of existing residents will be detrimentally affected. There will be additional car movements but it is not considered so harmful to justify a reason for refusal on such grounds. It is not considered that the dwellings will result in unacceptable levels of overlooking. The proposal is considered to accord with adopted and emerging local plan policies.

### S106 Heads of Terms

- 5.16 The applicant has put forward an area of land to the north of the application site accessed from as a potential cemetery for the Parish Council, and a lump sum of £20,000 also payable to the Parish for its ongoing maintenance. After some negotiation they have also offered £50,000 as a payment in lieu of on- site affordable housing. Officers are currently seeking independent advice on the viability of the scheme as there are some questions as to what this scheme of predominantly large houses could bear in terms of a contribution. Policy requires that schemes of this size should be providing 50% affordable on site.
- 5.17 The County Council have also requested sums towards Highways and Education as well as library stock but officers understand that they may be revising their requests so this will be updated verbally at committee.
- 5.18 Currently the S106 package is not considered to be supportable by officers and it is not considered to be in accordance with local plan policies.

### Conclusion

- 5.19 The proposal is broadly in accordance with Local Plan policy and the NPPF, subject to the issues around Highways and the Affordable Housing and other heads of terms being resolved. Officers will update members as to the recommendation at committee.

## **6 CONDITIONS/REASONS FOR REFUSAL**

Officers to update Members at the committee meeting.

|                         |  |
|-------------------------|--|
| Application Number      | I5/04234/FUL   |
| Site Address            | Pheasant View<br>Chapel Lane<br>Enstone<br>Chipping Norton<br>Oxfordshire<br>OX7 4LX |
| Date                    | 17th February 2016   |
| Officer                 | Michael Kemp   |
| Officer Recommendations | Approve  |
| Parish                  | Enstone  |
| Grid Reference          | 437822 E 224401 N  |
| Committee Date          | 29th February 2016   |

**Application Details:**

Construction of detached new dwelling with associated access.

**Applicant Details:**

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

**I CONSULTATIONS**

- |     |   |   |
|-----|---|---|
| I.1 | Environmental Health<br>(Public Protection) | No serious concerns recommends attaching condition regarding contamination  |
| I.2 | OCC Rights Of Way<br>Field Officer          | I don't see that this should be an issue. There is currently a separate kissing gate access next to an existing field gate so it does not appear that the public right of way will be impacted on following completion. I would ask that should permission be granted the public right of way is not obstructed or damaged by vehicles through the build time.  |
| I.3 | Parish Council                              | <p>Enstone Parish Council objects to this planning application for the following reasons:-</p> <ol style="list-style-type: none"> <li>1. The proposed entrance onto Chapel Lane is dangerous.</li> <li>2. The track and footpath will become residential access from agricultural access which will affect neighbouring properties and their privacy.</li> <li>3. There is concern about the expansion onto agricultural land in respect to the narrowness of Chapel Lane.</li> </ol> |

The existing house has a driveway which could act as a driveway for the new dwelling which would mean that agricultural land would not be required to create a new drive that will come out on to Chapel



Lane on the corner, with the footpath through the existing agricultural entrance.

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

I.4 WODC Architect

No Comment Received.

I.5 OCC Highways

- o Chapel Lane is a narrow road whose characteristics command very low speeds around the site access.
- o Visibility splays at the site access are acceptable given the low traffic speeds and volume of vehicles along Chapel Lane.
- o There is a public rights of way abutting the site access from Chapel Lane which should remain unobstructed at all times during and after the development.
- o The number of parking spaces provided on site is acceptable for the scale and location of the development but detailed specification of parking bays needs to be submitted as their dimensions appear to be below the required standard.

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

I.6 WODC Drainage Engineers

A safe access / egress to the site needs to be considered due to the susceptible to surface water flooding.

The surface water drainage should be designed to cope with all storm events up to the 1 in 100 + 30 % cc return period.

An exceedance flow routing plan for flows above the 1 in 100+30% event shall be submitted with the proposal. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to the highway or open fields. Flow routes through gardens and other areas in private ownership will not be permitted.

## 2 REPRESENTATIONS

2.1 Three letters of objection have been received in respect of this application these relate to:

- The previous incorporation of agricultural land including land on the site into domestic curtilage space. Likewise the proposed access track would result in the loss of agricultural land.
- Nuisance caused by the vehicular use of the proposed access track, which would impact negatively on the residential amenity of the adjoining property known as Dovecotes. An alternative means of access alongside the property known as Heywood is suggested.
- The proposed access would impact negatively on the adjoining public of way.

2.2 One letter of support has been received in response to the objections raised by Mr Parris. The key points are summarised:

- It is suggested that an alternative access via the space adjacent to Heywood and Pheasant View would be impractical.
- Approval of the application would not lead to further development as suggested.
- The application would help a young family to remain in a village where they have grown up.

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

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

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

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

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

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

H2 General residential development standards

EH1NEW Landscape character

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

T2 Pedestrian and Cycle Facilities

H5NEW Custom and self build housing

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

### **5 PLANNING ASSESSMENT**

Background Information

- 5.1 The application seeks approval for the erection of a two storey detached dwelling on a 120 square metre area of domestic curtilage space located to the rear of a two storey reconstituted stone dwelling known as Dovecotes. The curtilage space currently serves a two storey dwelling known as Pheasant View. The site is located on the edge of Enstone and lies adjacent to an area of open countryside.
- 5.2 The application was been deferred from the committee held on 1st of February 2016 at the request of members to enable a site visit to take place.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

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

Principle

- 5.4 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where such policies are considered to be in date.
- 5.5 Paragraph 49 requires that policies for the supply of housing should not be considered in date if the local authority cannot demonstrate a five year supply of housing. In the context of Paragraph 49 West Oxfordshire District at present claim to be able to demonstrate a five year housing land supply in line with the Councils lower target of delivering 525 houses per year, therefore the relevant policies regarding the location of new dwellings are given weight. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district.
- 5.6 The site is on the periphery of Enstone, which is classed as a medium sized village within the existing Local Plan and any development is assessed in accordance with existing Local Plan Policy H6. Policy H6 of the existing Local Plan permits development in the following circumstances: a) Infilling; b) rounding off of the settlement boundary and c) The conversion of appropriate existing buildings. Infill development is defined as the filling of a small gap in a continuous built frontage. The rounding off of the settlement boundary relates to residential development within the built up area of a settlement which would be of a logical compliment to the existing pattern of development. The site is part of the domestic curtilage of Pheasant View and the proposed dwelling would be comfortably contained within this curtilage space. The development and curtilage space associated with the property would not extend beyond the existing boundary hedgerow; therefore the development is considered by officers to be contained within the built form of the settlement and would not encroach into the open countryside. Policy H2 of the emerging Local Plan permits the development of housing on undeveloped land outside the

settlement boundary where this forms a logical compliment to the existing scale and pattern of development and the character of the immediate area.

- 5.7 Owing to the contained nature of the site and the siting of the development, the proposals are considered by officers to represent a rounding off of the settlement area consistent with existing Local Plan Policy H2. Existing development in Pheasant View consists of a mix of terraced and detached dwellings, adjoining Chapel Lane. There has been no development to the rear of properties in the immediate area; however the proposed dwelling is considered to compliment the general scale and form of development in the immediate area consistent with the provisions of emerging plan Policy H2.
- 5.8 Paragraph 55 of the NPPF states that housing should be located where it will maintain and enhance the vitality of rural communities. The development would be in close proximity to a range of local services as well as regular bus services and officers consider that the site would be a sustainable location for a new dwelling. Officers give weight to dwelling being a self-build construction. Policy H5 of the emerging Local Plan specifies that proposals for custom and self-build housing will be approved subject to a schemes compliance with the wider Policies of the emerging Local Plan.

