

Application No: 08/02493/F	Ward: Otmoor	Date Valid: 04 December 2008
Applicant:	Messers Penny and Nigel Holder	
Site Address:	The Garage, High Street, Charlton on Otmoor, Oxfordshire, OX5 2UQ	

Proposal: Redevelopment of existing coach depot by the erection of five dwellings (1 x four bed, 3 x three bed, 1 x two bed), together with associated landscaping, covered parking and access (as amended by drawings numbered 07058-P11, P12, P13, P14, P15 and P16 received 08/05/09 with agent's email of same date).

1. Site Description and Proposal

- 1.1 The Bus Depot is situated centrally within Charlton on Otmoor on the southern side of High Street within the historic core of the village. The site is situated within the Oxford Green Belt and is part covered by the Charlton on Otmoor Conservation Area (the northern third of the site). There are a number of listed buildings within the vicinity of the site including the Grade I St Mary's Church and a Grade II* cross within the church yard. The site has a narrow street frontage (11m) however extends to the south east by 100m and widens to an average of 30m, wrapping around the curtilage of Highfield House. It would appear that prior to being a bus depot the land was the curtilage of Highfield House. There is a fall in gradient across the site from the north west to the south east.
- 1.2 The site is occupied by one large corrugated metal clad workshop building with a footprint of 220m² and measuring approximately 7.5m to the ridge, together with a handful of other single storey temporary buildings, lean-tos, a blockwork building and a diesel tank all on a much smaller scale than the workshop building. None of the buildings on the site are of architectural or historic merit. The site is also used to accommodate a number of coaches, both those that are no longer in use or require repair and those that are in use on a daily basis.
- 1.3 The application involves the development of the site for residential purposes, the original scheme proposing seven dwellings (two, three and four beds) arranged across the whole of the site with associated garaging and amenity spaces. It should be noted that Conservation Area Consent has been granted for the demolition of all existing buildings on the site (ref: 08/02494/CAC).

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and neighbour consultation letters. The final date for comment was 15 January 2009.
- 2.2 Two letters of representation have been received as a result of this consultation process, the comments raises are summarised below:

- 2.3
- No objections raised - however concern re disposal of storm water and pollution from site
 - Noise and disturbance resulting in an overall increase of vehicular movements - no evidence to support statement that the development would involve fewer vehicular movements. Buses come and go twice daily and not at weekends.
 - Vehicular movements close to shared boundary and dwelling
 - Overlooking and loss of privacy from the first floor windows of the proposed dwellings and due to finished land levels following treatment of contamination
 - Proposal would not respect linear settlement pattern nor the boundary of the Conservation Area
 - Would extend the built up limits of the village and encroach upon land that the Green Belt seeks to maintain open.
 - Concerns re significant increase in the amount of surface water discharging from the site, leading to flooding of lower part of garden and field.
 - Light pollution from roadside lighting, porches and security lights in an area characterised by little or no external lighting at night time.

3. Consultations

- 3.1 **Charlton on Otmoor Parish Council** is happy with the proposal overall however seeks clarification in relation to sewerage, sustainability/carbon emissions, parking and turning facilities and the retention of the bus service facility within the village.
- 3.2 **The Conservation Officer** states that a plan of High Street shows very clearly that historically houses were built along the street frontage. Any buildings deeper into the plots are auxiliary buildings, some of which have been converted to residential dwellings over time. The site would be over developed. In line with the historic settlement pattern of the village it is suggested that the only acceptable development would be for a single dwelling at the front which would reinforce the building line. It would also be beneficial for Highfield House to regain some of its former curtilage.
- 3.3 **Planning Policy** sets out the policy position relating to the proposal, giving consideration to issues of Green Belt, the Area of High Landscape Value, the Charlton on Otmoor Conservation Area, housing and Employment Policy. It is concluded that if the planning benefits of replacing the existing employment use with residential are considered sufficient to demonstrate very special circumstance, the proposal lies above the threshold for affordable housing provision in rural areas and 30% affordable housing should therefore be sought in accordance with the policies referred to.
- 3.4 **The Head of Building Control and Engineering Services** has no comments to make.
- 3.5 **The Environmental Protection Manager** recommends a contamination related condition due to the fact that the site is occupied by an industrial works and a sensitive development is proposed. It is also stated that there are no current service requests under investigation which relate to noise or other environmental stressors alleged to have originated from the Bus Depot, furthermore the Council's records do not indicate that there have been any significant problems associated with the site during the past five years. In addition to this, whilst it may be argued that a relatively

