

Democratic Services

Reply to: Amy Barnes
Direct Line: (01993) 861522
E-mail: amy.barnes@westoxon.gov.uk

6 March 2020

SUMMONS TO ATTEND

MEETING: LOWLANDS AREA PLANNING SUB-COMMITTEE
PLACE: COMMITTEE ROOM 1, COUNCIL OFFICES, WOODGREEN,
WITNEY
DATE: MONDAY 16 MARCH 2020
TIME: 2:00 pm (Officers will be in attendance to discuss applications with
Members of the Sub-Committee from 1:30 pm)

Membership of the Sub-Committee

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 10 February 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. 50 Richens Drive, Carterton (19/00114/PENF) – Unauthorised Operational Development (Report of the Head of Planning and Strategic Housing - copy attached)

Purpose:

To enable Members to consider whether it is expedient to authorise the issue of an enforcement notice.

Recommendation:

An enforcement notice be issued to require an unauthorised porch to be removed or reduced in size so that its floor area does not exceed permitted development limits.

6. Progress on Enforcement Cases (Report of the Business Manager – Development Management – copy attached)

Purpose:

To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations.

Recommendation:

That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A to the report be noted.

7. List of Applications Determined under Delegated Powers together with an appeal decision (Report of the Business Manager – Development Management - copy attached)

Purpose:

To inform the Sub-Committee of the list of applications determined under delegated powers, together with an appeal decision.

Recommendation:

That the report be noted.



Giles Hughes
Chief Executive

This agenda is being dealt with by Amy Barnes Tel: (01993) 861522
Email: amy.barnes@westoxon.gov.uk

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 10 February 2020

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Joy Aitman, Maxine Crossland, Harry Eaglestone, Hilary Fenton, Jeff Haine, Nick Leverton, Kieran Mullins, Carl Rylett, Harry St John and Alex Postan.

Officers in attendance: Miranda Clark, Joan Desmond, Claire Green, Esther Hill and Amy Barnes.

48. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 13 January 2020, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman subject to the following amendments:

Minute Number 45 – Councillor Fenton declared an interest in 19/02371/FUL Lavender Place, Queen Street, Bampton and not Land East of Mount Owen Road as detailed; and

Minute Number 46 - be amended to read ... 'This was seconded by Councillor Hilary Fenton.....' for the avoidance of doubt.

49. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Councillor Postan substituted for Councillor Good.

50. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

51. 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 decision on the following application be as indicated, the reasons for refusal to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

19 19/02616/FUL Manor Dairy Farm, Shilton

The Chairman advised that officers had requested this application be deferred to allow further investigations to take place from Environmental Health.

Deferred

3 19/02516/FUL Twelve Acre Farm, Chillbridge Road, Eynsham

The Planning Officer, Mrs Desmond introduced the application and advised that the report contained a recommendation of provisional approval. She directed Members to the information contained in the Additional Representations report which included comments from the Biodiversity Officer, South Leigh Parish Council and Eynsham Parish Council. The update report also provided additional comments from the applicant and officers along with the suggested conditions that could be applied to any permission granted.

Nicky Brooks, Chairman of South Leigh Parish Council, addressed the meeting regarding the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Following a question from Councillor Enright, Mrs Brooks confirmed that the land located at the top of the site was visible to residents of South Leigh and questions had been raised about how it would look if the solar panels were moved down. She felt that the development would affect the rural setting.

Mr Gordon Beach addressed the meeting on behalf of Eynsham Parish Council. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Councillor Enright queried what measures the parish council would like to see regarding construction traffic. Mr Beach felt that restricting traffic to a 'left turn only' out of the site would help but was not convinced that it could be enforced. He stated that the A40 already suffered from a number of accidents and this site could exacerbate that.

Councillor Levy addressed the meeting as the Ward Member for the development, in objection to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Mr James Hartley-Bond addressed the meeting on behalf of the applicant and in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Councillor Mullins, officers confirmed that the construction access would be in use for 16 weeks and, after that, would revert back to agricultural form. Post construction, the site would be accessed from Chilbridge Lane.

The Planning Officer then presented her report, outlined the associated infrastructure and highlighted the recent amendments to the scheme

including the extension of hedgerows and the removal of panels from the highest point of the site. She reminded Members that the development would make a significant contribution to meeting the District's low carbon targets and officers felt some of the visual impact could be mitigated with additional planting.

Councillor Rylett advised that he had visited the site at the weekend and the area was popular with walkers and cyclists. He reminded Members that Eynsham was due to expand and had already had to put up with a lot of development around it. He felt that both parish councils had instinctively wanted to support the application but a number of significant concerns had been raised. He felt that the application had undergone a number of changes in the last week and further clarity was needed on the Biodiversity Management Plan. This, combined with the concerns raised regarding the access onto the A40 and the need to understand what recompense the parishes could expect, he felt that the application should be deferred to allow a site visit to take place.

Councillor Rylett proposed that the application be deferred to allow a site visit to take place, for clarification of the Biodiversity Officer's report and the enforcement of the construction access.