#### Siting, Design and Form

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

#### Highway

- 5.12 It is proposed that a new access driveway would be constructed from gravel hardstanding, which would join Chapel Lane. Chapel Lane is narrow and visibility is relatively restricted to the West from the site entrance, although visibility is adequate looking south. The proposed access point

is not considered to be detrimental to highway safety and the narrow nature of Chapel Lane significantly restricts vehicle speeds. The access would serve a single dwelling and usage would be relatively low. The public right of way would adjoin the vehicular access but would not be obstructed. Oxfordshire County Highways officers have assessed the suitability of the access and have stated that the development would not be detrimental to highway safety.

#### Residential Amenities

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

#### Conclusion

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

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 04/01/16.  
REASON: The application details have been amended by the submission of revised details.

- 3 The external walls of the dwelling hereby approved; shall be constructed with stone; a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 5 The means of access between the land and highway shall be constructed, laid out and surfaced in accordance with details that shall be first submitted to and approved by the Local Planning Authority.  
REASON: To ensure a safe and adequate access and that no loose material washes onto the highway. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that shall first be submitted and approved by the Local Planning Authority.  
REASON: To ensure that surface water does not encroach onto the adjacent highway and properties to the detriment of road safety and good standards of development.
- 6 Detailed specifications of the car parking spaces shall be submitted to approved by the Local Planning Authority according to standards.  
REASON: To provide off-street parking in the interests of highway amenity
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.  
REASON: To avoid over-development of the new dwelling and to protect the residential amenities of the adjacent properties.
- 8 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.
- 9 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests

carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

- 10 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

|                         |  |
|-------------------------|--|
| Application Number      | I5/04522/FUL   |
| Site Address            | 18 - 20 Market Place<br>Woodstock<br>Oxfordshire<br>OX20 1TA |
| Date                    | 17th February 2016   |
| Officer                 | Michael Kemp   |
| Officer Recommendations | Approve  |
| Parish                  | Woodstock  |
| Grid Reference          | 444445 E 216771 N  |
| Committee Date          | 29th February 2016   |

### Application Details:

Proposed demolition of retail showroom and internal alterations to create a one bedroom flat, a 4 bedroom house with parking.

### Applicant Details:

Mr Andrew Hennel  
18-20  
Market Place  
Woodstock  
Oxfordshire  
OX20 1TA  
United Kingdom

## I CONSULTATIONS

- |     |                           |  |
|-----|---------------------------|--|
| I.1 | Town Council              | Woodstock Town Council, whilst not necessarily against this planning application, is concerned about the effect of the development on some of the elderly and listed features on the site. The Council is also concerned about the height of the replacement building.   |
| I.2 | OCC Highways              | No Objections  |
| I.3 | Thames Water              | <p>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> |
| I.4 | WODC Env Health - Uplands | No Comment Received.   |



## **2 REPRESENTATIONS**

2.1 Three letters of objection have been received with respect to this application:

Mrs Boorman objects to the demolition of the surviving market wall and encroachment of development into the yard area.

Mr Bronock objects to the size and intrusiveness of the development as well as the demolition of the historic town wall.

Mr Hallisey, resident of 75 Oxford Street objects to the application on the following grounds:

- The application proposes the demolition of a historic section of wall. The evidence submitted in justification of this is inadequate.
- The change of use and loss of retail space is contrary to the Retail Protection Policies for Woodstock Town Centre contained within the West Oxfordshire Plan. The loss of the retail space would limit the commercial potential of the shop and the quantity of larger retail units in the Town Centre.
- The proposals are overdevelopment and would significantly increase the footprint of the existing premises. The development would build over more than 40% of the open space north of the existing barn.
- The development would encroach on 75 Oxford Street by 6 metres encroaching on the privacy of this property.
- The application proposes the conversion of the yard area into a car park, there is no space for vehicles to turn in the space provided.
- The planning application should include a demolition method statement and building method statement.

## **3 APPLICANT'S CASE**

3.1 The application is submitted in full and has evolved through positive discussions with the local planning authority, particularly the conservation architect and having regard to continuing advice from planning officers who have had responsibility for the area.

3.2 The proposal proposes a unique and individually designed properties which reflects the functional form required of this rear burgage plot location, preserves and enhances the character and appearance of this part of the Woodstock Conservation Area and minimises impact on heritage assets. The removal of the building currently on the site is justified in terms of the significant public benefits of a high quality new dwelling and the removal of an increasingly unsound structure.

The proposed dwellings offer a mix of sizes as well as a self-build opportunity.

The dwellings have been fully informed by their context and which are :

Is modest in scale, of a height lower than the primary building

- Minimises its impact on heritage assets through a design which reflects the rear location and functional aspect of the rear of burgage plots and minimises the level of alteration required to the internal areas of the listed building
- Minimises the impact on neighbouring property, through careful siting, height and location of windows of the new building

- Sympathetically creates a functional and contemporary elevation, using locally appropriate, natural and high quality materials.
  - Produces a mixture of dwelling sizes with sufficient parking off street.
- 3.3 Through careful design, every effort has been made to ensure the special architectural, historic and environmental character and appearance of the Conservation Area, the historic and architectural interest of the listed building and setting of other listed buildings will be preserved in accordance with local and national policies.
- 3.4 As such the proposal is considered to be wholly compliant with the provision of the development plan and the NPPF and it is recommended that permission can with confidence be granted, subject to any conditions considered necessary to address areas of detail.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE5 Conservation Areas  
 BE6 Demolition in Conservation Areas  
 BE7 Alterations and Extensions to Listed Buildings  
 BE8 Development affecting the Setting of a Listed Building  
 H2 General residential development standards  
 H7 Service centres  
 SH3 Changes of Use in Town Centres  
 OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 EH7NEW Historic Environment  
 EW2NEW Eynsham-Woodstock sub-area  
 H2NEW Delivery of new homes  
 E6NEW Town centres

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks permission for the part demolition of a stone and timber clad retail showroom extension attached to the rear of a Grade II listed building located at 18-20 Market Place in the centre of Woodstock. 18-20 Market Place is a 17th Century building comprising of two and three storey elements; including a large 20th Century partly timber clad workshop extension to the rear. The proposals involve the creation of two storey four bedroom dwelling as well as the formation of a one bedroom flat located within the parameters of the existing retail space. The developed footprint of the building would be extended by 6 metres into a gravel courtyard to the rear.
- 5.2 The proposals would include the loss of existing retail space to the rear of 18-20 Market Place which currently functions as part of a large furniture store, although the frontage of the shop would be retained as retail space and would remain unaltered.

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

Principle of development  
Loss of existing retail space  
Impact on conservation area setting and Grade II listed building  
Impact on residential amenity  
Design, scale and siting  
Highways

Principle

- 5.4 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date.
- 5.5 Paragraph 49 requires that policies relating to the delivery of housing should not be considered in date if the local authority cannot demonstrate an adequate five year supply of housing. The Councils overall position on housing land supply is at present is unclear as a five figure has not yet been established. The Local Plan Inspector in his initial comments made following the first phase of the Local Plan inquiry held late last year suggested that further work will have to be carried out to establish an exact figure, or alternatively a higher figure of 660 units could be adopted. West Oxfordshire District at present however claims to be able to demonstrate a five year housing land supply in line with a delivery figure 525 houses per year, however the Local Plan inspector has indicated that the figure will sit within a range of 525-660 units.
- 5.6 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The site in question is located in the centre of Woodstock, is brownfield land and is sited close to a range of services, facilities and public transport links. The site is therefore considered to be a sustainable location for new residential development.
- 5.7 The proposals would result in the partial loss of existing retail space in the showroom to the rear of Market Place. NPPF Paragraph 28 promotes the retention of the existing retail offering within Town Centres, however Paragraph 28 additionally encourages town centre based residential development, where appropriate. The site is within the Town Centre area of Woodstock as shown on figure 9.16 of the emerging West Oxfordshire Local Plan, although no Primary and Secondary Shopping have been designated for Woodstock. The building in question facing Market Place is part of the main retail frontage in Woodstock and the retention of the front of this premises is considered to be important.
- 5.8 Existing Local Plan Policy SH3 which relates to the change of Town Centre uses does not specifically restrict the loss of existing retail space to residential use, and only restricts the loss

of existing residential space. Paragraph 7.19 and 7.20 places importance on the mix of the Town Centre offering in Woodstock which includes both retail and residential development. Unlike other services centres in the district such as Witney and Chipping Norton, Woodstock does not have designated primary and secondary Town Centre shopping frontages, although Policies E6 and EW2 suggest that the loss of retail space in Woodstock should be avoided.