heavy transport operation located within the centre of a village would have the potential to give rise to noise and emissions to air which could adversely affect nearby dwellings, the evidence to support this contention does not appear to be strong, which may be a direct result of the relatively small scale of the current operation and the way it is managed.

- 3.6 **Landscape Services** provides a number of observations/comments in relation to landscaping the site as part of the development. Reference is also made to the requirement for an off site contribution towards the improvement of the surface for the nearby Ray View play area (Members should however note that the proposal for five houses is below the threshold for developer contributions towards play areas),
- 3.7 **Oxfordshire County Council** (Highways) states that in principle the redevelopment of the bus depot is acceptable however the proposal is not acceptable in its current form. The geometry of the access to the site does not conform to adoptable standards. The survey plan is inaccurate as it does not show a verge to one side of the present access. One of the features of this proposal is the removal of a concentration of commercial movements from the limited local network which is an advantage in highway safety and convenience terms. The Local Highway Authority does not object to the amendment for five dwellings, subject to detailing including improvements to the access junction.
- 3.8 **Oxfordshire County Council** (Archaeology) states that given the archaeological importance of the site situated within the core of a medieval village it is recommended that in accordance with PPG16 an archaeological field evaluation be carried out by a professionally qualified archaeological organisation prior to the determination of the application. However following the submission of further information from the Agent, it was concluded that a field evaluation would not be required as the site is covered by a large amount of made ground, which contains some contamination. In order to avoid removing this it is intended to use piled foundations and ground beams which will not significantly impact upon any surviving archaeology.
- 3.9 **Thames Water** raises no objections in relation to surface water drainage, the sewerage or water infrastructure, however sets out the developers responsibilities and sets out recommendations in relation to developing the site.
- 3.10 **Environment Agency** originally objected to the proposal however following the receipt of further information (Phase 1 and 2 Site Investigations) the objection has been withdrawn subject to conditions relating to contamination, remediation, foundation design and surface water disposal. Without these conditions the proposed development would pose an unacceptable risk to the environment and therefore the Environment Agency would wish to object.
- 3.11 **English Heritage** states that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

4. Relevant Planning Policies

4.1 Planning Policy Guidance Notes and Statements

PPS1: Delivering Sustainable Development
PPG2 Green Belts
PPS3: Housing
PPS6: Planning for Town Centres
PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPG15: Planning and the Historic Environment
PPG16: Archaeology

4.2 South East Plan 2009

CO1: Core Strategy
CO3: Scale and Distribution of Housing
CO4: Green Belt
CC6: Sustainability Communities and Character of the Environment
RE3: Employment and Land Provision
H4: Type and Size of new housing
H5: Housing Design and Density
BE1: Management for an Urban Renaissance
BE5: Village Management
BE6: Management of the Historic Environment

4.3 Adopted Cherwell Local Plan (aCLP) (Saved Policies)

GB1: Development in the Green Belt
H5: Affordable Housing
C13: Area of High Landscape Value
C27: Design Considerations (Historic settlement pattern)
C28: Design Considerations (Standard of layout, design and external appearance)
C30: Design Considerations (Compatibility and acceptable standards of amenity)
ENV12: Contaminated Land

4.4 Non-Statutory Cherwell Local Plan

GB1: Development in the Green Belt (Inappropriateness/very special circumstances)
GB1a: Development in the Green Belt (Restrictions over residential development)
H7: Affordable Housing (Threshold for rural areas is 6 dwellings: 30%)
EMP5: Protection of Existing Employment Sites
TR5: Road Safety
TR11: Parking
EN17: Contaminated Land
EN34: Landscape Character
EN39: Conservation Areas and Listed Buildings
EN40: Conservation Areas (Preservation and enhancement)
EN44: Listed Buildings (Setting)
EN47: Archaeology
D3: Local Distinctiveness

