

Democratic Services

Reply to: Amy Bridgewater-Carnall
Direct Line: (01993) 861522
E-mail: democratic.services@westoxon.gov.uk

2 October 2020

SUMMONS TO ATTEND

MEETING: LOWLANDS AREA PLANNING SUB-COMMITTEE

PLACE: TO BE HELD VIA VIDEO CONFERENCING BECAUSE OF SOCIAL DISTANCING REQUIREMENTS AND GUIDANCE (see [note](#))

DATE: MONDAY 12 OCTOBER 2020

TIME: 2:00 pm

Membership of the Sub-Committee

Councillors Ted Fenton (Chairman); Carl Rylett (Vice-Chairman); Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Nick Leverton, Kieran Mullins and Harry St John

RECORDING OF MEETINGS

The law allows the council's public meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Officer know before the start of the meeting.

A G E N D A

1. Minutes of the meeting held on 14 September 2020 ([copy attached](#))

2. Apologies for Absence and Temporary Appointments

3. Declarations of Interest

To receive any declarations of interest from Councillors relating to items to be considered at the meeting, in accordance with the provisions of the Council's Local Code of Conduct, and any from Officers.

4. Applications for Development (Report of the Business Manager – Development Management – [schedule attached](#))

Purpose:

To consider applications for development, details of which are set out in the attached schedule.

Recommendation(s):

That the applications be determined in accordance with the recommendations of the Business Manager – Development Management.

5. Applications Determined under Delegated Powers or Withdrawn (Report of the Business Manager – Development Management - [copy attached](#))

Purpose:

To inform the Sub-Committee of applications either determined under delegated powers or withdrawn.

Recommendation:

That the report be noted.



Giles Hughes
Chief Executive

This agenda is being dealt with by Amy Bridgewater-Carnall Tel: (01993) 861522

Email: democratic.services@westoxon.gov.uk

Note: Councillors will be sent an invitation to the remote meeting via Cisco Webex. Members of the public may view the meeting via [Facebook Live](#). A Facebook account is not required.

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
held via video conferencing at 2.00pm on **Monday 14 September 2020**

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Nick Leverton, Kieran Mullins and Alex Postan.

Officers: Phil Shaw (Business Manager Development Management), Miranda Clark, (Senior Planner Development Management), Esther Hill (Planner); Kelly Murray (Senior Planning Officer); Keith Butler (Head of Democratic Services) and Amy Barnes (Senior Strategic Support Officer).

22. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 10 August 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

23. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence and Councillor Alex Postan substituted for Councillor Harry St John.

24. DECLARATIONS OF INTEREST

Councillors Enright and Ted Fenton disclosed an interest in planning application 20/00858/FUL by virtue of knowing the applicant, and left the meeting whilst the item was considered. Councillor Rylett took the Chair for that application.

25. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management, giving details of an application for development, copies of which had been circulated.

RESOLVED: That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

(i) **20/00858/FUL – Ash Close, Gloucester Place, Witney**

As detailed in Minute Number 24, Councillors Enright and Ted Fenton left the meeting whilst this application was considered. Councillor Rylett took the chair as Vice-Chairman.

The Planning Officer, Miranda Clark introduced the report and advised that the recommendation was to refuse the application. The report highlighted that a member of staff lived in the vicinity of the site, although they had not submitted any representation and

had no input into the application or recommendation. The application had been referred to the Sub-Committee for determination because of the wish to avoid any perception of any conflict of interest.

The site was located in the Conservation Area and planning permission had previously been approved for the addition of one new dwelling alongside alterations to the existing property.

Following a question from Councillor Collins, officers confirmed that there was a height difference between the previously approved dwelling and those being proposed today. This was approximately four feet.

Councillor Leverton addressed Members and made reference to sections 5.9 and 5.11 of the report which dealt with the previous application and the location of the site in the Conservation Area. He described the site as being in the older part of town, noted that the Local Plan encouraged 'like for like' proposals and felt that the site would be crowded with two dwellings.

Councillor Postan proposed that the application be refused as per officers' recommendations. This was seconded by Councillor Good. Councillor Haine advised that he agreed with the proposer and seconder and supported that the application be refused for the refusal reasons outlined in the report.

The Officer recommendation of refusal was then put to the vote and was carried, for the reasons outlined below.

Refused

By reason of the scale, siting, and additional parking related to two properties, the proposed pair of semi-detached dwellings will not enhance the character and quality of the surroundings, be of a proportionate and appropriate scale to its context or form a logical complement to the existing scale and pattern of development and the character of the area. As such the proposal is contrary to Policies OS2 and OS4 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed scheme for two dwellings would not affect the Witney Air Quality Management Area (AQMA) and the application makes no reference to the air quality issue and nor does it assess the potential effect that it might have on the air quality within the AQMA. As such the proposal is contrary to Policy EH8 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

(Councillors Enright and Ted Fenton were re-admitted to the meeting and Councillor Fenton took the Chair)

(ii) 20/01117/S73 – Land North of Burford Road, Witney

The Business Manager, Development Management, Phil Shaw introduced the application and advised that the report contained a recommendation of approval.

This application was taken in conjunction with application 20/01118/S73 which requested a variation of condition 2 of permission 17/03338/RES to introduce new approved plans to reflect an additional ten dwellings on site.

A public submission had been received and was read out on behalf of local members, Councillors Lucy Ashbourne and Andrew Coles objecting to the application, followed by a submission from the applicant, Rachel Clare, representing Barratt David Wilson Homes. Summaries of their submissions are attached as Appendices A and B to the original copy of these minutes.

Mr Shaw reminded Members that although this site was very controversial, this was not a planning reason for refusal. He reminded them that officers had had to identify the planning harm and had found none arising from the amendments proposed.

With regard to the site's location adjacent to the Flogas site, Mr Shaw advised that the Health and Safety Executive (HSE) were content with the proposal.

Councillor Enright queried why the application had not been submitted with this number of properties initially, noted that there was no change to the play area, considered the layout to be overcrowded and felt it was 'bit by bit encroachment'.

Councillor Good recognised the need for one bedroom accommodation in the District and asked if there were any proposed in this development.

In response, Mr Shaw explained that the applicant had pitched the original number at 260 due to the HSE modelling and had been advised by the marketing team to offer five bedroom homes. However, there had since been a rebalancing of the market and affordable housing was now being offered. With regard to the overcrowding issue, Mr Shaw highlighted that the garden size was not miniscule and there was no objection from the Highways Department.

Councillor Postan recalled the application when it was originally submitted and had raised concerns about the risk and danger from the adjacent gas site. He felt that the addition of the Local Plan should encourage an increase in quality and desirability and did not feel the application offered this.

Following a question from Councillor Haine, Mr Shaw agreed that permission could be agreed subject to satisfactory answers being received from Thames Water in relation to the capacity of the foul water drainage, prior to occupation of any properties.

Councillor Haine therefore proposed that the application be granted as per officers' recommendation subject to written confirmation being received from Thames Water that the Foul Water Drainage system had been extended sufficiently to manage the additional dwellings. He reiterated the importance of ensuring that satisfactory answers had been received from Thames Water.

The Committee discussed a number of elements of the application including garage size, needs of the community and the original objection received from the gas company, Flogas. Mr Shaw reiterated that Flogas were not a statutory body and their concern had been in relation to the original number set by HSE.

Councillor Leverton raised concerns about the Inspectors report and the issue relating to Thames Water. He queried if a guarantee could be given that there would be no discharge into the river and suggested that this amendment would set a precedent for developers to alter their numbers.

In response to a query from Councillor Ted Fenton, officers confirmed that an additional condition to request Electric Vehicle Charging Points could be included.

Mr Shaw explained that the number of dwellings was being altered due to the change in the HSE's rules and advised that officers could identify no harm in relation to the additional dwellings. In addition, Thames Water was satisfied that permission could be approved subject to conditions.

Some Members felt that a deferment would be preferential in the circumstances to enable Thames Water to respond and to request information from the Housing Officer regarding the number of one bedroom units needed.

Councillor Haine repeated his proposal that the application be granted subject to confirmation from Thames Water that the foul water system was sufficient and the additional condition relating to EVCP's. The proposal was duly seconded.

The Officer recommendation of approval was then put to the vote and was carried subject to the amendments detailed below.

Approved

Subject to receipt of confirmation from Thames Water that the Foul Water Drainage system has been extended sufficiently to manage the additional dwellings; and

An additional condition to include Electric Vehicle Charging points.

Councillors Enright, Postan Mullins and Collins voted against the proposal.

(iii) 20/01118/S73 – Land North of Burford Road, Witney

The Business Manager, Development Management, Phil Shaw introduced the application and advised that the report contained a recommendation of approval.