- 5.9 Weight should be given to the value of the retail space subject of the change of use as well as the contribution of new residential space in promoting the vitality of town centre uses in Woodstock. The existing shopping frontage and front section of the retail unit facing Market Place would be retained and the showroom section to the rear is in a physically poor condition. Officers consider that on balance the proposals would retain the shopping frontage and the best quality retail space and would not therefore be contrary to emerging Local Plan Policies E6 and EW2. Officers additionally consider that the provision of two residential units would add to the vitality of the Town Centre uses in Woodstock consistent with Paragraph 29 of the NPPF.

#### Siting, Design and Form

- 5.10 Paragraph 131 of the NPPF requires Local Authorities to take account of the positive contribution heritage assets make to the local character and distinctiveness of an area. Paragraphs 132-134 require an assessment to be made as to whether development constitutes harm or less than substantial harm to the character of a heritage asset, Paragraph 138 requires an assessment to be made as to the contribution of a particular building or element to the setting of a conservation area and whether the loss of this amounts to harm or less than substantial harm.
- 5.11 The section of the building proposed to be demolished is a period workshop extension, which is a non-original element of the building. The existing workshop does not appear incongruous in the setting of the listed building and conservation area however this section of the building is equally of no architectural merit and does not actively contribute to either the character of either the Grade II listed building or Conservation Area setting.
- 5.12 The proposed design has been substantially amended from a previously withdrawn application on the site (15/02303/FUL) which was of an incongruous design, which failed to respect the historic character of the immediate area. Although the proposed development is a new build the form and design of the existing workshop is replicated and enhanced. The footprint of the existing building would be extended by 6 metres to the rear and the ridge height raised by approximately 1 metre; however the scale does not appear overbearing in the immediate context or in relation to the Grade II listed building. The use of natural stone materials would harmonise well with the adjoining listed building and surrounding buildings in the immediate area and the use of timber cladding to the rear is considered acceptable. Officers consider that the fenestration design is acceptable and the amendment made to reduce the size of the main first floor rear window is considered to be an enhancement in a visual sense.
- 5.13 The proposals would result in the loss of a section of late 19th century/early 20th century stone and brick wall which has been identified as having problems with water ingress. The wall in its current state provides some visual contribution to the immediate setting and is in character with the immediate setting; however its visual contribution is largely as a means of enclosing Angel Yard, something which would be replicated in the wall design of the proposed dwelling. When assessing the relatively deteriorated state of the existing wall and accounting for the fact that a section of existing brickwork would be replicated in the proposed design, officers do not

consider that the removal of this section of wall would result in harm or less than substantial harm being caused to the setting of the conservation area or Grade II listed building.

#### Highway

- 5.14 Access to the site is narrow; however it is not considered that further use of this access by the occupants of one additional dwelling would be detrimental to highway safety or amenity. The quantity of two parking spaces proposed is considered adequate.

#### Residential Amenities

- 5.15 Officers note that the proposed house would be within close proximity to several neighbouring dwellings including properties in Browns Lane and 75 and 73 Oxford Street to the rear of the site. Additionally a development involving the conversion of existing ground floor workshop space to a residential dwelling involving the raising of the roof ridge height and creation of an additional floor has recently been approved to the side of the dwelling at 16B Market Place.
- 5.16 The properties in Browns Lane are separated from the proposed dwelling by a large stone wall and with the exception of roof lights no first floor windows are proposed in the side elevation of the new dwelling. It is not considered that the increase in roof ridge height by 1 metre would appear overbearing in relation to the scale of the existing workshop, or that the amenity of these properties would be substantially affected by the proposed development.
- 5.17 73 Oxford Street would not be substantially affected owing to the positioning of the large garage located to rear of this property. The proposals would bring the building line of the rear of 18-20 Market Place closer to the curtilage boundary 75 Oxford Street by approximately 6 metres. The height of the rear section of the building closest to the boundary of No. 75 would be 7 metres to the roof ridge and a separation distance of 9.5 metres would be retained between the rear of this extension and the boundary of this neighbouring property. It is not considered that the heights proposed are excessive in the context of immediate development. Officers consider that the separation distance proposed is sufficient to ensure that the development would not appear overbearing in relation to No 75 Oxford Street. In total a separation distance of 22 metres would be retained between the rear wall and windows of the single storey section of 75 Oxford Street and 30 metres between the rear wall of the development and the first floor windows of No. 75. The rear window of the dwelling has been reduced in scale and accounting for the separation distances listed above, officers do not feel that the development would result in excess overlooking or loss of privacy.
- 5.18 The further extension into the yard space to the rear would result in the loss of potential usable amenity space for the proposed property. A section of this space would also be used as parking for two vehicles, however subject to appropriate landscaping being provided by condition, officers consider that the quality outside amenity space proposed is acceptable.

## Conclusion

- 5.19 Officers consider that the proposals are on balance acceptable and would not amount to harm to the setting of the Woodstock Conservation Area and Grade II listed building. The proposed design is considered to be reflective of the immediate character of the area and attached listed building. Although the proposals would result in the loss of a section of historic wall the existing condition of this section of the wall is taken into account and the proposed design of the dwelling including the use of facing brickwork mitigates the loss of this feature to a degree. On balance the proposals are considered compliant with the relevant policies of the existing and emerging West Oxfordshire Local Plans as well as the relevant provisions of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, roof lights and proposed gate; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 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 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.
- 8 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.

|                         |  |
|-------------------------|--|
| Application Number      | I5/04523/LBC   |
| Site Address            | 18 - 20 Market Place<br>Woodstock<br>Oxfordshire<br>OX20 1TA |
| Date                    | 17th February 2016   |
| Officer                 | Michael Kemp   |
| Officer Recommendations | Approve  |
| Parish                  | Woodstock  |
| Grid Reference          | 444445 E 216771 N  |
| Committee Date          | 29th February 2016   |

### Application Details:

Proposed demolition of retail showroom and internal alterations to create a one bedroom flat, a 4 bedroom house with parking.

### Applicant Details:

Mr Andrew Hennel  
18-20  
Market Place  
Woodstock  
Oxfordshire  
OX20 1TA  
United Kingdom

## I CONSULTATIONS

### I.1 WODC Architect

The structure in question represents a period workshop-type outbuilding extension projecting back from the main street-fronting range. While the structure itself is not of great merit, it is locally characteristic and low-key, and any conversion needs to be duly sympathetic. Any conversion is also complicated by the presence of a partial (C19 or early C20) brick wall, incorporating blocked fireplace etc.; and by the resultant double-skin walling, and problems with water ingress.

In broad terms, the proposals represent a reasonable design solution, and should 'read' as a converted outbuilding (rather than the overly-domestic house with higher ridge and dormers represented by the previous incarnation. The treatment of the central 'bay' is admittedly a little odd, but an effort is being made here to retain a memory of the previous brick section of walling, while increasing natural light to the ground floor (where this is impossible to the rear). The additional volume continues the converted outbuilding theme, and works reasonably well (if with rather too many roof-lights). Overall, no strong objections. I do not believe that the proposals would cause harm to the character or fabric of the LB, or to the CA more widely.