5. Appraisal

5.1 The key issues are:

- Green Belt
- Loss of an Employment Site
- Affordable Housing
- Character and Appearance of Conservation Area
- Setting of Nearby Listed Buildings
- Layout, Scale and Design
- Neighbouring Amenity
- Highway Safety
- Archaeology
- Contaminated Land

5.2 Green Belt

5.2.1 As set out in PPG2: Green Belts, which is echoed by Policies in the Development Plan, there is a general presumption against inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Inappropriate forms of development are those which do not involve agriculture, forestry, recreation, and cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Inappropriate development should not be approved within the Green Belt except in very special circumstances.

5.2.2 Notwithstanding the above policy position, Policy GB1a of the non-statutory Cherwell Local Plan sets out the types of residential development that would be considered in the Green Belt and what these will be restricted to. These include conversions of existing buildings, infilling within the built up limits of the village, and small scale affordable housing.

5.2.3 The proposal for five new dwellings arranged in depth on the site (covering three quarters of the land in question) is not considered to represent appropriate development. Furthermore, it does not involve the conversion of any existing buildings on the site, it does not represent infill, which is defined as a gap in an otherwise built up frontage, and the proposal does not involve affordable housing. The proposal does not therefore comply with Policy GB1a.

5.2.4 It is concluded therefore that in principle, the proposed development is contrary to Green Belt Policy, unless, and as referred to above, a very special circumstance case can be proven.

5.2.5 As part of the submitted application, the Agent's planning statement sets out that:

'... due to changes in environmental regulations and the current economic situation the family run coach business cannot be sustained in its present form. The stark alternatives are to cease trading altogether and dispose the site to another transport operator which would not generate enough capital to relocate to another site or to seek to redevelop the site in the way proposed which would enable the

company to update its coach fleet and relocate to an alternative site, albeit at a reduced size'.

- 5.2.6 Further correspondence from the Agent during the application process attempts to make a very special circumstances case, by stating that the removal of the present use and buildings would not be materially harmful to the Green Belt and that the proposal would have significant environmental, highway safety and visual amenity benefits. Furthermore, reference is made to the impact of the parked coaches across the site on the openness of the Green Belt and extensive case law which confirms such an issue is capable of forming a very special circumstances case. It is also argued that any alternative lawful use of the site (over which the Council would have no control) may have an adverse impact upon neighbouring amenity and highway safety and may not be sustainably located. Lastly, it is suggested that the removal of the large utilitarian workshop building and the other structures on the site will considerably enhance the character and the appearance of the Conservation Area and the visual amenities of the area.
- 5.2.7 Whilst the arguments put forward as part of the application submission are acknowledged HDCMD has the following comments to make. The fact that Charlton Services would need to sell the site for redevelopment in order to continue trading with a refined fleet is a personal issue and one which by itself does not outweigh the fact that the proposed redevelopment of the site is inappropriate, in HDCMD's view. Furthermore there is no guarantee that the bus depot would, or could, relocate within the village.
- 5.2.8 The application argues that the parking of the coaches across the whole of the site when they are not in use is harmful to the openness and visual amenities of the Green Belt, however this activity is lawful and the coaches are not permanent fixtures on the site. Additionally the height of the coaches is much less than the height of the two storey dwellings that are proposed. The existence of case law in relation to commercial vehicle parking is noted however none of these points justify overriding the policy position that residential development in the Green Belt is in appropriate development.
- 5.2.9 Equally, the fact that the site could lawfully be used by another transport operator that is less considerate to its neighbours would not outweigh the argument against inappropriate development. However whilst such a use could not be controlled via the Planning Legislation there is other legislation such as the Environmental Protection Act relating to emissions, noise and pollution that would need to be met to ensure that neighbouring amenity relating to these issue is respected.
- 5.2.10 The removal of the use, activity and buildings from the site may be beneficial to the Green Belt and the Conservation Area (indeed, in relation to the Conservation Area, the Council has recently approved a Conservation Area Consent Application for the demolition of all buildings on the site). However HDCMD does not consider that the use or buildings cause such harm that this would justify outweighing principle Green belt policy.
- 5.2.11 With regard to the argued benefits of the removal of the bus depot on the environment, the Council has received no complaints relating to the site over the last five years and little argument arose from any of the statutory consultees in this respect. At this moment in time therefore HDCMD is not convinced that the site

causes significant environmental harm and therefore this is not considered to outweigh the policy objection for inappropriate development within the Green Belt.