This application was taken in conjunction with application 20/01117/S73 which requested a variation of condition 5 of outline permission 14/1215/P/OP allowing for the development to be constructed on site in line with the description of development and amend the restriction of numbers from 260 dwellings and increase to 270 dwellings.

The discussions detailed above also related to this application.

A public submission had been received and was read out on behalf of local members, Councillors Lucy Ashbourne and Andrew Coles objecting to the application, followed by a submission from the applicant, Rachel Clare, representing Barratt David Wilson Homes. Summaries of their submissions are attached as Appendices A and C to the original copy of these minutes.

Councillor Haine proposed that the application be granted subject to confirmation from Thames Water that the foul water system was sufficient and the additional condition relating to EVCP's. This was duly seconded.

The Officer recommendation of approval was then put to the vote and was carried subject to the amendments detailed below.

Approved

Subject to receipt of confirmation from Thames Water that the Foul Water Drainage system has been extended sufficiently to manage the additional dwellings; and

An additional condition to include Electric Vehicle Charging points.

Councillors Postan, Mullins and Collins voted against the proposal. Councillor Enright abstained.

(iv) 20/01648/FUL – Eynsham Filling Station, Eynsham

The Planning Officer, Miranda Clark introduced the application and advised that the report contained a recommendation of refusal.

A public submission had been received and was read out on behalf of Julian Sutton representing the applicant. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Councillor Rylett addressed Members and confirmed that Eynsham Parish Council did not object or support the application. However, they had discussed landscaping concerns regarding the visual impact. He agreed with the officer's recommendation as he felt the proposal would be prominent.

Councillor Postan supported the comments made by Councillor Rylett and drew Members attention to the Oxfordshire Green Belt and the harm that the proposal would cause.

Councillor Leverton agreed and advised that he had considered should the facility prove busy, it may not be safe to reverse onto the A40 and HGV's using the facility could create traffic management problems.

Councillor Rylett proposed that the application be refused as per officers' recommendations and this was seconded by Councillor Postan.

The Officer recommendation of refusal was then put to the vote and was carried.

Refused

(v) 20/01815/HHD – 12 Rack End, Standlake

The Planning Officer, Esther Hill introduced the application and advised that the report contained a recommendation of approval. She advised that the application was before Committee because the agent was related to a member of West Oxfordshire District Council staff.

The Planning Officer presented the report and guided Members through the application and slides outlining the site.

Councillor Good stated that this was in his and Councillor Hilary Fenton's ward and he supported the officers summary and conclusion. He therefore proposed that the application be granted as per officers' recommendations and this was seconded by Councillor Hilary Fenton.

The Officer recommendation of approval was then put to the vote and was carried.

Approved

26. ENFORCEMENT PROGRESS REPORT

The Committee received a report from the Principal Planner (Enforcement) Mrs Kelly Murray, which informed Members of the current position and progress in respect of a number of enforcement investigations.

Section A of Annex A listed the cases where a notice had been served but the requirements had not been met within the compliance period, or there had been an unauthorised display of advertisements. This meant that an offence could have been committed and the Council needed to consider the next steps in order to secure compliance. In some cases this would entail the initiation of legal proceedings to bring about a prosecution.

Section B of Annex A provided an update on cases where a notice had been served but the compliance date had not yet passed.

Section C of Annex A outlined the progress on other enforcement investigations which had been identified as being high priority.

The report also reminded Members that the cases detailed in Annex A were only a small number of the overall enforcement caseload across the District. At the time of writing the report, there were 256 live cases and the high priority cases for both Uplands and Lowlands constituted approximately 20% of the total caseload.

Mrs Murray introduced the report and advised Members on the progress of each of the cases listed.

Members asked questions relating to various cases in their areas and thanked officers for their work in progressing enforcement action. It was noted that some cases were awaiting the outcome of appeals and meetings with other partners were taking place and Members would be updated in due course.

Having considered the report and having clarified a number of queries relating to particular cases, the Committee

RESOLVED: That the report be noted.

27. APPLICATIONS DETERMINED UNDER DELEGATED POWERS, APPLICATIONS WITHDRAWN, AND APPEAL DECISIONS

The report giving details of (i) applications determined under delegated powers or withdrawn; and (ii) an appeal decision, was received and noted.

Members sought clarification on a number of details and the appeal decision was outlined by the Planning Officer, Miranda Clark.

Having considered the report and having clarified a number of queries relating to particular cases, the Committee

RESOLVED: That the report be noted.

The meeting closed at 4:00 pm.

CHAIRMAN

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th October 2020

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

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

Recommendations:

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

List of Background Papers

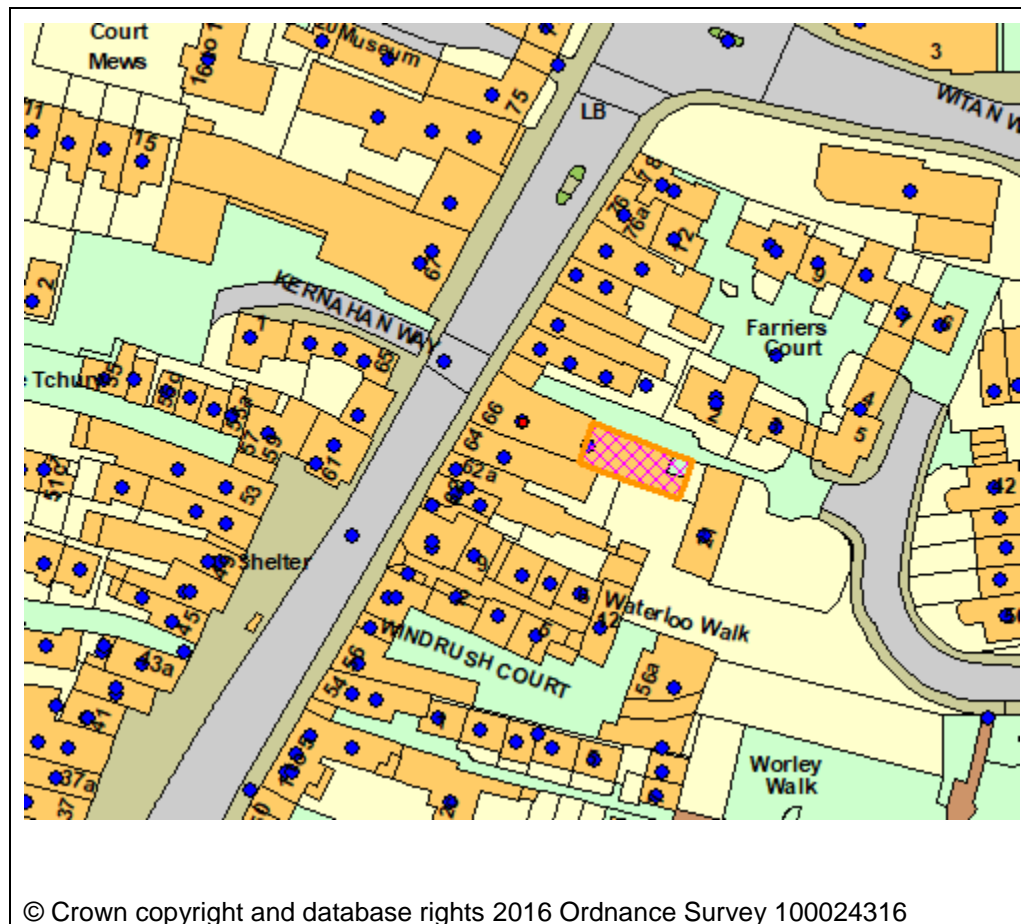
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that 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

Application Number	Address	Page
20/01152/FUL	<u>66 High Street, Witney</u>	3
20/01971/FUL	<u>Pummys Cottage, 57 Sutton Lane, Sutton</u>	10
20/02143/HHD	<u>Wheelwrights Cottage, Bridge Street, Shilton</u>	22

Application Number	20/01152/FUL
Site Address	66 High Street Witney Oxfordshire OX28 6HJ
Date	30th September 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435714 E 209994 N
Committee Date	12th October 2020

Location Map



Application Details:

Construction of two semi detached dwellings with amenity areas & replacement bin store (AMENDED PLANS)

Applicant Details:

Mr Somaiya
97 Cogges Hill Rd, Witney, OX28 3XU

I CONSULTATIONS

- | | | |
|-----|-----------------------------|--|
| 1.1 | OCC Highways | No objection. |
| 1.2 | Conservation Officer | No objection to revised plans. |
| 1.3 | ERS Env. Consultation Sites | <p>Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. I have previously provided comment on an earlier application for the site (19/03330/FUL). My comments remain applicable.</p> <p>Part of the proposal involves the demolition of existing outbuilding and construction of two attached cottages. It looks as though these out buildings were used for storage. Would it be possible to ask the applicant if any fuels or potentially contaminating substances have been stored in or in the vicinity of the buildings. Depending on the response I would likely request that a condition be added to any grant of permission.</p> |
| 1.4 | WODC Env Health - Lowlands | Following a review of the application I have No Objection in principle. And no conditions to recommend. |
| 1.5 | WODC Drainage Engineers | Confirmation of Thames Water's approval to maintain sewer connection at existing discharge rate required. |
| 1.6 | Newt Officer | No Objection: Informative relating to great crested newts (GCN) provided. |
| 1.7 | Parish Council | Mrs S Groth Witney Town Council objects to this application as the proposed dwelling are under the minimum floor space for a 3 person dwelling. |
| 1.8 | Parish Council | No Comment Received. |
| 1.9 | OCC Archaeological Services | Condition required. |

2 REPRESENTATIONS

- 2.1 Six representations have been received in respect of the proposals. These have been summarised as;
- One concern is the light restriction into my back courtyard, but Mr Somaiya did show us the plans several times.
 - I just hadn't realised that quite so much light would be cut out from my garden.
 - The other concern is the builder's parking which can be a nuisance as they often blocked our access on the prior build, often by double parking.
 - Also as I presume it will affect my garden I need to know exactly what will replace the building that abuts my property, I presume a fence ?

- On the plus side, the existing buildings are an eyesore so I will be pleased if the new buildings are as nice as the one opposite that was built by Mr Somaia.... and if the walk way (which I had no idea was part of Farrier's Court where I lived for 18 years) is going to be paved that would be great.
- The next concern will be the parking while the building is going on as the main access to the area will use and has previously blocked the entrance to our property. But I have discussed this with Mr Somaia and also the new contractors.
- Then there is the concern as to where the new residents will park?
- On the whole though I think it should generally improve the look of the area.
- If the same type of cottages are built at 66 High Street Witney, I will strongly support the application and will also improve surrounding area as the existing outbuilding is not looking good in front of my cottage

3 APPLICANT'S CASE

3.1 A Design and Access Statement was submitted with the application which can be viewed in full online. It is concluded as follows;

- The existing building is not listed but the buildings either side are grade II listed.
- The proposed work will not directly affect the listed buildings themselves.
- Witney has a vibrant commercial scene with a successful mixture of the main High St brands and independent retail units. There are also office and other commercial activities in the area. Part of the existing is residential and part commercial unit.
- Two new 2-bed cottages will be constructed at the rear of the site in place of single storey outbuildings demolished under a previous consent.
- The material used in the construction of the new block will compliment and contrast with the stone buildings either side.
- The building is in a flood risk zone and a separate floor risk assessment is provided.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH11 Listed Buildings

EH10 Conservation Areas

T4NEW Parking provision

EH12 Traditional Buildings

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is seeking planning consent for The site is within the Witney Conservation Area, and whilst the existing building at No 66 is not Listed, there are Listed Buildings in close proximity to the application site.
- 5.2 The application is to be heard before the Members of the Committee as Witney Town Council has objected to the proposal.

- 5.3 Planning History:
- 19/01697/FUL - Conversion of first floor and creation of second floor by raising the roof to create five flats - Withdrawn
 - 19/03330/FUL - Conversion of part premises to include erection of first floor extension, to create additional three flats whilst retaining existing ground floor retail unit. (Amended Description)

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

Principle

- 5.5 Your officers consider that as the application site is located within a main Service Centre as described within Policy OS2 of the adopted West Oxfordshire Local Plan that the principle of such development is acceptable. This is subject to the proposal complying with other policies within the Local Plan.

- 5.6 The application site is also located within Witney's town centre, and within the secondary shopping frontage. However as the application site is to the rear of the frontage buildings, your officers consider that the vitality of the shopping frontage will not be adversely affected by the two proposed cottages.

Siting, Design and Form

- 5.7 Your officers had concerns regarding the proposed design and scale of the proposed dwellings given the location and the close proximity of adjacent residential properties.

- 5.8 After negotiations with the applicant, the scheme has been amended in line with your officers suggestions. The proposed dwellings have been reduced in scale to one of a single storey form, and the other unit to one and half storey. Your officers' design comments have been incorporated into the scheme. As such your officers consider that the proposals are now visually more subservient than the host building, and will be enhance the visual character of this part of the Conservation Area.

- 5.9 The proposed materials, render and slate are considered to be acceptable.

- 5.10 As the site is within close proximity to a number of listed buildings, in accordance with Section 66 (l) of the Planning (Listed Buildings and Conservation Areas) Act as amended, the local planning authority shall have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. Given the revised plans your officers are of the opinion that the setting of the listed building will be preserved.

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

- 5.12 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.

Highways

- 5.13 OCC as Highway Authority were consulted a part of the formal application process and had no objections to the proposal.

Residential Amenities

- 5.14 As the scale of the cottages have been reduced, your officers consider that the now proposed single storey cottage adjacent to the existing properties at Waine Rush View will not be adversely affected in terms of loss of light or overbearing issues.
- 5.15 In terms of the Town Council's comments, WODC do not have guidelines for the internal amount of floorspace. The single storey dwelling amended, has a total of 31 square metres, and the two storey dwelling has a total of 63 square metres. They both are considered by your officers to have a large open plan living room area and kitchen area and be acceptable.
- 5.16 Both proposed cottages have some amenity space which is considered acceptable by your officers given the town centre location.
- 5.17 With regards to your drainage officer's response, this information is expected to be received prior to the meeting. Officers will verbally update Members at the meeting.

Conclusion

- 5.18 Your officers consider that given the location of the application site that new development is acceptable. The proposed plans have been amended to reflect the traditional design and scale of properties within this part of the Conservation Area. The amended plans have also overcome your officers concerns regarding the impact to existing adjacent residential properties.
- 5.19 Your officers will verbally update Members regarding the drainage matter at the meeting.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. 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 external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

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 permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the residential amenities of existing and proposed properties.

6. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

REASON - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2019).

7. Following the approval of the Written Scheme of Investigation referred to in condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2019).

8. 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.

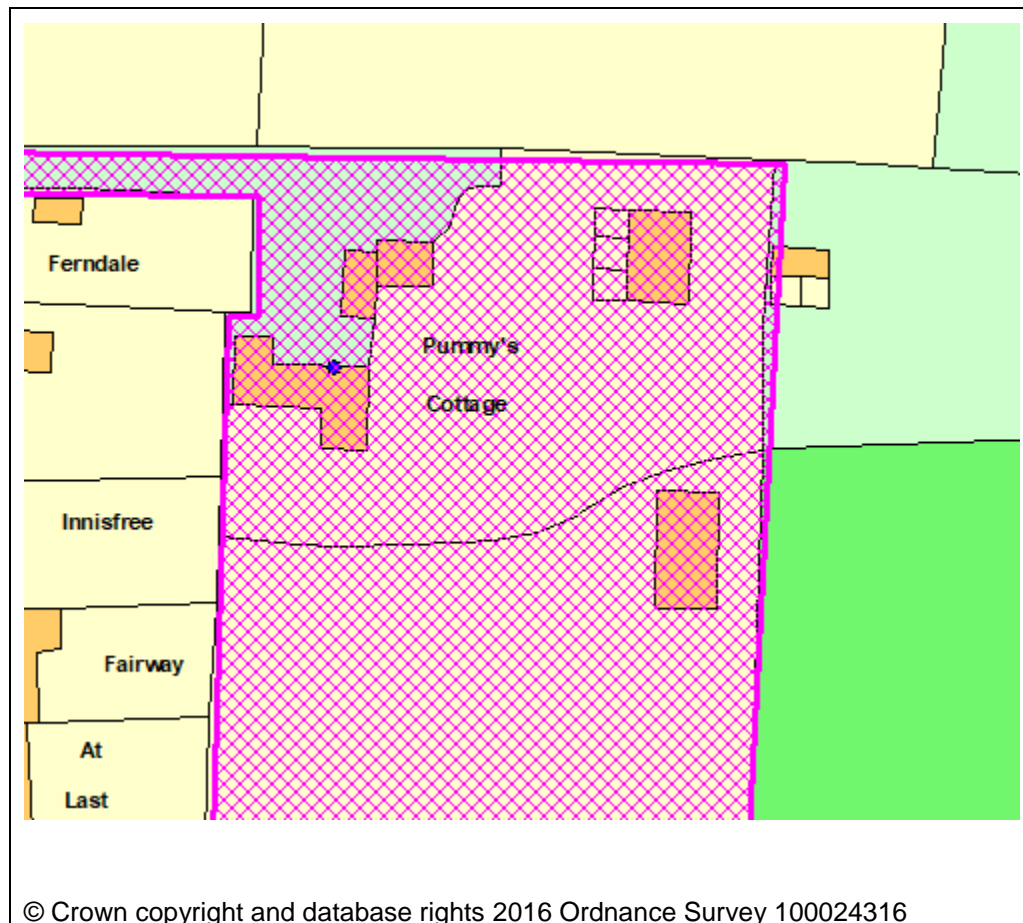
NOTES TO APPLICANT:-

- I. Informative - Great crested newts (European Protected Species):

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

Application Number	20/01971/FUL
Site Address	Pummys Cottage 57 Sutton Lane Sutton Witney Oxfordshire OX29 5RY
Date	30th September 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	441771 E 206408 N
Committee Date	12th October 2020

Location Map



Application Details:

Demolition and replacement of an existing dwelling with a new dwelling being of high quality with associated parking and landscaping.