RECOMMENDATIONS: Advise consents be granted, but with E17



for matching works, with E12 for demolition only where shown, with D124 for a sample of the roof slates; with D121 for a sample panel of the natural stone walling; with D23 for recessed window and door frames (min. 100mm), and with D21 for external joinery details (including details of the roof-lights), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed timber and the proposed treatment.

- 1.2 Town Council RESOLVED that Woodstock Town Council, whilst not necessarily against this planning application, is concerned about the effect of the development on some of the elderly and listed features on the site.

The Council is also concerned about the height of the replacement building.

## **2 REPRESENTATIONS**

- 2.1 Three letters of objection have been received in relation to this application:

Mrs Boorman objects to the demolition of the surviving market wall and encroachment of development into the yard area.

Mr Bronock objects to the size and intrusiveness of the development as well as the demolition of the historic town wall.

Mr Hallisey, resident of 75 Oxford Street objects to the application on the following grounds:

- The application proposes the demolition of a historic section of wall. The evidence submitted in justification of this is inadequate.
- The change of use and loss of retail space is contrary to the Retail Protection Policies for Woodstock Town Centre contained within the West Oxfordshire Plan. The loss of the retail space would limit the commercial potential of the shop and the quantity of larger retail units in the Town Centre.
- The proposals are overdevelopment and would significantly increase the footprint of the existing premises. The development would build over more than 40% of the open space north of the existing barn.
- The development would encroach on 75 Oxford Street by 6 metres encroaching on the privacy of this property.
- The application proposes the conversion of the yard area into a car park, there is no space for vehicles to turn in the space provided.
- The planning application should include a demolition method statement and building method statement.

## **3 APPLICANT'S CASE**

- 3.1 The application is submitted in full and has evolved through positive discussions with the local planning authority, particularly the conservation architect and having regard to continuing advice from planning officers who have had responsibility for the area.

- 3.2 The proposal proposes a unique and individually designed properties which reflects the functional form required of this rear burgage plot location, preserves and enhances the character and appearance of this part of the Woodstock Conservation Area and minimises impact on heritage assets. The removal of the building currently on the site is justified in terms of the significant public benefits of a high quality new dwelling and the removal of an increasingly unsound structure.

The proposed dwellings offer a mix of sizes as well as a self-build opportunity. The dwellings have been fully informed by their context and which are :

- Is modest in scale, of a height lower than the primary building
  - Minimises its impact on heritage assets through a design which reflects the rear location and functional aspect of the rear of burgage plots and minimises the level of alteration required to the internal areas of the listed building
  - Minimises the impact on neighbouring property, through careful siting, height and location of windows of the new building
  - Sympathetically creates a functional and contemporary elevation, using locally appropriate, natural and high quality materials.
  - Produces a mixture of dwelling sizes with sufficient parking off street.
- 3.3 Through careful design, every effort has been made to ensure the special architectural, historic and environmental character and appearance of the Conservation Area, the historic and architectural interest of the listed building and setting of other listed buildings will be preserved in accordance with local and national policies.

## **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings  
EH7NEW Historic Environment

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks listed building consent for the part demolition of a stone and timber clad retail showroom extension attached to the rear of a Grade II listed building located at 18-20 Market Place in the centre of Woodstock. 18-20 Market Place is a 17th Century building comprising of two and three storey elements, including a large 20th Century partly timber clad workshop extension to the rear.
- 5.2 The area to the side of the property known as Angel Yard comprises of a small area of hardstanding used as parking. The proposals involve the creation of two storey four bedroom dwelling as well as the formation of a one bedroom flat located within the parameters of the existing retail space. The developed footprint of the building would be extended by 6 metres into a gravel courtyard to the rear.
- 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:

The impact of the proposed development on the character, fabric and setting of the listed building.

#### Siting, Design and Form

- 5.4 Paragraph 131 of the NPPF requires Local Authorities to take account of the positive contribution heritage assets make to the local character and distinctiveness of an area. Paragraphs 132-134 require an assessment to be made as to whether development constitutes harm or less than substantial harm to the character of a heritage asset, Paragraph 138 requires an assessment to be made as to the contribution of a particular building or element to the setting of a conservation area and whether the loss of this amounts to harm or less than substantial harm.
- 5.5 The section of the building proposed to be demolished is a period workshop extension, which is a non-original element of the building. The existing workshop does not appear incongruous in the setting of the listed building and conservation area however this section of the building is equally of no architectural merit and does not actively contribute to either the character of either the Grade II listed building or Conservation Area setting.
- 5.6 The proposed design has been substantially amended from a previously withdrawn application on the site (15/02303/FUL) which was of an incongruous design, which failed to respect the historic character of the immediate area. Although the proposed development is a new build the form and design of the existing workshop is replicated and enhanced. The footprint of the existing building would be extended by 6 metres to the rear and the ridge height raised by approximately 1 metre; however the scale does not appear overbearing in the immediate context or in relation to the Grade II listed building. The use of natural stone materials would harmonise well with the adjoining listed building and surrounding buildings in the immediate area and the use of timber cladding to the rear is considered acceptable. Officers consider that the fenestration design is acceptable and the amendment made to reduce the size of the main first floor rear window is considered to be an enhancement in a visual sense.
- 5.7 The proposals would result in the loss of a section of late 19th century/early 20th century stone and brick wall which has been identified as having problems with water ingress. The wall in its current state provides some visual contribution to the immediate setting and is in character with the immediate setting; however its visual contribution is largely as a means of enclosing Angel Yard, something which would be replicated in the wall design of the proposed dwelling. When assessing the relatively deteriorated state of the existing wall and accounting for the fact that a section of existing brickwork would be replicated in the proposed design, officers do not consider that the removal of this section of wall would result in harm or less than substantial harm being caused to the setting of the conservation area or Grade II listed building.

#### Conclusion

- 5.8 Officers consider that the proposals are on balance acceptable and would not amount to harm to the setting of the Woodstock Conservation Area and Grade II listed building. The proposed design is considered to be reflective of the immediate character of the area and attached listed building. Although the proposals would result in the loss of a section of historic wall the existing condition of this section of the wall is taken into account and the proposed design of the dwelling including the use of facing brickwork mitigates the loss of this feature to a degree. On balance the proposals are considered compliant with the relevant policies of the existing and emerging West Oxfordshire Local Plans as well as the relevant provisions of the NPPF.

## **6 CONDITIONS**

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.  
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, roof lights and gates; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 4 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 5 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building.
- 6 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.
- 7 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.

|                         |   |
|-------------------------|---|
| Application Number      | I6/00002/HHD  |
| Site Address            | 10 Chipping Norton Road<br>Chadlington<br>Chipping Norton<br>Oxfordshire<br>OX7 3NR |
| Date                    | 17th February 2016  |
| Officer                 | Jane Fray   |
| Officer Recommendations | Refuse  |
| Parish                  | Chadlington   |
| Grid Reference          | 432614 E 222544 N   |
| Committee Date          | 29th February 2016  |

### Application Details:

Removal of existing extension and erection of 2-storey side and rear extension.

### Applicant Details:

Mr Patrick Cashman  
10 Chipping Norton Road  
Chadlington  
Chipping Norton  
Oxfordshire  
OX7 3NR  
United Kingdom

## 1 CONSULTATIONS

Parish Council                      No Comment Received.

## 2 REPRESENTATIONS

It is noted that an objection has been received to this application from a neighbour to the rear of the site on the grounds of loss of a view and detrimental impact on parking as a result of construction traffic if planning permission is granted.