- 5.2.12 Given the above assessment of the proposal against Green Belt Policy, HDCMD recognises that the removal of the bus depot use and associated activity and buildings from the site may be beneficial, however none of the arguments put forward in favour of residential development on the site are so special that they should outweigh the protection that must be afforded to the Green Belt in order to preserve openness and amenity. For this reason, the proposal does not comply with PPG2, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan or Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2001.

5.3 Loss of an Employment Site

- 5.3.1 Policy EMP5 of the non-statutory Cherwell Local Plan which builds upon the principles of PPS1, PPS6 and PPS7 in terms of achieving sustainable development in rural areas, sets out that the change of use or redevelopment of an existing employment site within or adjoining a village to a non-employment use will not be permitted unless i) there would be substantial and demonstrable planning benefit, or ii) the applicant demonstrates that every reasonable attempt has been made to secure suitable employment reuse.

- 5.3.2 As set out above under the Green Belt heading, HDCMD recognises that the existing Bus Depot use and associated activity may not be completely compatible with nearby residencies or the local road network, however there is little evidence or argument to suggest that the site causes substantial harm. The site has been used as a bus depot by Charlton Services for 52 years and as such appears to be an accepted business and activity within the village. The Parish Council, whilst content with the proposal for residential development, highlights the importance of retaining the bus service facility within the village. For these reasons, and for those set out under the Green Belt heading and the fact that the application submission does not strongly argue this point, as there appears to be no significant harm caused by the site HDCMD concludes that it cannot be argued that the proposal would result in substantial or demonstrable planning benefit particularly given the conclusions that it is contrary to Green Belt Policy.

- 5.3.3 The application submission does not include any information about whether or not the site has been marketed to secure suitable employment reuse.

- 5.3.4 Given the above remarks, HDCMD is not satisfied that the proposal to redevelop the site meets either of the criteria set out in Policy EMP5 of the non-statutory Cherwell Local Plan and as such it is contrary to this policy and the principles of PPS1, PPS6 and PPS7.

5.4 Affordable Housing

- 5.4.1 The original proposal for the redevelopment of the site involved seven dwellings, in relation to which no affordable housing was offered despite the requirements of Policy H7 of the non-statutory Cherwell Local Plan which seeks 30% affordable housing for developments of six dwellings or more in rural areas. At this time discussions were had with the Council's Strategic Housing Officer and a Senior

Planning Policy Officer who confirmed that there is a demand for further affordable housing in Charlton on Otmoor, however no over-riding need for market housing and that any future options for growth for market housing would not be considered within the Green Belt. The original proposal was therefore considered to be contrary to PPS3 and Policy H7 of the non-statutory Cherwell Local Plan 2011.

- 5.4.2 Following a meeting with the Applicant's Agent, during which the Green Belt, loss of employment and Conservation Area issues were raised as concerns, the application was amended to the current proposal for five dwellings in an attempt to address HDCMD's concerns relating to the impact of the proposal upon the Green Belt and the Conservation Area. The amended plan for five dwellings falls beneath the threshold for affordable housing and therefore does not conflict with Policy H7 of the non-statutory Cherwell Local Plan. The proposal however remains contrary to Green Belt Policy, being unacceptable in principle.
- 5.4.3 A further limb of Green Belt Policy which is not referred to above as it is not relevant to the proposal in question is that which relates to affordable housing exception sites (Policy H6 of the adopted Cherwell Local Plan and Policy H8 of the non-statutory Cherwell Local Plan). The local Plan advises that small scale affordable housing schemes in the Green Belt which meet a specific and identified local housing need may be granted planning permission providing that there are no other more suitable sites available within the built up limits of a settlement and providing that the proposal can viably meet the identified need and that secure arrangements can be made to restrict occupancy.
- 5.4.4 Despite the above conclusions that the proposal is contrary to Green Belt Policy, the provision of a small scale scheme purely for affordable housing may be considered appropriate subject to the criteria set out in Policy H8 of the non-statutory Cherwell Local Plan which may then be considered by the HDCMD as the very special circumstances that override the principle objection. The Agent has been advised of this position but has not amended the scheme as suggested.