Applicant Details:

Mr & Mrs A & N Jones, Pummys Cottage, 57 Sutton Lane, Sutton, Witney, Oxfordshire, OX29 5RY

I CONSULTATIONS

I.1	OCC Highways	No objection.
I.2	WODC Drainage Engineers	No objection subject to condition.
I.3	Thames Water	No Comment Received.
I.4	Conservation Officer	No objection.
I.5	ERS Env. Consultation Sites	While I have no major concerns in relation to the proposed development please could the applicant confirm the use of the out buildings on the site. Please could they also confirm if any fuels or other potentially contaminating substances have been stored on the site.
I.6	WODC Env Health - Uplands	I have no objection in principle.
I.7	Biodiversity Officer	Additional information required.
I.8	Parish Council	The Parish Council objects to the above referenced application and would like to refer to the reasons the previous application (16/03792/FUL) was refused, as the Parish Council feels that the reasons for refusal are applicable to this application also:

The main issue is the effect of the development on the character and appearance of the area.

Reasons

- The site is located in a village of predominately residential character and contains more than 70 listed sites and is right on the edge of the Conservation Zone.
- The majority of the houses front onto Sutton Lane and are set back from the road with gardens to the front. This essentially linear development is a significant characteristic of the village and particularly so near the site.
- Pummys Cottage, within the site, and the adjacent Akeden sit behind the dwellings that front onto Sutton Lane. They do, however, appear tucked in behind the frontage properties. While this breaks the consistent linear pattern, the residential properties are nevertheless contained close to the lane.
- Some gardens extend a good way back from the lane and contain outbuildings and various built form, including at the site. However all the significant residential development is contained close to the road and the buildings that are located further back are generally lower in height and do not appear dominant in the landscape. There is an open and verdant appearance to the rear of the

houses which reinforces the rural character of the area. This is prevalent in views from the lane, many of the dwellings, and the nearby public footpath to the north of the site.

- The proposed would be a significant feature in the local landscape and not comparable to the existing buildings in this part of the site. The proposed design of the dwelling is unashamedly contemporary. However, the contemporary nature, and bold appearance, of the dwelling would stand out from the other residential dwellings. The design of the dwelling would be harmful in this setting and thereby accentuate the harm that would arise from its siting. There is a considerable variety of styles of dwellings in the village; however in the locality of the appeal site, there are no examples of such striking architecture. In this context the dwelling would not blend into the landscape. It would constitute an incongruous element that detracted unacceptably from the character and appearance of the area.
- The scheme would see the removal of the existing dwelling and outbuildings. The outbuildings to be replaced by one very large 'garden store'. This building would be very evident, it would be apparent not just from glimpse views down the access track but also from adjacent houses and gardens and the public footpath.
- Seen from these viewpoints the appearance of the development would be appreciably at odds with the prevailing pattern of development in the locality.
- The Parish Council feels that removal of these mature trees would be unfortunate. This garden store would require the removal of some trees. Trees that are shown on the arboricultural report but are not identified as being removed. The arboricultural report has been prepared for a previous planning application, it has not been updated and should not be used in support of this planning application.

The National Planning Policy Framework (the Framework) is clear that planning decisions should not attempt to impose particular architectural styles, or tastes, or stifle innovation. The planning application seeks to create a one-off and innovative dwelling, however a requirement of the Framework is that any planning application should reinforce local distinctiveness. The development would result in significant harm to the character and appearance of the area. It would be contrary to Policies BE2, BE4, NE1 and H2 of the West Oxfordshire Local Plan 2011. These policies seek to ensure development respects the character of the area, assimilates into the landscape and does not result in the erosion of the distinctiveness of settlements.

2 REPRESENTATIONS

2.1 9 comments have been received which have been summarised as;

- If circumstances change then there is a high risk that the current dwelling, aka old house, will not be demolished after the new dwelling has been built, leaving two properties on this site. There could then be significantly more traffic going to and from this additional property along a track which is adjacent to my property. This track is not in the best state of repair (potholes form regularly) and therefore doesn't dampen the sound of traffic moving along it.
- Other properties in Sutton lane have been demolished and occupants either moved out or installed a mobile home on site whilst the new property is being built.
- The applicants have not discussed this planning application with me even though I am an immediate neighbour.
- I realise that this plot lies just outside the conservation area (the boundary of the plot is also the boundary of the conservation area), but would draw your attention to the following paragraphs from WODC's PDF file entitled 'Proposals for Preservation and Enhancement, Stanton Harcourt and Sutton.'
- Any new buildings, and extensions to existing buildings, must be well designed in themselves, sustainable, and must be sympathetic to the established character of the area. They should respect the form, setting and scale of the adjoining and surrounding buildings.
- Special care must be taken to ensure that views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed. New development must incorporate existing features of historic, visual or natural importance, such as trees, hedgerows, ponds, stone walls, paths and tracks.
- I can understand the applicants' desire to build a home with strong ecological features and do not have an issue with that, but the outside appearance of this building does not fit in with the surrounding houses or any that I can think of within Stanton Harcourt or Sutton.
- Dominate views from public right of way.
- Large black garden store which has been place very close to my boundary. This will also be highly visible from Sutton Lane, looking up the shared drive.
- No matter how sincere the current owners may appear regarding the existing building being demolished events may over take them too resulting in the site being sold to a new owner with different motives/ambitions. Should the two properties remain I question whether in reality WODC have the resources to ensure/enforce the existing building be demolished so it seems logical to demolish the existing as a first step not the last step to eliminate this risk.
- Whilst this (two properties remaining on the site) in itself is unacceptable it would inevitably lead to the owners of the adjacent property (Akedon) seeking permission for an additional property on their land - a permission which would be difficult to refuse given the precedent set at Pummy's resulting in 4 properties where there are currently 2 - development by stealth!

2.2 Lack of detail

- Appears that the new buildings have all moved closer to the boundary with Akeden and therefore will be more dominant when viewed from the frequently used public right of way that runs through Akeden.
- Looks like a scaled down shopping centre, and if allowed will dominate the view from both the conservation area and the public right of way that runs through our property for many decades to come.
- I also notice that the arboricultural survey and report and the ecological appraisal are both 4 years out of date appears to be little information on the application regarding interior details. A new building on the site - yes. This design – no the materials used for cladding would be improved by using cotswold stone.

- 2.3 Sewage concern
- A proposal more in keeping with the locality that placed restrictions on further development, required access and road improvements whilst banning construction vehicles of an unreasonable size from accessing Sutton Lane and not allowing vehicles to park and cause congestion on the Lane itself may well be received more favourably.
- 2.4 One comment of support;
- The proposed new building represents a positive attribute to the village. It replaces an unattractive and dysfunctional 1970s self-build.
- 2.5 Sustainability and ecological integrity, the proposal addresses current concerns about climate change and potentially offers zero demands on resources.
- 2.6 It promises an ingenious and admirable blueprint for ecological construction in West Oxfordshire that will surely benefit future generations for whom we all have a responsibility.
- 2.7 As to appearance, over the years developments in Sutton Lane have included every possible architectural style. No consistency or apparent accord to historic local architectural provenance. The Parish Council objects to this application's 'unashamedly contemporary' appearance, however as the PC acknowledged some years ago, reactionary attitudes should not influence planning proposals, otherwise (as it was said) it would be prescribed that every new building should have a thatched roof!
- 2.8 We would respectfully suggest that the design of Pummys Cottage complements rather than conflicts with its neighbouring buildings. The architects for the Pummys Cottage application have shown great sensitivity to the vernacular of Oxfordshire buildings with materials that echo those used on others in the area. The new house occupies its space with limited visual impact on its environment.
- 2.9 There are many recently built properties in the vicinity that deserve the inappropriate slur of 'carbuncle', but not this current application. The ubiquitous honey-coloured 'cotswold stone' suggested to be used as cladding, as it appears on other buildings in the Lane, is not a traditional feature of this part of Oxfordshire. We do not understand how the materials used, mostly brick, can be viewed as anomalous to neighbouring properties.