## 3 APPLICANT'S CASE

- 3.1 The applicant considers that the main issue raised by officers for refusing the previous application centred upon whether the proposed development caused harm, which is considered by the applicant as being subjective. The following additional points are made by the applicant in support of the application:
- 3.2 The property is a former council house that is part of an inter/post-war development, the design of which is typical of its time and not characteristic of the local, traditional vernacular.
- 3.3 The former council houses are part of a large area of twentieth century development on the edge of the village.

- 3.4 The former council houses have a shallow plan depth and are smaller than many of the other building types in that area.
- 3.5 The plots, in contrast, are relative to many of those in the area.
- 3.6 An extension in the location proposed would make a positive contribution in response to the footpath along the northern boundary on the urban design principle of 'turning the corner' with the building. That is, the extension would help reinforce and provide surveillance of the footpath - in the same way the frontage does with the street.
- 3.7 The proposal has been deliberately designed in the style of the original building to ensure that it maintains the character of the group and does not stand out.
- 3.8 The proposal follows the '45 degree' rule with respect to the attached property; the gable width of the extension is smaller than the main gable, and the roof ridge of the side extension is lower than the main roof.
- 3.9 If the proposal sets a precedent it is that these buildings can continue to make a long term contribution to the life and sustainability of the village by adapting to the needs of contemporary families, providing modern standards of accommodation, while maintaining the character and quality of the village.
- 3.10 In summary, the proposal is a modest extension that does no harm to the building or the surrounding area.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
NE4 Cotswolds Area of Outstanding Natural Beauty  
H2 General residential development standards  
H6NEW Existing housing  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 This application seeks planning permission for removal of an existing single storey and two storey rear extension and the erection of a two-storey extension to the side and rear of the property, which would 'wrap around' the rear corner of the property. Materials are proposed to match the existing rendered walls and plain tiled roof, with pvc windows to match the existing, timber doors and aluminium bi-fold doors to the rear ground floor.
- 5.2 The application is a re-submission of previous application 15/03342/HHD which was refused permission on 6 November 2015 under delegated powers.
- 5.3 This application is brought before Members at the request of Cllr Owen. The applicant has stated in cover letter submitted with this application that in relation to the previous application Officers 'acted in a pre-emptory and unprofessional manner in rushing to their decision, when

we had reasonably requested time to consult our local government representative and had requested for our application to be put before the Planning Committee'. To address this point, the Case Officer was contacted by the applicant within a few days of the end of the application process and when advised that the application was to be recommended for refusal, the applicant requested verbally that the application should be put before Planning Committee. The Officer advised that under the scheme of delegation that the application would be decided under delegated powers as there had not been a 'call-in' by the Local Ward Member. A decision was then made on Friday 6 November 2015 as the application had a target date of Sunday 8 November 2015. The Case Officer then received a verbal request from the Ward Councillor for 'call-in' on Monday 9 November, a day after the 8 week target date had expired.

- 5.4 Therefore, due to the concerns raised by the applicant that the previous delegated application was refused, this application is being presented to Committee for decision, rather than being decided under delegated powers.
- 5.5 The application site is a semi-detached dwelling in a run of similar properties, located at the northern end of Chadlington, with the site fronting onto open countryside. The village of Chadlington is situated within the Cotswolds AONB. The site fronts onto roads at the front and rear and there is a public footpath running along the northern boundary of the garden which links between these two roads. The property is therefore viewable from public vantage points to all three sides. Boundary treatments comprise a mixture of fences, stone wall, hedging and shrubs.
- 5.6 The main considerations are whether the proposal would be appropriate in design and appearance to the existing property and whether there would be any significant adverse impact on either the surrounding area or neighbouring amenity.
- 5.7 The other relevant planning history for the site is as follows:
- 5.8 Pre-application advice was provided for a proposed two storey extension under Reference 15/02520/PREAPP. Officers advised that the principle of a two storey 'wrap around' extension in this location was not supportable and that the development proposed would unacceptably dominate the original dwelling to the detriment of its character and would also set an undesirable precedent which would be harmful in its cumulative impact. The extensions are not subservient in form, do not draw from the character of the existing building and also wrap around the corner which we would normally seek to avoid.
- 5.9 Furthermore, Officer advice was that the applicant should instead give consideration to a simple two storey extension on the gable end of the existing dwelling running parallel, set down in height and in from the front and rear. Alternatively, a rear extension should be no greater in width than the existing dwelling, should be considerably shorter in length and should project from the rear face of the dwelling, not wrapping around the corner. It should also be lower in height than the main house and simple in form to be secondary in scale and in keeping with the main house.

#### Principle of Development

- 5.10 It is considered that the principle of a further extension to the dwelling would be supportable, subject to a proposal being of a satisfactory design, scale and position.

### Siting, Design and Form

- 5.11 Planning application 15/03342/HHD for removal of an existing extension and erection of a two storey side and rear extension which is referred to earlier in this report was an amended proposal from the pre-application submission, with a slight reduction in overall length of the proposal, but still being of a similar design. The application was refused planning permission on the grounds of incongruous design being out of keeping with the character of the host dwelling and its surrounding area.
- 5.12 The scheme was amended between the pre-application stage and previous householder submission 15/03342/HHD, by a reduction in the overall size of the extension proposed. The scheme (as amended) is identical to the previous scheme and so forms the basis of this submission. However, after careful consideration of the previous changes to the scheme it is considered that the proposal would still be unacceptable in terms of its design and would not respect the character and appearance of the host dwelling, for the same reasons as previously given.
- 5.13 It is considered that the proposed development is in a prominent position and that the extension would be visible in the street scene and surrounding area. Given the unacceptable design of the proposed extension and its position, it is considered that the proposal would have a detrimental impact on the surrounding area.
- 5.14 The applicant has put forward two other examples of other extensions in the surrounding area which he believes are material to this case, at 60 Quarry Road and 12 Chipping Norton Road, both properties having previous two storey extensions. These have been taken into account in assessment of this application. However, both examples are considered to be materially different to this application as they were constructed under a previous planning policy context, are positionally different and in less prominent locations and are considered to be subordinate in terms of their design and appearance.

### Highway Aspects

- 5.15 No highway objections have been raised from the County Highways Officer as there would be no impact on parking as a result of the scheme, given that there is no existing on-site parking provision.

### Residential Amenities

- 5.16 With regard to impact on the amenities of neighbouring occupiers, it is considered that the scheme would not have a significant detrimental impact in terms of overshadowing, overbearing, or loss of privacy. It would involve the removal of an existing single storey extension close to the common boundary with number 9 Chipping Norton Road, which would be an improvement in amenity terms and would conform with the 45 degree rule in relation to neighbouring impact.
- 5.17 It is noted that an objection has been received to this application from a neighbour to the rear of the site on the grounds of loss of a view and detrimental impact on parking as a result of construction traffic if planning permission is granted. However, it is considered that these matters are not material planning considerations.



## Conclusion

- 5.18 In light of the above observations it is considered that the proposal would not accord with Policies BE2 and H2 of the West Oxfordshire Local Plan, 2011. It is therefore recommended that planning permission should be refused on the following grounds:
- 5.19 The proposed extension, due to its scale, position and design would form an incongruous addition to the dwelling. In particular the proposed rear elevation would result in a cluttered appearance to this elevation of repeated gable features, which would be inappropriate and the proposed side elevation would result in an asymmetrical gable which would give the projection an 'off balance' look and would be overly-dominant to this elevation of the building.
- 5.20 This would be out of keeping with the character and appearance of the host dwelling and would have a detrimental impact on the surrounding area, which would be contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011 and Appendix 5 (alterations and extensions) of the approved West Oxfordshire Design Guide 2006.