5.5 **Character and Appearance of Conservation Area**

- 5.5.1 The Charlton on Otmoor Conservation Area Appraisal 1996 describes the village as linear in form with Church Lane being the only side street of any age and a settlement of agricultural origins, centred around the church and rectory. Historically farms were located within the village where development was favoured on higher, drier ground, consequently the village is distinguished by its collection of farm buildings. The village is characterised by vernacular buildings of largely two storeys built of local limestone. The frontage is broken, containing detached properties and short terraces of cottages, or cottages and barns. The settlement has a very open aspect.
- 5.5.2 It is clear from maps of the village that historically houses were built along the street frontage. Plots are narrow and long and run away from the roads. This has therefore given rise to ancillary buildings, such as barns, being set back into the plot. The result is that there are a limited number of barns-conversions, College Farm Cottages for example, which are sited back from the road. However it must be emphasised that these were not built as houses and their location is within the 'top-half' of the plot.

- 5.5.3 The proposal represents a clear extension of the village in a south easterly direction beyond the historical limits of the village, which would involve the construction of new dwellings. The converted barns referred to above, whilst not enjoying a street frontage are situated much closer to the road. In their proposed location, the dwellings would interrupt the settlement pattern appearing as obvious back land development which would not sit comfortably with the existing historical layout of the village, and which would therefore not preserve or enhance the character and the appearance of the conservation area.
- 5.5.4 For this reason, the proposal is considered to be contrary to PPG15, Policy BE6 of the South East Plan 2009 and Policies EN39 and EN40 of the non-statutory Cherwell Local Plan 2011.

5.6 Setting of Nearby Listed Buildings

- 5.6.1 Referring to the impact of the proposal upon the setting of the nearby listed building, including the Grade I Church and Grade II* stone cross (which are referred to in the Charlton on Otmoor Conservation Area Appraisal as dating back to the 14th and 15th centuries), PPG15 states that 'the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building'. As set out under the Conservation Area heading above, it is clear from maps of the village, how Charlton on Otmoor developed historically along the street frontage, with only ancillary buildings situated to the rear of frontage dwellings. This settlement pattern largely remains today, creating the historical setting in which the listed buildings are situated. To develop the site in depth with dwellings, would interrupt this settlement pattern having an adverse impact upon the wider setting of the listed buildings within the vicinity of the site. Due to the somewhat separated relationship between the site and the listed buildings, HDCMD concludes that the proposal would not cause demonstrable harm to the individual settings of the listed buildings. Therefore the proposal complies with Policy EN44 of the non-statutory Cherwell Local Plan 2011.

5.7 Layout, Scale and Design

- 5.7.1 The amended plans for five dwellings indicate changes to the elevational treatment in comparison to the original proposal. The proposal for seven dwellings which were arranged across the whole of the site included detailing which was a mix of agricultural and domestic styles on the same buildings which confused the intended character for the proposal. The scheme now under consideration has refined the appearance and design of the five dwellings, leaning more towards domestic styles and appearing as cottages which, subject to some minor design alterations, their detailing and the quality of materials, are largely respective of the local vernacular.
- 5.7.2 Furthermore, at a standard height for two storey cottage style properties, the dwellings appear to be of appropriate scale to there surroundings not to be prominent or overbearing.

5.7.3 The layout of the dwellings in relation to each other as a stand alone proposal is acceptable and respectful of residential amenity, however as referred to in earlier parts of this report, the layout of the development does not respect Green Belt Policy or the historical settlement pattern within the conservation area and therefore causes harm.