3 APPLICANT'S CASE

- 3.1 An in depth Design and Access Statement has been submitted as part of the application. It has been summarised as;
- The proposals seek to produce a residential dwelling; a desirable place to live, within an existing landscape, a new eco-house set within its site as a piece of landscape. The proposed innovative dwelling will be of high quality design delivering an house for the 21st century as envisaged by West Oxfordshire's Local Plan, the National Planning Policy Framework, Sustainable Development in Rural Areas.
 - The village of Sutton sits between Sutton Green and Stanton Harcourt. The character of the buildings that define this part of Oxfordshire is very eclectic. The palette of materials used ranges from stone, brick, render, timber cladding, zinc and thatch to clay tiles, concrete tiles and slate.

- The walled garden at Ruskin Hall, is a great source of inspiration for us. The idea of a wall wrapping itself around a parcel of land to provide structure for growing a plants on, also contains and screens what ever may be taking place inside from the outside world when viewed across the open countryside. This example is particularly of interest to us because it zig-zags, allowing the wall to be self supporting whilst creating walls that face in different directions to maximise the amount of light falling on them.
- The material quality, and shift in materials, make this wall very beautiful in its own right. It is this quality that we are searching for when thinking about designing a house to replace the existing house. A house that has the appearance of a walled garden quietly nestled in-between the existing trees and landscape.
- The layout of the house has been informed by the sites access, orientation and gardens/habitats whilst respecting its neighbours.
- The existing dwelling currently occupies the area defined as a walled garden. This will allow the new dwelling to be built whilst our clients remain in the old house. Once the new dwelling has been completed excluding the garage, the old dwelling will be demolished. The zig-zag wall can be used for growing plants on or against, you can also see slots for bats, pipes for insects and triangular openings for bird nesting, the additional surface area of the wall will help increase the amount of heat stored in the wall and light that falls on the wall.
- The sites ethos of slowly developing as a wildlife habitat is something we want to bring to the building. We like the idea that the house is a piece of habitat for local wildlife as well as its occupants. This will be achieved by building into the brickwork, bat slots, bird boxes and insect pipes. The wall therefore not only defines and encloses the dwelling, adjusts its orientation to work with the existing landscape, and create thresholds, it's also a piece of habitat.
- The roof is lower than the top of the zig-zag wall, again reinforcing the notion of a wall with a building leaning onto the back of it.
- Making a building that is low in height not only deals with the transition between the village and open countryside it also allows us to nestle the building into its habitat

3.2 A Sustainability Statement has also been included. The conclusion has been summarised as;

- The dwelling is to be autonomous, a house that does not rely on natural gas, electrical power, or similar utility services allowing the home to operate independently from the traditional public utility service. The provisions set out within this sustainability report demonstrate how this is achieved; Electrical power is to be generated through the proposed photovoltaic panels, with rainwater harvesting implemented for irrigating the garden and a ground source heat pump provides the source of heating.
- In addition to the incorporated technology, the proposals are designed to minimise the buildings carbon footprint. Careful design and detailing of the project is the first step in achieving sustainable construction.
- Fabric first sustainable building entails looking at the materials used within a build, and considering the energy and carbon used to create them and transport them, as well as considering the pollution, resource use, habitat destruction, and other environmental impacts of producing and using those materials. The buildings constructional elements are to exceed modern building regulations standards, providing a thermally efficient building fabric, reducing energy demand and using energy more efficiently.
- Materials used on the project are to be chosen for the longevity in use and locally sourced where possible. Consideration will be given to the sustainability of the methods used for the construction phase. When materials are being specified, it is important consideration is given to how these materials will be installed or applied.

4 PLANNING POLICIES

EH6 Decentralised and renewable or low carbon
H5NEW Custom and self build housing
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH10 Conservation Areas
EH2 Landscape character
EH3 Biodiversity and Geodiversity
OS4NEW High quality design
H6NEW Existing housing
OS3NEW Prudent use of natural resources
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is seeking planning consent for the erection of a replacement dwelling. The application site is located adjacent to the Sutton Conservation Area, and Listed Buildings are in close proximity to the site. The site is 3850.00 square metres.
- 5.2 The application is to be heard before the Committee as the Parish Council has objected to the scheme.
- 5.3 Planning History:
16/03792/FUL - Removal of existing dwelling and erection of new two storey dwelling and relocation of Nissen hut. Refused and Appeal dismissed.
Refusal Reason;
By reason of the replacement dwelling's siting, the proposal would fail to respect the existing pattern of development and would be harmful to the character and visual appearance of the rural and open countryside location. In addition due to the modern design of the proposed dwelling and its siting, the dwelling would appear as a highly incongruous harsh feature within this sensitive context. As such the proposal is considered to be contrary to Policies BE2, BE4, NE1 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies OS2, OS4 and EH3 of the Emerging West Oxfordshire Local Plan, The West Oxfordshire Design Guide, and relevant paragraphs of the NPPF.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 Your officers consider that Policy H6 of the West Oxfordshire Local Plan is the most relevant Policy when assessing the principle for replacement dwellings. This Policy states that proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis, provided the character and appearance of the surrounding

area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building.

- 5.6 In terms of the previous refused scheme, the proposed modern two storey flat roofed dwelling was to be located some distance away from the existing house footprint. Whilst the Appeal Inspector at the time did not agree with the Council in terms of the design generally, the appeal was dismissed. The Inspector at the time of the appeal stated:
- 5.7 A new, two storey and flat roofed, dwelling would be located further into the site than the existing dwelling and beyond the siting of Akeden. It would be apparent not just from glimpse views down the access track but also from adjacent houses and gardens and the public footpath. To my mind when seen from these viewpoints the siting of the development would be appreciably at odds with the prevailing pattern of development in the locality. It would therefore constitute an incongruous element that detracted unacceptably from the character and appearance of the area.
- 5.8 Although the site would contain fewer buildings, and the dwelling would not encroach as far as the existing built form, the impact would be more significant due to the height of the building and its appearance as a dwelling.
- 5.9 The proposed design of the dwelling is unashamedly contemporary. I disagree with the Council that it would be an unmitigated box. I consider that, in itself, the design is of merit, both architecturally and due to its sustainable credentials. It has been carefully detailed and incorporates features that would add interest such as the use of contrasting materials.
- 5.10 However, the contemporary nature, and bold appearance, of the dwelling would stand out from the other residential dwellings, drawing attention to it. The design of the dwelling would be harmful in this setting and thereby accentuate the harm that would arise from its siting.
- 5.11 I therefore conclude that the development would result in significant harm to the character and appearance of the area. It would be contrary to Policies BE2, BE4, NE1 and H2 of the West Oxfordshire Local Plan 2011. These policies seek to ensure development respects the character of the area, assimilates into the landscape and does not result in the erosion of the distinctiveness of settlements.
- 5.12 The proposed replacement dwelling subject to this application has been sited closer to the existing dwellings which form a linear pattern along Sutton Lane. Your officers consider that as the proposed siting of the replacement dwelling will be physically nearer to the existing linear built form it will not form such an incongruous feature within the existing landscape as the previous proposal.
- 5.13 The existing dwelling is a two storey dwelling which is not of historical or architectural value. The proposed replacement dwelling is of a single storey form. As such in this regard of Policy H6 your officers consider that the proposal dwelling is of a reasonable scale relative to the original building.

Siting, Design and Form

- 5.14 The proposed siting of the dwelling, is to be much closer to that of the existing dwelling. As such your officers consider that the proposed replacement dwelling would not be significantly

visible within the wider public realm. This is also helped by the proposed design of the new dwelling.

- 5.15 The design of the proposed dwelling is of modern contemporary design. The submitted Design and Access Statement has explained how the form of the dwelling, has revolved around the traditional garden wall. The proposed the main wall that defines the spaces to be occupied as a dwelling starts on the northern side then zig-zags south along the eastern elevation, before it opens out on the southern side. This continues along the eastern elevation, before it opens out on the southern side. The zig-zag wall is proposed to define spaces but also allows the wall to move around existing trees on the site. The openings punched through it are all the same scale and serve bedrooms looking onto the garden. The facades that face onto the walled garden have a lighter touch, like a glass house leaning onto a wall. They are glazed with timber frames.
- 5.16 Your officers consider that the proposed design and scale is more sympathetic to the existing visual character and appearance of the site and the village as a whole. As the building is low in height it will not be highly prominent to form an incongruous feature within the public views into the application site.
- 5.17 Your officers have taken into consideration both the Parish Council's and the neighbouring properties comments. However Sutton village includes a mix of materials both traditional and contemporary in places. The proposed materials for the proposed dwelling include brick, coloured concrete, zinc roofing, aluminium and timber windows, and timber cladding. Your officers are of the opinion that the proposed scheme includes the traditional materials found in the village and the Conservation Area. Samples of these materials will be requested by condition.