This was seconded by Councillor Postan who felt that it was too soon to make a decision on the application. He raised concerns about the views of the panels from the side and rear and felt that work on the Garden Village should integrate with this.

Councillor Crossland received clarification on the public right of way across the site. She felt that the visual impact would be softened by additional planting and did not feel the views of similar, existing sites were intrusive. She felt the District would gain from granting the application and supported officer's recommendation.

Councillor Leverton agreed and received confirmation that the path was five metres in width and would have five metres of planting either side which would bring ecological benefits.

Following comments made regarding any financial contributions toward parishes, officers reminded Members that the application had to be considered on its own merits and it was for the developer to discuss those issues with the community.

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

Deferred

35 19/03242/HHD Ivydene, Delly End, Hailey

The Planning Officer, Ms Hill introduced the application and advised that report contained a recommendation of approval.

This application was taken in conjunction with 19/03243/LBC, detailed below, which dealt with the listed building consent.

Mr Peter Smith addressed the meeting in support of the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Following a question from Councillor Mullins, Mr Smith confirmed that there was no particular preference on the two designs but the Listed Building officer had previously felt that the original parapet had been too bulky.

Following a question from Councillor Leverton, Mr Smith advised that there would be no impact on the original building, it was only the 20th century extension that was being amended.

Ms Hill confirmed that the planning officer was content with the applications and recommended approval.

Councillor Haine felt that the officer direction was correct in this regard and proposed that the application be granted. This was seconded by Councillor Enright.

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

Approved

39 19/03243/LBC Ivydene, Delly End, Hailey

The Planning Officer, Ms Hill introduced the application and advised that report contained a recommendation of approval.

This application was taken in conjunction with 19/03242/HHD, detailed above, which dealt with the householder development approval. The discussions were as minuted above.

Mr Peter Smith addressed the meeting in support of the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Councillor Haine felt that the officer direction was correct in this regard and proposed that the application be granted. This was seconded by Councillor Enright.

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

Approved

44 19/03376/FUL Land adjacent to Westfield House, Bampton Road, Aston

The Planning Officer, Miss Clark introduced the application and advised that the report contained a recommendation of approval. She highlighted the objection from Aston Parish Council.

Mr Stephen Broadley addressed the meeting on behalf of the applicant. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report and advised that officers felt there was less harm created by the properties being set back. Permission would be subject to the removal of permitted development rights and the addition of appropriate conditions.

Councillor Postan proposed that the application be granted as per officers recommendations and queried if the materials and fittings could be matched to the nearby listed building. Officers confirmed that the materials would be natural stone and Condition 3 could be amended to confirm this. The proposal was seconded by Councillor Enright who felt that the development formed a logical compliment to the existing buildings.

Following a question from Councillor Leverton, officers confirmed that there would be a shared access with the properties at the rear.

The Officer recommendation of approval was then put to the vote and was carried subject to an amendment to Condition 3 to read:

“The external walls shall be constructed of natural stone...”

Approved

31 19/02624/FUL 43 Valence Crescent, Witney

The Planning Officer, Mrs Claire Green introduced the retrospective application and advised that the fence had been in situ for four years. The land in question was former amenity land and officers did not feel there was any harmful affect.

Councillor Eaglestone proposed that the application be granted as per officers' recommendations.

Councillor Leverton highlighted that this was a retrospective application and queried if the application could set a precedent. Whilst he would have preferred the applicant had not taken the land he did feel that the application was appropriate. He therefore seconded the proposal.

Mrs Green advised that as the fence had been in place for over four years, it was deemed to have consent and the Council had no jurisdiction over it. The land could now be classed as amenity space for the applicant.

Councillor Postan felt it was a matter of principle and suggested that the applicant could have used soft landscaping measures.

Councillor Crossland received advice on when a building or structure was deemed to have consent and she stated that she was not comfortable with this application as the fence looked out of place.

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

Approved

52. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers and appeal decisions, was received and noted.

53. 4 CHIMNEY FARM COTTAGES, CHIMNEY, BAMPTON

The Sub-Committee received the report of the Head of Planning and Strategic Housing which requested that Members consider whether it was expedient to authorise the issue of an enforcement notice.

The enforcement officer, Ms Murray outlined the report and provided an overview of the location and history of development on the site.

Officers had received complaints in May 2019 stating that the property could be being used for business purposes and neighbours had reported a high level of storage of building materials and movements of commercial vehicles. In addition, a building was being constructed in the garden. Following a site visit, officers noted a number of planning breaches and these were detailed in 3.2 of the report.

Following monitoring of the site officers remain in the view that they type and level of activities carried on at the site over a period of months constituted an unlawful material change of use. As a consequence, an enforcement notice was served on 29 October 2019 and subsequently appealed.

Following further visits in early January 2020, officers took the opportunity to re-assess planning breaches relating to the unauthorised building and a new means of access which had been formed leading onto the unmade track running between 4 Chimney Farm Cottages and Chimney Farmhouse.

The report advised that officers now felt it necessary to issue an enforcement notice to remedy the harm caused to the setting of the listed building and to the character of the hamlet and the local landscape. This would require the owner to remove the outbuilding, re-plant the boundary to the garden and remove the hard core area, reinstating it to lawn or to garden beds for planting.