## **6 REASON FOR REFUSAL**

- I The proposed extension, due to its scale, position and design would form an incongruous addition to the dwelling. In particular the proposed rear elevation would result in a cluttered appearance to this elevation of repeated gable features, which would be inappropriate, and the proposed side elevation would result in an asymmetrical gable which would give the projection an imbalanced appearance and would be overly-dominant to this elevation of the building. This would be out of keeping with the character and appearance of the host dwelling and would have a detrimental impact on the surrounding area, which would be contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies H6 and OS4 of the emerging West Oxfordshire Local Plan 2031 and Appendix 5 (alterations and extensions) of the approved West Oxfordshire Design Guide 2006.

|                         |   |
|-------------------------|---|
| Application Number      | I6/00039/FUL  |
| Site Address            | Elmstead<br>Crawborough<br>Charlbury<br>Chipping Norton<br>Oxfordshire<br>OX7 3TX |
| Date                    | 17th February 2016  |
| Officer                 | Michael Kemp  |
| Officer Recommendations | Approve   |
| Parish                  | Charlbury   |
| Grid Reference          | 435943 E 219484 N   |
| Committee Date          | 29th February 2016  |

### Application Details:

Erection of 4 dwellings, including one self-build unit, together with associated works and garaging. Alterations to the existing dwelling to include single storey extension. Alterations to existing and formation of new vehicular access from Pooles Lane, provision of pedestrian refuge.

### Applicant Details:

Charlbury Property Company  
2 Eastcote View  
Pinner  
Middx  
HA1 5AT

## I CONSULTATIONS

- |     |                                     |  |
|-----|-------------------------------------|--|
| I.1 | WODC Planning Policy Manager        | No Comment Received.   |
| I.2 | WODC Drainage Engineers             | An exceedence flow routing plan for flows above the 1 in 100+30% event shall be submitted with the proposal. The routes through the development should be based on proposed topography with flows being directed to the highway. Flow routes through gardens and other areas in private ownership will not be permitted.<br><br>A safe access / egress will need to be considered for Pooles Lane due to the susceptibility to surface water flooding. |
| I.3 | OCC Rights Of Way Field Officer     | No Comment Received.   |
| I.4 | WODC Landscape And Forestry Officer | No Comment Received.   |
| I.5 | Town Council                        | <ul style="list-style-type: none"> <li>- Applaud consultation being carried out.</li> <li>- Access is currently a problem at the site entrance.</li> <li>- Concerns regarding the heights of the buildings proposed.</li> </ul>  |

- Request planning gain to address traffic speeds along Pooles Lane.
- Questions regarding sewage provision given past problems in the area.
- Regard should be paid to the character of this part of the conservation area.
- The walls should be repaired to a high standard.
- Access should be wider to achieve improved visibility.
- Neighbour comments should be carefully considered.

1.6 OCC Highways

The proposal, if permitted, will not result in a significant intensification of vehicular traffic movements along Pooles Lane and the surrounding local road network.

The developer has agreed to fund a Traffic Regulation Order (TRO) for a 20mph speed-limit in the area together with the necessary signage for this section of Pooles Lane.

The layout, parking provision and vision at the proposed access complies with standards.

Construction deliveries, site traffic and parking may be controlled in accordance with a Construction Traffic Management Plan.

The proposed footway and 20mph speed-limit will make a significant improvement to the safety and convenience of all road users and is unlikely to be provided without this development.

1.7 WODC Architect

Recommendations: Preferably amend Plot 4 and access to enable retention of existing period outbuilding, then reconsult.  
Reason: Appears currently incompliant with Policy BE5 and EH7.

**2 REPRESENTATIONS**

2.1 9 Letters of objection have been received in respect of this application, the main objections are summarised below:

- The proposed dwellings would directly overlook the properties opposite in Pooles Lane.
- The proposed pedestrian refuge is insufficient and unsafe. The refuge will increase the speed of traffic along Pooles Lane, a blind spot would be created and the refuge will lead to users crossing the road multiple times.
- Visibility at the site entrance is inadequate.
- The proposals contain no affordable housing to offset the impact on the Conservation Area character.
- There will be a detrimental impact on light and a loss of privacy for the properties facing the development.
- More hard surfaces will put pressure on existing drainage. Properties are at risk of flooding unless improvements are made to drainage systems.
- Construction traffic and large goods vehicles will create problems for pedestrians along Pooles Lane/Dancers Hill.
- The substantial loss of habitat has not been considered.

- The proposed layout is urban and does not relate to the conservation area setting.
- The development will increase surface water runoff which will flood Limestone and Anvil Cottages opposite the site. The proposals do nothing to address this.
- The smithy outbuilding is an irreplaceable part of this areas character, heritage and distinctiveness.
- The report fails to address the significance of the open space to the character of the conservation area and the open nature of the site allows important long views.
- The development would increase traffic along Pooles Lane.
- New plots 2, 3 and 4 are excessively high and will overlook 1-5 Hone Court. The proposals will result in a loss of light and a loss of privacy to these properties. The plots should be located further back and at a lower level.
- The development would result in a loss of view to nearby residents and for pedestrians using Pooles Lane and Crawborough.
- Parking during construction will cause problems throughout the Town Centre roads.
- The layout of the site should be amended and re-orientated in order to improve practicality and the amenity for prospective future occupiers and to retain views of green space.

2.2 The following letter of objection was received from The Charlbury Conservation Area Committee, this is included in full below:

#### Principle of development

Elmstead lay to the south of the Playing Close near to the centre of the town. Its large garden made an important contribution to this part of the Charlbury Conservation Area, providing an attractive and prominent open space which could be enjoyed from a number of vantage points in Pooles Lane, Crawborough and further afield. Its trees, particularly the two large conifers, were a notable feature of this part of Charlbury. It was therefore difficult to see how the replacement of this previously undeveloped garden with a new housing development would either preserve or enhance the character or appearance of the Conservation area as policy BE5 (2011) requires.

#### Pooles Lane stone wall and outbuilding

The Committee was strongly opposed to the removal on supposed safety grounds of the dry stone wall along Pooles Lane and the associated stone outbuilding both of which made a substantial contribution to the character of this part of the Conservation Area. Pooles Lane had a distinctive 'back lane' character with no pavements anywhere along its length until south of its junction with Fishers Lane. The Elmstead wall followed the common alignment of the wall on its east side.

Setting this section of the wall back and demolishing the outbuilding would not only compromise the semi-rural character and appearance of the lane but would not deliver the claimed public benefit in terms of safety. Long experience of using Pooles Lane showed that its very narrowness between the walls and frontage buildings, including the outbuilding, served to slow traffic at this point. Demolishing the outbuilding and widening the road by introducing a 'pedestrian refuge' (for which no designs were included with the application) along this one stretch would remove the psychological effect of enclosure, encouraging greater speed, vehicles using the 'refuge' in an attempt to pass each other and even parking. This would put pedestrians at greater risk both here and elsewhere in the lane where there were no pavements. The loss of the wall and outbuilding could not therefore be justified and members were firmly of the view that the development proposal could and should be amended to ensure their retention.

### Design and layout

Like several recent housing developments elsewhere in Charlbury, the layout of the proposed development was essentially suburban in character: mainly detached houses approached via a sinuous road, sitting in large hedged plots with multiple garages and parking bays scattered across the site. It owed nothing to the urban grain of the older parts of the Conservation Area in density of building, plot configuration or access, nor to its immediate surroundings. It was suggested that a more sympathetic design might be achieved with smaller housing units arranged in terraces similar to Hone Court opposite or those on the south side of Fisher's Lane. This would have the advantage of responding better to Charlbury's housing needs and making more effective use of the site.