Highways

- 5.18 OCC Highways have not raised any objections to the proposal in terms of on site car parking, or highway safety issues.

Residential Amenities

- 5.19 The proposed dwelling is sited over 25m from the existing properties fronting onto Sutton Lane. There is also an existing conifer hedge which separates the application site from the neighbouring properties. As such your officers do not consider that any undue impacts in terms of overlooking or loss of light will result to residential amenity.
- 5.20 With regard to the comments raised regarding the demolition of the existing dwelling, your officers have included a condition to ensure that this is required. The proposed dwelling is located in close proximity to the existing dwelling on site, and it will need to be demolished to allow for the proposed garaging to be built.

Ecology

- 5.21 Your ecology officer has requested further updated surveys which is still being prepared by the agents at the time of writing. Officers will verbally update Members at the meeting, and additional conditions may be suggested to be incorporated.

Sustainability

- 5.22 Policy OS3 of the adopted West Oxfordshire Local Plan makes reference to prudent use of natural resources. It states that all development proposals (including new buildings, will be required to show consideration of the efficient and prudent use and management of natural resources. These include:
- making the most efficient use of land and buildings, whilst having regard to the character of the locality
 - minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means
 - minimising energy demands and energy loss through design, layout, orientation, landscaping, materials and the use of technology;
 - minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
 - using recycled and energy efficient materials;
 - minimising waste and making adequate provision for the re-use and recycling of waste; and causing no deterioration and, where possible, achieving improvements in water or air quality.
- 5.23 The proposed design of the new dwelling will incorporate many of these features, including;
- Solar Gain Control
 - Photovoltaic Panels
 - Located within the garage there will be 2 charge points for electric cars.
 - Cycle Storage
- 5.24 In view of this your officers consider that the proposal complies with this Policy.

Conclusion

- 5.25 Your officers have taken into full consideration the comments received from the Parish Council and neighbouring properties. Your officers consider that the proposal complies with Policy H6 which discusses the principle of replacement dwellings. The current scheme has taken into consideration the comments resulting from the dismissed appeal. The form, scale and design are of a more simple nature which your officers consider will assimilate more into the current visual character of the existing garden area of the application site. It is also considered that the proposed dwelling relates more to the existing village linear character, and the adjacent Conservataion Area.
- 5.26 In view of the above your officers consider that the proposal complies with the policies as stated above.
- 5.27 A full verbal update will be given at the meeting by your officers regarding the ecological impacts related to the proposed development.

6 CONDITIONS

- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. 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 existing dwelling on the site shall be demolished in its entirety within one month of occupation of the dwelling hereby permitted.
REASON: The provision of an additional dwelling would be contrary to policies for residential development in this location.
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 permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect the visual character of the area and the residential amenities of the adjacent properties.
6. Prior to the first trench being dug, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
7. The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
8. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - i) The parking of vehicles for site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding including decorative displays
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction

vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

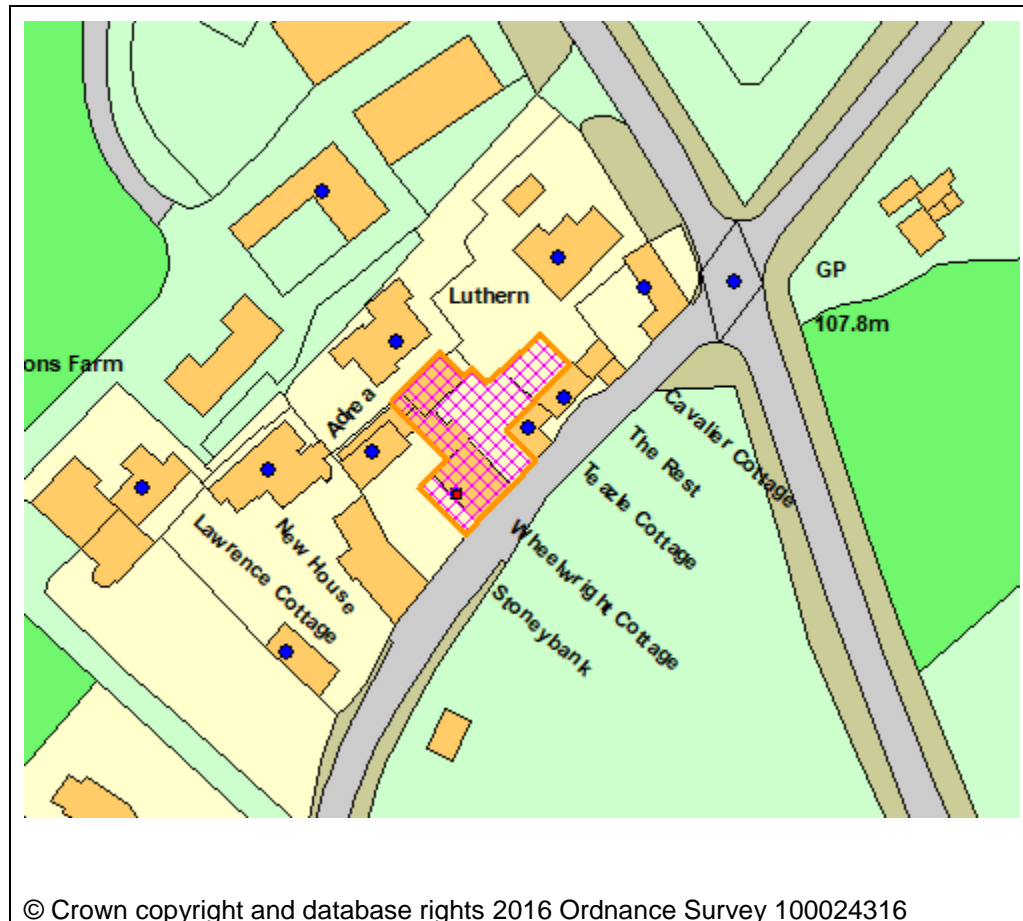
REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

NOTE TO APPLICANT:-

- I. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

Application Number	20/02143/HHD
Site Address	Wheelwrights Cottage Bridge Street Shilton Burford Oxfordshire OX18 4AA
Date	30th September 2020
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	426824 E 208901 N
Committee Date	12th October 2020

Location Map



Application Details:

Construction of detached garden room.

Applicant Details:

Cllr Alex Postan
Wheelwrights Cottage, Bridge Street, Shilton, Oxfordshire, OX18 4AA

I CONSULTATIONS

- 1.1 Conservation Officer The proposed building is a lightweight contemporary structure, of clean and simple form, and of no great size. It would also be tucked away unobtrusively at the north-east end of the site, well away from the listed building. So, there are no obvious objections from our point of view.
- 1.2 Newt Officer Thank you for consulting me on the above-named planning application. I have no comments to make regarding great crested newt licensing as this species is highly unlikely to be affected by the proposed development.
- 1.3 Parish Council No response received to date.

2 REPRESENTATIONS

- 2.1 No comments have been received at time of writing.