Councillor Hillary Fenton thanked officers for the report and highlighted that the site in question had been a problem for over ten years.

Following a question from Councillor St John, officers clarified the site layout and directed Members to how the garden was originally intended.

Councillor Leverton supported the officers' recommendation and proposed that an enforcement notice be issued. This was seconded by Councillor St John.

The Officer recommendation to authorise the issue of an enforcement notice was agreed, and the Sub-Committee:

RESOLVED: That an enforcement notice be issued, to require removal of an incomplete building within the curtilage of 4 Chimney Farm Cottages, Chimney and the reinstatement of the access that had been made onto the adjoining unmade road and the removal of the associated hardstanding.

54. 106 RALEGH CRESCENT, WITNEY

The Sub-Committee received the report of Head of Planning and Strategic Housing which requested that Members consider whether it was expedient to authorise the issue of an enforcement notice.

The enforcement officer, Ms Murray outlined the report and requested that enforcement action be authorised to remove the fence and reinstate the land to its original state.

The site was located within an estate forming part of the wider Deerpark development off the Curbridge Road. In May 2018, officers received complaints that a boundary fence had been erected on land designated as amenity land. When the estate was built, permitted development rights for the erection of fences were removed.

The owner was advised of the breach of planning control but was reluctant to remove the fence. A retrospective application for the retention of the fence and for a change of use of the amenity land to domestic garden was received and subsequently refused on 13 March 2019. The refusal reasons were outlined in section 3.4 of the report.

An appeal was lodged in May 2019 and dismissed on 10 October 2019. A copy of the appeal decision was attached to the report.

Despite further attempts to discuss a way forward with the owner, officers now felt it was necessary to serve an enforcement notice.

Councillor Eaglestone proposed that enforcement action be authorised as per officers' recommendation and this was seconded by Councillor Crossland.

Members discussed a number of options including additional planting and alternative boundary treatments but noted that the owner had not been amenable to the suggestions. Members also noted that house buyers would be made aware of any restrictions relating to their property or land at the time of purchase.

The Officer recommendation to authorise the issue of an enforcement notice was agreed, and the Sub-Committee:

RESOLVED: That an enforcement notice be issued, to require the removal of the unauthorised fence at 106 Raleigh Crescent, Witney and the reinstatement of land within the contravener's ownership appropriated as garden but designated under the enabling consent as landscaped amenity area.

The meeting closed at 4.09 pm.

CHAIRMAN

19/02516/FUL – Twelve Acre Farm, Chilbridge Road, Eynsham

Nicky Brooks – South Leigh Parish Council

Nicky Brooks addressed members as the Chairman of South Leigh Parish Council. She advised that many questions had been raised regarding the application and the report did not provide enough information. For example, Condition 3 related to planting but no idea had been given as to a planting scheme - there was no plan. She also felt it was important that Members understood the height of the site geographically.

She raised concerns about the entrance onto the A40 – was this original, temporary or permanent? Also concerns had been raised about the development resulting in an urbanisation of rural space.

In summary, she did not feel there was enough detail provided and suggested delaying any decision until the next meeting when all reports would be available. With regard to Community Benefit, she felt there would be none for South Leigh and the parish were now against the development.

Lowlands Planning Committee – 10th February 2020

19/02516/FUL Aurora Solar Farm Application

Instinctively this is an application that we would like to support. Additional information has trickled in during the consultation period and we have already sent you an update on our original comments. However, there still remain four points on which we have concerns:-

1. A40. The proposed change to allow access to the site via the A40 are to be welcomed. However, we have little faith, based on our experience at Thornbury Green, that the left turn only will be enforced and fear that this condition will get slowly watered down.

It would seem to us that a physical barrier, say 50 yards each side of the entrance, will be required. We have seen various examples of how this could be achieved but we will then need to work out how lorries will not be able to turn in the two adjacent laybys, which would still mean right turns across this notorious stretch of the A40. We feel that this requires extra work by OCC and WODC before this application is approved, as again our experience of dealing with matters such as this after approval are not reassuring.

2. We have now seen pictures of the applicants proposed seven foot fence to protect the site, as requested by the Police. It appears to us that the fence will create a considerable eye sore at that height particularly as it appears that cameras or similar are to be installed.
3. Bio-diversity. We have read with interest the comments from the Officer involved. These initially appeared to make sense but our reading of the latest document appears to water down the concerns and not address the issues originally raised. We would certainly seek clarification on what is now proposed and feel that a detailed bio-diversity report should be prepared and submitted for consultation before approval is granted.
4. That brings us to the "Community Benefit". We have seen correspondence regarding this proposal which clearly is currently still being worked up. At present we do not see the proposal gives any certainty of community benefit and whilst this may eventually be achieved, at this stage we would wish to continue with our request under the normal Section 106 system. It is a great shame that this is all coming at the last moment but without a legal framework which looks someway off, our position remains as originally submitted to you and for the reasons stated.