The committee acknowledged that some effort had been made to reflect Charlbury vernacular in the design of the facades facing Pooles Lane and Crawborough although some details needed more careful observation: for example lintels are usually timber and chimneys of brick rather than stone. The rear wings on the other hand, with their modish but inappropriate timber cladding and large areas of glazing, sat awkwardly with the character of the facades and with the style adopted for the garages. These were considered unsuitable and unworthy of such a prominent site in the Conservation Area.

The application was inconsistent in its description of the proposed roofing materials; stone slates with a small proportion of Welsh slate would best respect the character of the Conservation Area.

The proposal involved a significant loss of trees but lacked a detailed landscape/planting plan.

### Conclusion

The Committee concluded that the development proposed in this application would represent a major change to Charlbury's Conservation Area. In its present form it would neither preserve nor enhance its special character or distinctiveness. The Committee's preference was for the site to remain undeveloped garden. If, notwithstanding, the principle of development for housing were to be accepted, the rarity of the opportunity presented would demand a significant rethink to achieve a design and layout, incorporating the present roadside wall and outbuilding, of a quality which could truly be claimed to enhance the character and appearance of the Conservation Area.

2.3 3 Letters of support have been received in respect of this application and the key points are summarised below:

- The proposal will improve pedestrian safety along Pooles Lane.
- The dwellings respond well to the requirements of modern living, whilst maintaining the conservation area character.
- Semi-permeable materials would be used, which would not exacerbate flooding.
- The development would include additional tree planting and would create a wildlife-friendly landscape.
- The removal of the stone walls would improve visibility for drivers.

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

- 3.1 The proposal proposes unique and individually designed properties which reflect the local vernacular, enhance the character and appearance of this part of the Charlbury Conservation Area and minimise impact on heritage assets. The removal of the outbuilding currently on the site is justified in terms of the significant public benefits to highway safety.
- 3.2 The proposed houses offer a mix of sizes as well as a self-build opportunity for a long standing local resident. The dwellings have been fully informed by their context and which:
- Is modest in scale, of a height lower than surrounding property
  - Minimises its impact on heritage assets through a design which reflects the existing street pattern
  - Minimises the impact on neighbouring property, through careful siting, height and scale of buildings
  - Sympathetically mixes different building styles from the public vernacular frontage to a more contemporary rear elevation, using locally appropriate, natural and high quality materials.
  - Produces a mixture of dwelling sizes with sufficient parking off street.
  - Makes provision for wildlife and biodiversity
  - Facilitates significant highway benefits for the area as a whole.
- 3.3 Through careful design, every effort has been made to ensure the special architectural, historic and environmental character and appearance of the Conservation Area and setting of listed buildings will be preserved in accordance with local and national policies.
- 3.4 In accordance with the national policy special regard must be given to the conservation of heritage assets and this must also be weighed against the public benefits of the proposal.
- 3.5 The proposal will have a number of benefits including the provision of much needed housing in a sustainable location, high quality design, economic benefits including the employment of local builders and tradesman, and facilitating the provision of a pedestrian refuge.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
H2 General residential development standards  
H7 Service centres  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
H6NEW Existing housing  
T1NEW Sustainable transport  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application seeks approval for the erection of four dwellings, two detached and two semi-detached properties as well as associated access and amenity space. The proposals additionally involve making alterations to extend the existing dwelling on the site. The site in question consists of a detached two storey white rendered dwelling known Elmstead and an extensive area of side front, side and rear domestic curtilage space associated with this property. The site lies in a central position in Charlbury, within the designated Conservation Area. Existing access to Elmstead is via a narrow gravel road known as Crawborough; it is proposed that plot one would be accessed via Crawborough with the further three dwellings including Elmstead accessed via a new driveway onto Pooles Lane, a narrow lane to the south west of the site. The existing site consists mainly of undeveloped domestic curtilage space, with grass and some large trees to the edge and centre of the site. The site contains ancillary barn outbuildings including one vacant stone outbuilding which faces Pooles Lane in a relatively prominent position in the streetscene.
- 5.2 The existing boundary wall fronting Pooles Lane, which would be removed and reinstated in a position slightly further back in the site. All four new dwellings would be constructed predominantly from Cotswold Stone with single storey sections of timber boarding. Plots 2, 3 and 4 would face Pooles Lane with Plot 1 facing Crawborough Terrace.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development  
Design, Scale and siting of the development  
Impact on the Conservation Area setting and character  
Highways

### Principle

- 5.4 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date.
- 5.5 Paragraph 49 requires that policies relating to the delivery of housing should not be considered in date if the local authority cannot demonstrate an adequate five year supply of housing. The Councils overall position on housing land supply is at present is unclear as a five figure is yet to be established. The Local Plan Inspector in his initial comments made following the first phase of the Local Plan inquiry held late last year suggested that further work will have to be carried out to establish an exact figure, or alternatively the Council could adopt a higher figure of 660 units per year. West Oxfordshire District Council at present claims to be able to demonstrate a five year housing land supply in line with a delivery figure 525 houses per year, however the Local Plan inspector has indicated that the figure will sit within a range of 525-660 units and it is

therefore unclear where the Council currently stand in terms of a precise figure for housing delivery, and whether the Council can currently meet this requirement.

- 5.6 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The site in question is located in the centre of Charlbury is sited close to a range of services, facilities and public transport links including Charlbury Railway Station and is considered to be a sustainable location for new residential development and Policy H2 of the emerging West Oxfordshire Local Plan permits development on undeveloped land within services centres such as Charlbury. There is additional a self-build dwelling proposed on the site, the principle of which is supported within emerging Local Plan Policy H5.

#### Conservation Area

- 5.7 The site exists as an area of open space in the relatively unbroken streetscene of Pooles Lane, which consists largely of vernacular cottages positioned in a linear layout along the western side of the road. The development of four dwellings on the site would clearly result in the loss of this area of open space. The loss of this space needs to be assessed in terms of its overall contribution to the character of the Charlbury Conservation Area as well as whether the design of the development proposed on the site is reflective of the Conservation Area character. Paragraph 137 of the NPPF states that Local Authorities should look for new development opportunities within Conservation Areas and proposals which preserve elements of the setting and make a positive contribution should be supported. Paragraph 138 requires that an assessment should be made as to the contribution of a building or element to the significance of a Conservation Area and whether development therefore constitutes substantial or less than substantial harm under paragraphs 137 and 138 of the NPPF. Elements of the site including the stone wall fronting Pooles Lane, as well as the vernacular stone outbuilding are subject of removal or alterations as part of this application and consideration must therefore be given to the contribution of these features to the character of the Conservation Area, as well as the general contribution of the area as an open space.
- 5.8 Policy BE4 of the existing Local Plan specifies that development should not result in the loss of an area of open space, which provides an important contribution to: The distinctiveness of a settlement; and the visual amenity or character of a locality. The existing domestic curtilage space is inaccessible to the public; therefore the contribution of the space is exclusively in a visual sense in terms of breaking up the immediate built form and maintaining a degree of openness in a relatively dense area of Charlbury. The sites present function as domestic garden space does not itself add significant value to the conservation area setting and development of this space is not considered to constitute harm to the Conservation Area setting in line with Policy BE4 of the existing Local Plan.
- 5.9 The application proposes the removal of a small stone barn fronting the streetscene in Poole Lane. This building is of a vernacular appearance and is an attractive feature within the streetscene of Pooles Lane. The removal of this building is necessitated in order to enhance visibility to the right from the proposed access, whilst also enabling proposed Plot 4 to front Pooles Lane in a manner consistent with the existing linear built form along Pooles Lane. Were



the building to remain in place there would be virtually no visibility to the right, which would likely compromise highway safety and amenity. The building is of a traditional design and character, however its precise value and contribution to the character of the Conservation Area is not considered to be of such significant importance that the removal of this building would constitute substantial or less than substantial harm to the character of the Conservation Area. The removal of the dry stone wall fronting the site is considered acceptable given that this would be rebuilt in a position slightly further back. Whilst the current position of the wall is preferable it is not considered that moving the wall back would harm the setting of the immediate street scene and conservation area setting.