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted and summarised as;
- 3.2 The intention of this proposal is to create a temporary structure to exploit the suntrap at the end of the garden at Wheelwrights Cottage. Of innovative modular design, the space would be divided into an open area for the summer and a glazed area for cold days.
- 3.3 Wheelwrights Cottage is the property where the Jones family followed by the Reid family made and mended wheels and coffins for the farming community of Shilton. Shilton is a conservation area and the 17th .C. Cottage is grade II listed. The erection of a temporary structure on what was part of the wheelwrights yard in previous times does not affect any features relating to the setting in the conservation area. The listed building is 25 metres from the site chosen for the temporary structure.
- 3.4 The topography of this end of Shilton is of a series of houses and bungalows on a steeply sloping bank that has been developed into a flight broad levels, most of which are now laid to lawn. Thus, the lawn of Lutherne, neighbour to Wheelwrights Cottage is 1500mm higher than the level that will become the base of the temporary structure at Wheelwrights Cottage. The two properties are separated by a fence and 4 metre conifer hedge that has been in place for many decades. The lawn at WWC is completely hidden and is not overlooked. If there was no hedge, to the neighbour at Lutherne, therefore, the apparent height of the proposed structure would not be greater than 1 metre.
- 3.5 The method of construction is modular and intended to be assembled with hand tools and based on using the ubiquitous standard 8 by 4 panels or sheets. The advantages conferred are simple assembly, reduced time of construction, simple adaptations to a new site. The roof is to be inclined to the rear of the structure to allow rainwater to be collected for garden use. A 90cm access walkway is established to both sides and the rear.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of a garden room at Wheelwrights Cottage, Bridge Street, Shilton. Wheelwrights Cottage is a 17th Century, Grade II listed property situated within Shilton Conservation Area.
- 5.2 This application is brought before members of the Lowlands Sub Planning Committee because the applicant is a District Councillor.
- 5.3 Planning history:
- Planning application Ref: 14/0203/P/FP- Alterations to raise and replace the garage roof.- Approved.
 - Planning application Ref: 14/0202/P/LB- Alterations to raise and replace the garage roof.- Approved.
 - Planning application Ref: 18/01987/LBC- Repair or replace (single glazed to double glazed) windows and doors.- Approved.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Scale, Design and Layout
 - Visual Amenity of the Streetscene
 - Impact on the Listed Building, its setting and the Conservation Area
 - Residential Amenity

Principle

- 5.5 This application seeks permission for the erection of a garden room within the residential curtilage of an existing dwelling. The principle of development is therefore acceptable subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

Scale, Design and Layout

- 5.6 The proposed garden room is to be situated in the north eastern corner of the host dwellings residential curtilage. The proposed garden room including the roof overlap is 6m wide, has a depth of 2.75m and has an overall height of 2.5m with a mono pitched roof design. The

proposed garden room is divided into two spaces, an open area and a closed glazed area with a bi-folding door. The proposed materials are plywood and double glazing. Your officers consider the above to be acceptable in terms of its siting and its design.

Visual Amenity of the Streetscene

- 5.7 Given its scale and siting, the proposed garden room would not be visible on the street scene. Therefore your officers consider it would not give rise to any adverse impacts in regards to the visual amenity of the streetscene.

Impact on the Listed Building, its setting and the Conservation Area

- 5.8 Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.9 With regard to the impact on the listed building, the proposed garden room is not considered to obscure the historical architecture of the existing listed building, given that there is a separation distance of 25m between the proposed garden room and the listed building. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. Your officers consider the proposed garden room to be sympathetic to the Listed Building and its setting. As such, your officers consider that the character and setting of the Listed Building and Conservation Area is preserved.
- 5.10 Furthermore your Listed building and Conservation Officer has no objection to the proposal.

Residential amenity

- 5.11 The proposed garden room is to be situated within an area of the host dwellings residential curtilage which is well screened from neighbouring properties, given the existing boundary treatments and the difference in land level. As such, your officers are of the opinion that given the scale and siting of the proposed garden room that it would not give rise to neighbouring residential amenity issues such as overlooking, loss of privacy, loss of light or the feeling of overbearing. Also, no objections have been received from neighbours and or the Parish Council at the time of writing.

Other matters

- 5.12 The WODC Newt officer has been consulted on this application and has raised no objection given the nature of the development.

Conclusion

- 5.13 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of Policies OS2, OS4, EH10 and EH11 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. 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 Types Key

<u>Suffix</u>		<u>Suffix</u>	
ADV	Advertisement Consent	LBC	Listed Building Consent
CC3REG	County Council Regulation 3	LBD	Listed Building Consent - Demolition
CC4REG	County Council Regulation 4	OUT	Outline Application
CM	County Matters	RES	Reserved Matters Application
FUL	Full Application	S73	Removal or Variation of Condition/s
HHD	Householder Application	POB	Discharge of Planning Obligation/s
CLP	Certificate of Lawfulness Proposed	CLE	Certificate of Lawfulness Existing
CLASSM	Change of Use – Agriculture to Commercial	CND	Discharge of Conditions
HAZ	Hazardous Substances Application	PDET28	Agricultural Prior Approval
PN42	Householder Application under Permitted Development legislation.	PN56	Change of Use Agriculture to Dwelling
PNT	Telecoms Prior Approval	POROW	Creation or Diversion of Right of Way
NMA	Non Material Amendment	TCA	Works to Trees in a Conservation Area
WDN	Withdrawn	TPO	Works to Trees subject of a Tree Preservation Order
		FDO	Finally Disposed Of

<u>Decision Code</u>	<u>Description</u>	<u>Decision Code</u>	<u>Description</u>
APP	Approve	RNO	Raise no objection
REF	Refuse	ROB	Raise Objection
PIREQ	Prior Approval Required	P2NRQ	Prior Approval Not Required
P3APP	Prior Approval Approved	P3REF	Prior Approval Refused
P4APP	Prior Approval Approved	P4REF	Prior Approval Refused

West Oxfordshire District Council – DELEGATED ITEMS
Week Ending 23rd September 2020

	Application Number.	Ward.	Decision.
1.	19/01359/FUL Affecting a Conservation Area	Witney Central	APP
	Erection of marquee and drinks-serving structure in garden (Retrospective) The Plough 98 High Street Witney Mr Edwin Mater		
2.	19/02683/CLE	Standlake, Aston & Stanton Harcourt	REF
	Certificate of Lawfulness (to allow use of land as part of the domestic curtilage of the barns). Chimney Farm Barns Chimney Bampton Mr Fergus Mitchell		

3. **19/03044/RES** Witney West APP
 Reserved matters application for two football pitches
Land At West Witney Downs Road Curbridge
 C/o Agent
4. **19/02927/CND** Witney North APP
 Discharge of conditions 3 (materials), 4 (materials), 5 (landscaping), 6 (car parking), 8 (drainage), 9 (nesting opportunities) 10 (window/door details) and 11 (electric charging points) (19/01048/FUL).
Londis Stores 107 Hailey Road Witney
 Mr And Mrs Krupesh And Meena Patel
5. **19/03012/CND** Bampton and Clanfield APP
 Discharge of condition 27 (landscaping) (17/02694/FUL).
Land At Station Road Bampton
 Mr David Millar
6. **20/00463/ADV** Eynsham and Cassington APP
 Affecting a Conservation Area
 Installation of non illuminated hanging and fascia signs to front elevation.
1 Mill Street Eynsham Witney
 Mr Talbot
7. **20/00508/LBC** Eynsham and Cassington APP
 Affecting a Conservation Area
 Installation of non illuminated hanging and fascia signs to front elevation.
1 Mill Street Eynsham Witney
 Mr Talbot
8. **20/01216/HHD** Alvescot and Filkins APP
 Affecting a Conservation Area
 Various alterations to existing dwelling to include demolition of existing modern extensions and erection of new single storey extensions, a glazed link and formation of new first floor bedroom (with dormer window) within roofspace above utility roof. Alterations to an existing outbuilding to revert ground floor gym back to garaging with changes to first floor fenestration and rooflights. Demolition of existing detached stables and construction of replacement building comprising stables, garaging and self contained family/guest living accommodation. (Amended)
Alvescot House Mill Lane Alvescot
 Mr And Mrs Tom Pearce

9. **20/01217/LBC** Alvescot and Filkins APP
Affecting a Conservation Area
- Internal and external alterations to existing dwelling to include demolition of existing modern extensions and erection of new single storey extensions, a glazed link and formation of new first floor bedroom (with dormer window) within roofspace above utility roof together with changes to internal layout and provision of glazed roofing to dining hall and skylights.
(Amended)
Alvescot House Mill Lane Alvescot
Mr And Mrs Tom Pearce
10. **20/01398/S73** Bampton and Clanfield APP
Affecting a Conservation Area
- Variation of conditions 2 and 9 of permission 19/02371/FUL to allow a revised roof layout including addition of lift over run, revised eave and ridge details, addition of rain water pipes to elevations, alterations to entrance door and window patterns to front elevation, alterations to window and door patterns to secondary entrance, removal of internal kitchen windows, addition of PV panels and addition of post boxes.
Lavender Place Queen Street Bampton
c/o agent
11. **20/01743/FUL** Alvescot and Filkins APP
- Creation of woodland retreat including erection of community building and 6 cabins
Kencot Hill Farm Kencot Lechlade
Mr Tad Czapski
12. **20/01475/HHD** North Leigh APP
- Erection of single storey rear extension.
4 Windmill Close North Leigh Witney
Miss Sophia Mafenya-Angel
13. **20/01756/FUL** North Leigh S106
- Demolition of modern buildings and extensions, alterations and extensions to existing buildings and erection of new purpose-built buildings to provide hotel accommodation and guest facilities. Provision of new exit road, car parking, infrastructure, landscaping (to include retention, creation and enhancement of Priority Habitats) and other ancillary works
(Amended plans)
Eynsham Hall North Leigh Witney
Ennismore Limited
14. **20/01757/LBC** North Leigh APP
- Demolition of modern buildings and extensions, alterations and extensions to existing buildings and erection of new purpose-built buildings to provide hotel accommodation and guest facilities. Provision of new exit road, car parking, infrastructure, landscaping (to include retention, creation and enhancement of Priority Habitats) and other ancillary works.
Eynsham Hall North Leigh Witney
Ennismore Limited