At this stage we feel unable to give this application the support that it may well deserve. Too much information is still incomplete and we would have no faith in some of these matters being resolved after approval.

Thank you.

19/02516/FUL – Twelve Acre Farm, Chilbridge Road, Eynsham

Councillor Dan Levy – Local Member

Councillor Levy reminded Members of the Council's recent commitment to the Climate Emergency and how developing "green energies" was a positive move. He highlighted the high volume of development in and around Eynsham and listed the newly built and proposed sites for development in the area. He stated that bearing this level of development in mind, the population of Eynsham was due to double.

He felt strongly that this application would result in a loss of amenity space, green space and a well-used leisure facility. He raised a concern regarding "end of life" of the business and suggested that a condition should be considered to avoid the District Council having to pick up any resulting costs. He urged members to reject the application.

19/02516/FUL – Twelve Acre Farm, Chilbridge Road, Eynsham

James Hartley-Bond – obo applicant

Mr Hartley Bond addressed Members on behalf of the applicant and reminded them of the urgent need to tackle the climate emergency. It was accepted that there would be some visual impacts and further planting had been proposed to mitigate this. He advised that the fences would be constructed using post and wire and would be of a standard height.

With regard to the site access, the Childbridge Road access would be the site's permanent access and the A40 would be used temporarily for construction traffic. He had noted the concerns raised by speakers and the applicant was happy to restrict construction traffic to a left hand turn out of the site and would be installing temporary bollards down the centre of the road. The company managed 20% of similar sites across the country and believed in working for the benefit of local communities. He felt there would be a biodiversity net gain and the significant benefits of the development outweighed the concerns.

19/03242/HHD & 19/03243/LBC – Ivydene, Delly End, Hailey

Mr Peter Smith – obo applicant

Peter Smith addressed Members on behalf of the applicant and advised that there was an anomaly with the boundary. The cottage was small in size and had been extended over the years, cascading over the site, however, internally this had caused problems.

He explained the first plan which had included a stone parapet wall with the extension round the back.

They had now designed a lighter weight extension which was smaller in scale but lighter in materials. This would give the client a downstairs toilet, utility room and linked the kitchen and dining room.

19/03376/FUL – Land adjacent Westfield House, Bampton Road, Aston

Mr Stephen Broadley – obo applicant

Mr Broadley addressed Members on behalf of the applicant and reminded them that approval had previously been received for the erection of three houses to the rear of the site, leaving the area at the front redundant. The previous application had been withdrawn and newly submitted with improvements being made to the native hedgerow.

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 16th March 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 Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

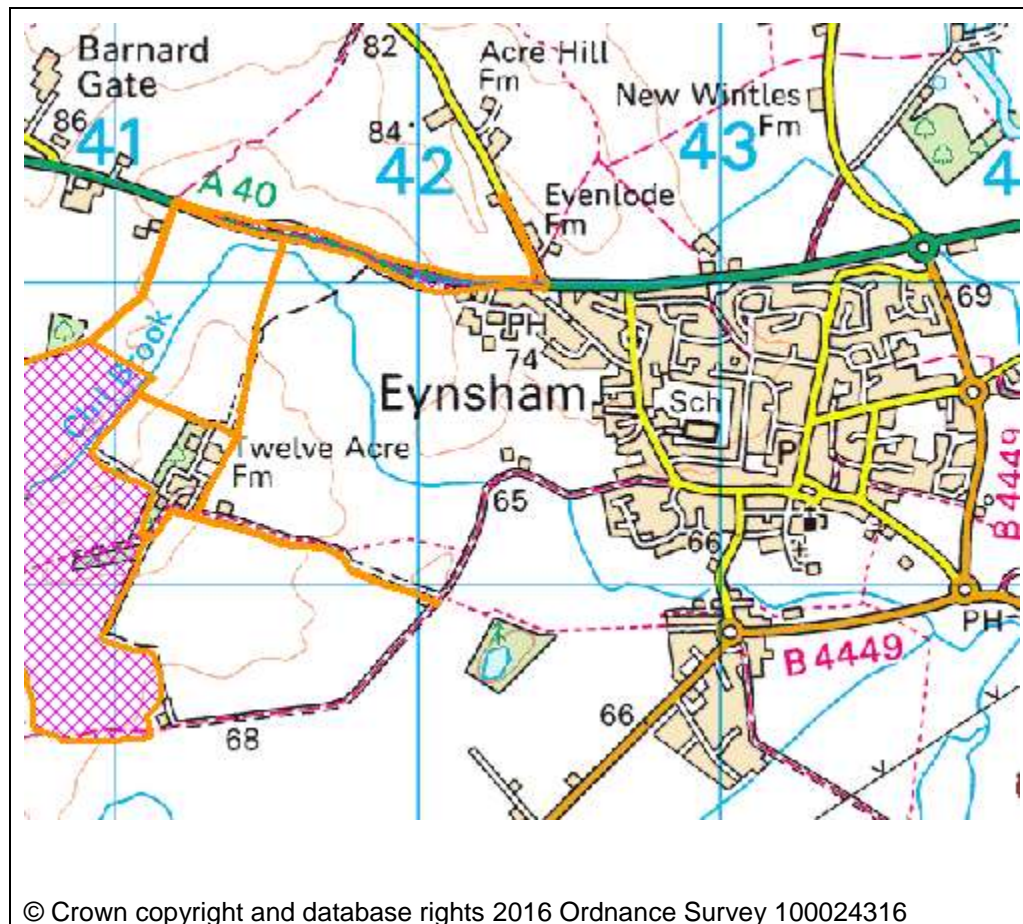
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
19/02516/FUL	<u>Twelve Acre Farm, Chilbridge Road, Eynsham</u>	3
19/02591/HHD	<u>Razzi House, 31 Moorland Close, Witney</u>	27
19/02809/FUL	<u>Land South of Milestone Road, Carterton</u>	32
19/02914/S73	<u>Morrisons, 20 Black Bourton Road, Carterton</u>	50
19/03403/FUL	<u>Land South of Elmside, Greenacres Lane, Aston</u>	54
20/00016/HHD	<u>50 Richens Drive, Carterton</u>	61
20/00099/HHD	<u>8 Gloucester Place, Witney</u>	66
20/00195/HHD	<u>34 Woodford Mill, Mill Street, Witney</u>	70