5.7.4 For these reasons, whilst the proposal may be considered appropriate in design terms and scale (height) thus according with Policy C28 and C30 of the adopted Cherwell local plan and Policy D6 of the non-statutory Cherwell Local Plan, it does not accord with Policy C27 of the adopted Cherwell Local Plan, Policy D3 of the non-statutory Cherwell Local Plan or Policy BE1 of the South East Plan 2009.

5.8 Neighbouring Amenity

5.8.1 With regard to the impact of the proposal upon neighbouring amenity, whilst the proposed dwellings would be sited so as not to cause harm by way of being overbearing or overshadowing, the relationship of plot 1 with the existing neighbouring properties is of some concern. Highfield House to the north west of plot one has a first floor window which would directly overlook the garden area of this dwelling at a distance of just 5m from the shared boundary, however the planned patio area serving the dwelling would be partly protected by a single storey rear projection accommodating a garden room. Whilst the relationship between the two properties would not be ideal, HDCMD considers that as the overlooking relationship would affect a new property rather than one that exists, potential purchasers would have an opportunity to give consideration to this relationship before buying the property. Furthermore there is the potential for some overlooking between the first floor windows of the proposed plot one and the neighbouring property Watergrasshill, the distance between which would be 14m. Giving due consideration to this matter, HDCMD regards this relationship as not causing demonstrable harm as there is the opportunity to protect ground floor windows with a 2m boundary fence and the first floor windows serve a bathroom and en suite, which are not considered to be habitable rooms. For these reasons, the application proposal complies with Policy C30 of the adopted Cherwell Local Plan and Policy D6 of the non-statutory Cherwell Local Plan 2011.

5.9 Highway Safety

5.9.1 The Local Highway Authority raises no objections to the development of the site subject to details such as the improvement of the access. The proposal therefore complies with PPG13 and Policies TR5 and TR11 of the non-statutory Cherwell Local Plan 2011.

5.10 Archaeology

5.10.1 The County Council is satisfied that all archaeological issues on the site have been addressed or will be addressed via the method by which the development will be carried out and as such the proposal complies with PPG16 and Policy EN47 of the non-statutory Cherwell Local Plan 2011.

5.11 Contaminated Land

- 5.11.1 Both the Environment Agency and the Council's Environmental Protection Officer have considered the proposal and are satisfied that following receipt of the Stage 1 and Stage 2 site investigation reports that the proposal is acceptable subject to a number of recommended conditions. Subject to these conditions therefore the proposal complies with Policies ENV1 and ENV12 of the adopted Cherwell Local Plan and Policy EN1 and EN17 of the non-statutory Cherwell Local Plan.

6. Recommendation

Refusal, for the following reasons:

- 1. The redevelopment of the Charlton on Otmoor Bus Depot for residential development, which is not infill, represents inappropriate development within the Oxford Green Belt, for which no very special circumstance case has been proven, and which would cause harm to the openness of the Green Belt, conflict with the purpose of including land within the Green Belt and would harm its visual amenities. For these reasons, the application is contrary to PPG2: Green Belts, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2011.**
- 2. The proposal would result in the loss of an existing rural business and therefore employment within a rural settlement and as the site has not been satisfactorily marketed and nor is it considered that the proposal would result in a significant or demonstrable planning benefit to the site or its surroundings the development is considered to be contrary to PPS1: Delivering Sustainable Development, PPS6: Town Centres, PPS7: Sustainable Development in Rural Areas and Policy EMP5 of the non-statutory Cherwell Local Plan.**
- 3. The proposed dwellings, due to their proposed location, arrangement and relationship with other neighbouring dwellings, would not respect the historic, linear, settlement pattern along High Street, which would neither preserve or enhance the character and the appearance of the Charlton on Otmoor Conservation Area, thus being contrary to PPG15: Planning and the Historic Environment, Policy BE6 of the South East plan 2009 and Policies EN39 and EN40 of the non-statutory Cherwell Local Plan 2011.**

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