15. **20/01507/FUL** Brize Norton and Shilton APP
 Restoration and conversion of redundant barns to create garaging with storage area and an office/studio together with the provision of self contained living accommodation.
Shilton Downs House Shilton Burford
 CH And PM Metcalfe
16. **20/01561/HHD** Witney West APP
 Erection of first floor extension above existing lounge.
7 Westcote Close Witney Oxfordshire
 Mr And Mrs Mark And Nicola Holloway
17. **20/01562/FUL** Witney South REF
 Two new semi detached dwellings
141 Queen Emmas Dyke Witney Oxfordshire
 Jianning Liang
18. **20/01575/ADV** Ducklington APP
 Installation of 5 x internally illuminated fascia signs and 11 uplighters with blue illumination (Amended)
Eastnor Place Ducklington Lane Witney
 Mr Caslake
19. **20/01578/HHD** Alvescot and Filkins WDN
 Conversion of existing garage building into a residential annexe
Mill Cottage Little Faringdon Lechlade
 Mr Paul Marais
20. **20/01579/LBC** Alvescot and Filkins WDN
 Conversion of existing garage building into a residential annexe
Mill Cottage Little Faringdon Lechlade
 Mr Paul Marais
21. **20/01593/HHD** Ducklington APP
 Erection of single storey side extension.
Firdales Course Hill Lane Ducklington
 Mr Rob Demain
22. **20/01617/HHD** Witney North APP
 Single story rear extension (Lower level) to form Hobby room/workshop with terrace roof accessed from the ground floor.
37A Crawley Road Witney Oxfordshire
 Mr And Mrs Jenkins

23. **20/01632/S73** Witney West APP
 Variation of conditions 2 and 4 of planning permission 18/03206/RES to allow amended house types, plot positions, materials and design changes.
Land At West Witney Downs Road Curbridge
 Miss Chloe Morefield
24. **20/01923/HHD** Ducklington WDN
 Two storey front extension
7 Well Lane Curbridge Witney
 Mr D Clark
25. **20/01701/FUL** Alvescot and Filkins APP
 Erection of an indoor 20m x 40m arena, to the north of the existing stables. Demolition of the existing agricultural building, and erection of replacement agricultural storage building east of the proposed indoor arena. Demolition of the existing 13 stables, tack rooms, wash down area which are to be replaced by an American Barn containing 10 stables, a pony stable, tack room, rug drying room, feed room and wash box. Erection of a feed store and manure clamp. Installation of three turnout pens and a 5 horse walker to the south of the proposed American Barn.
Bazeland Farm Calcroft Lane Clanfield
 Mr and Mrs C Miles
26. **20/01702/FUL** Carterton South WDN
 Change of use of existing garage/workshop and associated site area to form new dwelling.
10 The Crescent Carterton Oxfordshire
 Mr David Smith
27. **20/01929/HHD** Standlake, Aston & Stanton APP
 Harcourt
 Front and rear extensions
Blythehale Cote Bampton
 Ms D Shenton
28. **20/01753/HHD** Carterton North West APP
 Erection of two storey and single storey extensions
4 Monks Close Carterton Oxfordshire
 Mr And Mrs R Maddalena
29. **20/01755/HHD** Carterton North East REF
 Formation of habitable room in roofspace with rear dormer
25 Stocks Lane Carterton Oxfordshire
 Mrs And Mrs Hadland

30. **20/01774/LBC** Eynsham and Cassington APP
Affecting a Conservation Area
- Replacement of Bradstone tiles on front roof with slate to match back of house
20 Queen Street Eynsham Witney
Cate Foster
31. **20/02006/HHD** Bampton and Clanfield APP
Affecting a Conservation Area
- Construction of oak framed gazebo.
Wealhay Lavender Square Bampton
Mr Michael Jones
32. **20/01812/HHD** Witney South APP
- Erection of garden shed
6 Applegarth Court Witney Oxfordshire
Mr M Jones
33. **20/01979/HHD** Eynsham and Cassington APP
- Erection of front porch extension
8 Clover Place Eynsham Witney
Mr And Mrs S And S Cook
34. **20/01836/HHD** Witney Central APP
- Erection of rear conservatory
1 Squirrel Gardens Witney Oxfordshire
Mr And Mrs Hannan
35. **20/01844/FUL** Standlake, Aston & Stanton APP
Harcourt
- Erection of 1 detached dwelling to side garden of 50 Abingdon Road including demolition of existing garage and reinstate driveway entrance to the front of the existing house.
Orchard Paddock Cottage 50 Abingdon Road Standlake
Mr And Mrs List
36. **20/01846/HHD** Witney Central APP
- Alterations and erection of single storey side and rear extensions.
27 Burford Road Witney Oxfordshire
Mr And Mrs Ricketts
37. **20/01848/HHD** Eynsham and Cassington APP
- Alterations and re-roofing the existing conservatory and roof of annex building at rear. First floor infill between existing house and annex. Addition of box window to first floor side elevation.
20 Old Witney Road Eynsham Witney
Mr Tom Smith

38. **20/01849/HHD** Alvescot and Filkins APP
Affecting a Conservation Area
- Alterations and erection of single storey rear extension, addition of rear dormer windows and first floor extension above existing garage (amended plans).
Stable Cottage Broughton Poggs Lechlade
Mr A Richards
39. **20/01859/HHD** Standlake, Aston & Stanton APP
Harcourt
- Affecting a Conservation Area
- Erection of single storey rear extension
Radley House Bull Lane Aston
Mrs Gina Salmon
40. **20/01861/HHD** Witney Central APP
- Erection of garden room
105 Burford Road Witney Oxfordshire
Mr Clive Simpson
41. **20/01874/HHD** Eynsham and Cassington APP
- Alterations and erection of single storey rear extension
6 Merton Close Eynsham Witney
Mr Joel Schmidheiny
42. **20/01877/HHD** Bampton and Clanfield APP
- Erection of single storey rear extension
89 New Road Bampton Oxfordshire
Mr And Mrs Hicks
43. **20/01884/HHD** Witney South APP
- Single storey rear extension
18 Buttercross Lane Witney Oxfordshire
Mr And Mrs Roberts
44. **20/01895/HHD** Witney East APP
- Replacement of existing conservatory with new single storey extension.
28 Compton Way Witney Oxfordshire
Mr And Mrs Hughes
45. **20/01907/FUL** Ducklington APP
- Single storey front extensions to two dwellings (1 and 2 Peashell Cottages) - Part retrospective
1 Peashell Cottage Downs Road Curbridge
Chris Strange

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| 46. | 20/01918/HHD
Affecting a Conservation Area | Bampton and Clanfield | APP |
| | Alterations to include single storey link extensions from the rear elevation to the existing study and outbuilding and conversion of outbuilding to create extra living space.
8 Bushey Row Bampton Oxfordshire
Mrs Laura MacDonald-Smith | | |
| 47. | 20/01934/HHD
Affecting a Conservation Area | Standlake, Aston & Stanton
Harcourt | APP |
| | Erection of a single storey rear extension
41 Bull Street Aston Bampton
Jon And Emma Ma | | |
| 48. | 20/01977/HHD
Single and two storey side extension
26 Evans Road Eynsham Witney
Mr And Mrs Summers | Eynsham and Cassington | APP |
| 49. | 20/02201/HHD
Erection of single storey rear extension.
5 Meadow Way Carterton Oxfordshire
Mr And Mrs Cameron | Carterton North East | APP |
| 50. | 20/02113/PDET28
Affecting a Conservation Area | Standlake, Aston & Stanton
Harcourt | P2NRQ |
| | Construction of steel frame agricultural building.
Yew Tree Cottage Church Road Northmoor
Mr Matthew Ellett | | |
| 51. | 20/02193/PNT
Installation of fixed-line broadband electronic communications apparatus (Height 1600mm x Length 1200mm x Depth 450mm).
Land North West Of 46 Brizewood Carterton
Harlequin Group Ltd | Carterton North East | P2NRQ |
| 52. | 20/02300/CND
Discharge conditions 6 (access) and 7 (parking) of 20/01120/FUL
Land East Of 90 High Street Standlake
Mr Brian Cade | Standlake, Aston & Stanton
Harcourt | APP |