Application Number	19/02516/FUL
Site Address	Twelve Acre Farm Chilbridge Road Eynsham Oxfordshire OX29 4BH
Date	4th March 2020
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	441242 E 209314 N
Committee Date	16th March 2020

Location Map



Application Details:

The construction and operation of a solar photovoltaic farm, and other associated infrastructure.

Applicant Details:

Mr Mike Rutgers, 13 Berkley Street, London, W1J 8DU

I CONSULTATIONS

- I.1 Adjacent Parish Council
- In principle, South Leigh Parish Council are supportive of green energy proposals but we do have concerns here - particularly over the visual impact aspects of the development We feel that this proposal will negatively impact the local environment and landscape setting particularly due to the height of the site and the low level land in between the site and the easterly part of our Parish.
- We recognise that the site itself lies in a neighbouring parish but this development will greatly affect our parish. Our neighbourhood Plan (Policy SLE1) explicitly sets out that one of its key aims is to protect the rural environment, and its views for the enjoyment of all - residents and visitors alike. In particular we are concerned about the impact on quiet recreational use and enjoyment of the footpaths and roadways that will look over the site. Indeed, the existing Right of Way (part of the Circular Path from South Leigh to Eynsham) runs through the centre of the site and this development will affect enjoyment of this popular and well used rural amenity.
- However, we have had several meetings with the developer, Low Carbon, who have now agreed to improve the screening of the site through increased planting. They are in the process of creating new documentation reflecting this and, I believe, have asked for an extension to the comment deadline from yourselves. We expect to receive this further documentation by the middle of next week.
- South Leigh Parish Council believes that strict following of the improved planting schemes will offer sufficient mitigation to ameliorate the worst of the impact of the development and on that basis we would have no objections to the plans being given approval. At our meeting Low Carbon did suggest that South Leigh Parish might like to pursue a claim for various 'community benefit' monies. We would like to do that to mitigate further the impact of the development on the local environment.
- As this development affects an amenity of the parish, we would like the following schemes to be supported which are for the good of our community.
- Repair and improvement to our village hall including the payment of the outstanding loan from West Oxfordshire District Council of £40,000 - Total £50,000.
- Provision of solar powered speed monitoring and speeding prevention units throughout the village to enable residents safely to enjoy their surroundings where no footpaths are available Total £20,000.
- Repair and improvement to parish church £20,000
- Provision of new bus shelter at shaws green £5,000
- I.2 Parish Council
- Eynsham Parish Council is supportive of green energy principles, however we wish to draw the following concerns to your attention for consideration:-
- Visual Impact
1. The proposal will negatively impact on the environment and

landscape setting due to the land at the site rising to 84m above sea level - the village is 14m lower.

2. The existing Public Right of Way (206/18/10) across the site will be negatively impacted by the installation of obtrusive fencing.

Consideration will be required to s.44 (h) of 'Oxfordshire County Council's Position Statement - Major Development Proposals for Ground-mounted Solar PV Arrays I.' (Further section numbers are referred to in this letter).

Access Route

3. Access to the site is proposed via Witney Road and down Chilbridge Road (206/18/10). We note that Oxfordshire County Council's Countryside Access Team will be consulted in order for the appropriate permissions to be obtained and consideration given to the Construction Traffic Management Plan (s.43 (h) refers).

Furthermore, we note it will be the applicant's, the contractor's or the occupier's responsibility to put right/make good any vehicular damage to the surface of the right of way (s.44 (c) refers).

4. The Public Right of Way 206/18/10 crosses the Grade II listed Chilbridge which the Council consider is unsuitable for HGVs.

Access Precedent

5. The Council consider the application will set an unwanted precedent for future construction companies and developers wishing to access the West Eynsham SDA. Consideration will need to be given to Traffic Regulation Order 1983 which prohibits HGVs from accessing Witney Road (and other Eynsham roads).