#### Design, Scale and Siting

- 5.10 Plots 2, 3 and 4 are laid out in a linear form fronting the adjoining streetscene in Pooles Lane. The layout is generally reflective of the existing pattern of development in Pooles Lane which consists of stone cottages immediately fronting the highway or at a slight set back position behind a front stone wall. The immediate streetscene in Pooles Lane consists predominantly of terraced 19th century vernacular stone cottages although the dwellings immediately to the south are of a more modern design and are constructed from Bradstone materials. The streetscene in Crawborough is considerably more varied and consists of vernacular stone dwellings, alongside modern rendered bungalows.
- 5.11 The proposed dwellings would be of a relatively vernacular design and would be constructed predominantly from Cotswold Stone consistent with the appearance of the stone cottages in the immediate streetscene in Pooles Lane and consistent with the style of properties in the Charlbury Conservation Area. It is therefore considered that the siting and design of the proposed dwellings facing Pooles Lane would respect the character of the immediate streetscene. The proposed heights of the dwellings fronting Pooles Lane would be 7.5 metres to the roof ridge, which is higher than the dwellings opposite. Notwithstanding this it is not considered that the scale of the buildings would appear overbearing in the immediate streetscene.
- 5.12 The general layout could better reflect the character of the immediate built form in this part of Charlbury particularly in terms of the positioning of the access road, parking and garden layouts although this is not in itself considered to be unacceptable. The treatment of the rear of the site is more suburban in character; however it is noted that the area to the rear of the site consists predominantly of suburban type development, notably in Sandford Rise and it is taken into consideration that this section of the site would be less visible in the streetscene of Pooles Lane and in the wider context of the Conservation Area.
- 5.13 The use of timber boarding materials is not entirely consistent with the local vernacular materials; however the sections proposed to be constructed from timber are located to the rear of the properties fronting Pooles Lane and would not be widely visible in the streetscene. The design of the proposed garages is considered appropriate and the use of timber materials would harmonise with the appearance of the natural stone dwellings proposed. The works to extend the existing dwelling, Elmstead are largely considered to be enhancements to the appearance of the property. The proposed lean-to single storey side extension is subservient to the main dwelling and the proposed use of natural stone and timber cladding is considered to be appropriate.

## Highways

- 5.14 Dwellings 2, 3 and 4 as well as the existing dwelling known as Elmstead would be served by a new point of access onto Poole Lane a narrow 30 mph road. The proposed access would be located at the existing gateway adjoining the stone outbuilding fronting Pooles Lane. The section of Pooles Lane immediately adjacent to the site lacks a pedestrian footpath, but is a relatively well used through route by pedestrians. The proposed access point is located immediately adjacent to the site of the existing stone outbuilding fronting Pooles Lane. In order to achieve a safe means of access from the site it would be necessary to remove and re-site the existing section of wall and outbuilding as visibility is severely restricted to the North West. It is considered that the access proposed would allow sufficient space for vehicles to manoeuvre into and out of the site safely and acceptable visibility splays would be achieved.
- 5.15 The site is likely to generate 32 additional vehicle movements along Pooles Lane daily and it is not considered that this level of traffic generation would compromise highway safety or amenity. Each dwelling would be served by sufficient quantities of off-street parking, forwards of, and within the garaging space proposed. The proposed roads and parking areas provide sufficient space for vehicles to safely manoeuvre.
- 5.16 Consultation has taken place between the applicants and OCC Highways officers regarding the provision of a pedestrian refuge point, forwards of the site, adjacent to Pooles Lane. Officers consider that the provision of a refuge point is beneficial from a safety perspective and would reduce the risk of accidents occurring along Pooles Lane, as well as helping to offset the impact of additional vehicular use of this road. OCC Highways officers have additionally suggested that an agreement has been made between the applicants and OCC Highways for a financial contribution towards the implementation of a 20mph speed limit in central Charlbury, including along Pooles Lane to be achieved through a Unilateral Undertaking with OCC. By condition it is also requested that 20mph limit signs are placed along Pooles Lane.

## Residential Amenities

- 5.17 The proposed dwellings 2, 3 and 4 would be sited between 11 metres and 13 metres from the nearest neighbouring properties, this includes the cottages opposite in Pooles Lane and the properties located to the side of the site including Wormwood Cottage located North of plot 4 and Becketts located South of Plot 2. It is considered that the separation distance proposed is adequate and in ensuring that the dwellings would not appear significantly overbearing in relation to the adjoining properties although a further set back position would possibly be more appropriate given the relatively elevated position of the properties. The properties would be compliant with the 25 degree rule with regards to loss of light to the habitable front windows of the facing properties in Pooles Lane.
- 5.18 With the exception of roof-lights no first floor windows are proposed in the side elevations of plots 4 and 2 facing Wormwood Cottage and Becketts respectively. The position and orientation of plot 1 would ensure that this particular dwelling would not appear overbearing or overlook or overshadow the immediately neighbouring dwellings. No first floor windows are proposed in the North elevation of this property which facing Crawborough.
- 5.19 On balance officers do not feel that the development would be significantly detrimental from an amenity perspective to warrant refusal in line with the requirements of existing Local Plan Policies BE2 and H2 and emerging Local Plan Policies H2 and OS4.

### Ecology and Landscaping

- 5.20 The site is domestic garden curtilage and is of low ecological value. There is no objection to the loss of the existing trees on the site which are proposed to be removed, as these are considered to not provide a substantial contribution to the immediate setting and are not protected. It is considered that the indicative landscaping is acceptable and the scheme would involve the planting of more trees than are currently on the site. The proposals include a number of ecological enhancements including the provision of bat and bird boxes.

### Conclusion

- 5.21 The site occupies a prominent and central position in the Charlbury Conservation area and it is not considered on balance that the development would cause harm or less than substantial harm to the character of the area consistent with Paragraph 138 of the NPPF. The layout, design and form of the dwellings facing Pooles Lane are considered to respond well to the character of the immediate setting. Whilst the removal of the stone outbuilding facing Pooles Lane is not desirable, this is considered to be acceptable on balance given the problems with achieving a safe and suitable means of vehicular access onto Pooles Lane, as well as being beneficial in providing a pedestrian refuge. It is also noted that the contribution proposed towards a 20mph limit in Charlbury, which is considered to be beneficial. The amenity impact on the adjoining dwellings is not considered to be substantially detrimental although a further set back position of the dwellings fronting Pooles Lane would be desirable.
- 5.22 On balance the proposals are considered to represent sustainable development in accordance with the relevant provisions of the existing and emerging Local Plans and the relevant criteria of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 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.

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 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety

7 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

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.

8 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.

9 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The 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 Policy Statement 25 Technical Guidance).

10 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.

- 11 Prior to the first occupation the details of a provision towards a TRO to implement a 20mph speed-limit shall be secured via a Unilateral Undertaking (UU) with Oxfordshire County Council.

REASON: To offset the impact of additional vehicular use of Pooles Lane and to improve highway safety and amenity in the immediate area.

- 12 Prior to the first occupation of the dwellings hereby approved, the section of stone wall fronting Pooles Lane proposed to be removed shall be rebuilt in the position approved and shall be constructed from natural stone, a sample of which shall be submitted to the local authority for approval.

REASON: To ensure that the development respects the character of the locality and Conservation Area setting.

- 13 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.

REASON: To safeguard and enhance biodiversity.

#### NOTE TO APPLICANT

Prior to the first occupation and the above TRO the provision of 20mph speed-limit signage in accordance with standards along Pooles Lane adjacent the site frontage.