Agricultural Land Quality

6. In accordance with WOLP 2031 Policy EH6, compelling evidence is needed to support using this Grade 3 Good to Moderate Quality (part) Agricultural land over poorer quality land.

If the Local Planning Authority is minded to approve the application, Eynsham Parish Council request the following:-

7. The applicant must fulfil all commitments made in the application documents.

8. A condition is agreed that requires the applicant is to undertake a Condition Survey of the Chilbridge prior to any construction vehicles accessing the site. Following the construction phase of the Solar Farm, a further Condition Survey should be undertaken to highlight any required remediation work to the structure and this should be undertaken by the applicant within an agreed timescale. Reason - In order to protect and preserve the existing condition of the Chilbridge.

9. In view of the extensive community use of the Public Right of Way (206/18/10 Chilbridge Road) which provides access to the countryside and Witney Road for Bartholomew School pupils, the Construction Traffic Management Plan should permit access only:-

During school holidays - Monday - Friday 08.00 - 18.00

During school term time - Monday - Friday 09.30 - 14.30

Reason - To promote and protect safe pedestrian access to Bartholomew School and to the countryside.

10. Eynsham Parish Council Committees have identified and costed

(approx.) priorities for the benefit of the community and request S106 funds as follows:-

(a) Funding towards our Bartholomew Room Refurbishment Project which the surveyor anticipates will cost £100,000 approx. The Bartholomew Room is the Council's Grade II Listed building in the centre of Eynsham which is used by the community and Council for meetings and art exhibitions.

(b) Since the application has an impact on one of Eynsham's favourite walking routes, funding is requested to help improve the Fishponds where another Public Right of Way (206/3/10) is widely used. Funding towards any of the identified improvement work below would be appreciated:-

a) 300m drystone replacement wall 25000

b) Replacement boardwalk and bridge with UPVC alternative 25000

c) 100m Flow-out channel to be widened and puddled with clay to improve flow 20000

d) Re-create sluice gate 5000

I.3 Thames Valley Police
Licensing Office

I am pleased to see that a security fence is proposed to protect the installations. This is appropriate, given the size of the proposed site that it could become a high value target for precious metal theft etc. I recommend that it is at least 2.1m high, complies with the requirements of LPSI 175, Issue 8, B3, and that the applicants also incorporate a monitored perimeter intruder protection system (PIDS).

The authority may wish to condition that the development achieves the physical security standards recommended.

I.4 Adjacent Parish Council

Firstly thank you for including point 1.5 reducing the coverage of panels on higher ground etc and increasing the woodland and scrub cover. These are important things to our parish. As you no doubt aware we are a small parish with not a lot of experience in these matters and I now wish we had requested something similar in our original submission.

On this point, and several others as mentioned in your conclusion (5.42) and final recommendation (6) there seems to be an awful lot of very important information/agreements still to be provided to the extent that I would like to humbly suggest that the final decision is deferred to the March meeting when all the reports will be available giving committee members the time to consider them in detail and make fully informed and considered decision.

Again as mentioned in 1.5 it is a requirement that the applicants provides extra of woodland and scrub throughout the site. The applicant also states in 5.17 that they have improved in tree planting scheme along the western and southern boundaries. Are there any details of exactly how this is going to be achieved? I feel there needs such a plan ensure any promises are kept to.

Although we agree that the access off the A40 is a much better idea I'm not clear whether this will remain the permanent access or will be returned to farmland after the construction phase is finished. Will it become a new permanent access thus encouraging further development in the surrounding fields?

I have no experience of battery storage but are there any statutory requirements to ensure the safety of such batteries and should this not be included in any planning application.

Finally could I ask that a new location map is provided to the committee that shows the whole proposed site and its connection not only to Eynsham but also to South Leigh and shows the full extent of public right of way. Could it also show the access road to the A40.

I.5 Parish Council

Additional comments in view of consultee responses received - 5 February 2020

11. OCC Transport Schedule - 31 December 2019 - "A construction access from the A40 is considered acceptable if movements are restricted to left-in and left-out only." Eynsham Parish Council is concerned that this condition will not be enforced and therefore highway users' safety could be compromised by vehicles attempting to manoeuvre against the flow of traffic. It is therefore recommended that a physical mechanism/barrier is installed at the junction to inhibit unauthorised vehicle movements.

12. OCC Transport Schedule - 31 December 2019 - "All vehicles will have the opportunity to change direction on the A40 either at the Eynsham roundabout (to the east) or at the Shores Green interchange (to the west). Vehicles must be barred from turning at Barnard Gate because there is no ghosted right-turn filter lane, so HGVs in particular would cause an obstruction if they were waiting to turn right off the A40 here. Vehicles must also be advised not to attempt to use the adjacent laybys to change direction." Owing to recent experiences, the Council is concerned that these conditions will not be enforced, however appropriate they might be. It is recommended that those accessing the A40/the site be reminded of the CTMP by way of directional or instructional signage.

13. Thames Valley Police - 1 November 2019 - It is noted that there is a substantial volume of security fencing around the various array areas. Whilst Thames Valley Police recommend this is installed at a minimum height of 2.1m, it should be noted that the fencing will further negatively impact this rural area.

14. Biodiversity Officer - 3 February 2020 - In consideration of the protected species already identified at the site, it is recommended that all reports requested by Esther Frizell-Armitage, Assistant Biodiversity Officer are submitted to the District Council before the application is determined to allow members to be fully informed of the impact to nature.

Other comments

15. Eynsham Parish Council has not been provided with the proposed

legal agreement before the Lowlands Area Sub-Planning Committee meeting and is therefore unable to comment on it.

16. Eynsham Parish Council wish to make it clear that it only requests the District Council to consider its S106 funding request (as detailed overleaf) on its behalf and not the 'community benefit/ownership model' for various reasons.

I.6 Major Planning Applications Team

Highways - No objection subject to:
- An obligation to enter into a S278 agreement as detailed below.
- Construction Traffic Management Plan Condition.

Key points

A construction access from the A40 is considered acceptable if movements are restricted to left-in and left-out only
The modified Public Right of Way arrangement is welcomed.

LLFA - No objection subject to drainage conditions.

County Archaeological Officer - No objection subject to conditions.

I.7 WODC Landscape And Forestry Officer

Should aim to reduce coverage of panels on higher ground. Need to explore lower lying ground on surrounding areas. Prioritise increase in woodland and scrub cover for visual mitigation purposes - both from further afield and footpath users.

I.8 Biodiversity Officer

I have no objections to the proposed development subject to ecology conditions being attached to any planning permission granted.

I.9 Conservation Officer

No Comment Received.

I.10 Major Planning Applications Team

Highways - No objection subject to a condition requiring the submission and approval of a Construction Traffic Management Plan.

LLFA - Objection

Key issues:

Evidence required from Environment Agency of consent to develop in Flood Zones 2 and 3.

I.11 WODC Landscape And Forestry Officer

No Comment Received.

I.12 Biodiversity Officer

No Comment Received.

I.13 ERS Env. Consultation Sites

Thank you for consulting our team. I have reviewed the application in relation to potential risk posed to human health from contaminated land. Review of our records indicate there may be a small area of filled ground within the development site. Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying

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

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- | | | |
|------|----------------------------------|----------------------|
| 1.14 | Adjacent Parish Council | No Comment Received. |
| 1.15 | Major Planning Applications Team | No Comment Received. |
| 1.16 | MOD MOD (Brize Norton) | No Comment Received. |
| 1.17 | Biodiversity Officer | No Comment Received. |

2 REPRESENTATIONS

2.1 7 letters have been received objecting to the application on the following grounds:

- The proposed development will encompass a public right of way and ruin it.
- Harmful from views across the valley and from the east (Eynsham).
- Development should be kept away from the public footpaths so people can still enjoy these beautiful walks.
- Proposed access during the construction phase via Chilbridge Road is not acceptable. The road is in very poor condition up to the boundary with the access to 12 acre farm. The road is a very popular bridle way and is a significant recreation resource to walkers, runners, cyclists and families.
- The solar panels and the batteries, inverters, substations etc will impose artificial structures on a natural landscape. They will be visually unattractive and visible on rising ground
- Will reduce areas for wildlife to thrive
- Unwanted precedent for future construction companies and developers to access west of the village
- Brownfield sites should be considered

2.2 One objector has requested that their objection is changed to comments as follows:

There is a 75 metre contour running through the site with land mostly to the east that is higher and if there were panels only on land lower than that 75 metre contour then some of my concerns would be addressed since the panels would be less visible from afar.

2.3 Letter of support from Green TEA (Transition Eynsham Area) Energy Group:

- In principle GreenTEA supports renewable energy generation as an essential part of decarbonisation. Given the scale of development generally in our area, we would expect that a scheme as large as this (67MW) would deliver benefits to the local area and, in time, complement other projects such as Project LEO and the emerging Eynsham Energy Plan.
- The intention is to reach an agreement for an option for the Low Carbon Hub to purchase the solar farm, if consented, as a community asset. This would bring a range of benefits to the community throughout the operation of the farm. If the sale does not proceed, Low Carbon Ltd have suggested a fall back of a relatively small one-off donation to the local community. We assume that benefits to host communities would be a material consideration.
- We understand that the application site does not contain 'best and most versatile agricultural land,' being grade 4 with a small amount of grade 3 land; and that food will still be produced by raising sheep.
- The LDA's 2016 Renewable Energy And Low Carbon Energy Assessment And Strategy for West Oxfordshire identifies the Eynsham Vale area as being 'more suitable'.
- The site is currently under 'traditional' intensive agriculture including some large open fields with no trees or hedgerows. There is significant potential to improve biodiversity as well as improving carbon sequestration by introducing new trees, hedgerows and grazed pasture with wildflower rich areas. There is also the opportunity to create habitats for endangered ground nesting birds, such as the skylark,
- The land is elevated and there were concerns about visibility. However there was also a view that planting of groups of trees, small copses and low, discontinuous hedgerows would be preferable to the tall continuous hedges illustrated in the supporting documents. The group felt that planting which completely obscured long views from footpaths was not welcome.
- The environmental benefits of renewable energy outweigh any minor local adverse impacts and community involvement would increase these benefits greatly. Given the existential threat of Climate Change, and the declaration of a Climate Emergency by the
- District and County Councils and central Government, the overall benefits of the proposal are even greater.

2.4 4 letters of support:

- Will not see the solar panels as the site is over the brow of the hill not facing the village.
- The community would benefit from it in the region. The battery storage is an essential part of this solar farm.
- With a greater dependency on electricity and becoming carbon neutral, this solar project is another way for us to help achieve this goal.
- It will protect the environment and the land will return to agricultural use at the end.
- Development will be mitigated. In addition the grass & wildflowers will help to assist our pollinators which are in serious decline.
- This would be a silent neighbour in the countryside which will reap benefits for us all without any noise or pollution.
- HGVs and farm vehicles already use this road and increased traffic even during the construction period would hardly result in anyone encountering a convoy of vehicles whilst using it. The bends and narrowness of the road force drivers to take extra care.

2.5 Councillor Levy has objected to the application on the following grounds:

- Loss of amenities
- Harmful visual impact
- Use of Chilbridge Road for the construction phase is unacceptable and would be dangerous
- Risk to listed bridge from HGV traffic
- Financial risk to WODC when site is decommissioned

3 APPLICANTS CASE

3.1 Several supporting documents were submitted with the application and are available to view online. The supporting letter and Planning, Design and Access Statement advise that:

3.2 It is estimated that the solar panels would generate up to 31.9 MW peak, enough to power approximately 9,900 homes. The battery storage system (up to 18 megawatts in total) would charge at times of low demand and export power back onto the electricity grid at times of high demand or when solar irradiation is low. The Proposed Development benefits from an agreed point of connection to an existing electricity substation on Cuckoo Lane.

3.3 The principle of renewable energy, such as solar power, is supported by local and national planning policy. It is also notable that the UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050.

3.4 The Proposed Development complies with planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are a number of added benefits, including habitat creation.

3.5 These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH9 Historic environment

EH11 Listed Buildings

NPPF 2019

EH16 Non designated heritage assets

ENP5 Eynsham Neighbourhood Plan

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission for the construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. Planning permission is being sought to operate the proposed development for 40 years, at which point it would be decommissioned and the land returned to its previous state. The site includes a cable route from the main solar farm site to an existing substation on Cuckoo Lane.
- 5.2 The proposed site comprises approximately 63.4 hectares of land, primarily at Twelve Acre Farm located to the west of the village of Eynsham. The farm house at Twelve Acre Farm is Grade II listed. The Chil Brook runs through the site from east to west and a public right of way (206/18/10) runs from Chilbridge Road running east to west towards South Leigh. A public right of way (206/19/10) also runs along the southern boundary of the site. There is a plantation woodland belt in the southern portion of the Site.
- 5.3 The application has been submitted following pre-application advice and a screening request, which concluded that an Environmental Impact Assessment was not required.
- 5.4 The application was deferred for a Members site visit at the February meeting which will take place on the 12th March 2020. Members also requested clarification in respect of ecology, landscape and visual, and construction access. These issues are dealt with in the relevant sections below and in the update section at the end of the report.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Use of agricultural land

Impact on the Landscape Character/Visual Amenities of the area

Impact of heritage assets

Highway Issues

Flooding and Drainage

Biodiversity

Principle

- 5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.7 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', supports the principle of renewable energy developments. It goes on to state that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for

environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). This latter document will be referred to in more detail below. Policy ENP5 of the Eynsham Neighbourhood Plan, made in February 2020, also supports proposals that help meet the intentions of the Climate Change Act 2008 including opportunities for the use of renewable and low carbon forms of energy and ENPI4 on sustainability growth.

- 5.8 The NPPF supports proposals for renewable and low carbon energy. Paragraph 154 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
- 5.9 It is estimated that the solar panels would generate up to 31.9 MW peak, enough to power approximately 9,900 homes. The battery storage system (up to 18 megawatts in total) would charge at times of low demand and export power back onto the electricity grid at times of high demand or when solar irradiation is low. The panels would be erected for a period of 40 years and would represent a contribution to the UK's renewable energy targets.
- 5.10 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

Use of Agricultural Land

- 5.11 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.
- 5.12 The majority of the agricultural land within the site is Agricultural Land Classification Grade 4 (Poor Quality), although a section through the middle is Grade 3 (Good to Moderate Quality). The applicant advises, however, that the site consists of several individual fields, none of which are wholly Grade 3 and is not farmed separately to the Grade 4 land. Therefore, due to the prevalence of Grade 4 land across the Site, the land is broadly farmed to reflect this lower grade status.
- 5.13 Alternative sites have been considered but the report concludes that none of the short-listed sites comprise a more feasible alternative to the proposed site which is immediately available to the Applicant for the development of a solar farm; benefits from an agreed grid connection in close proximity (approximately 1.2 km to the north east); both the site shape and topography

are suitable; the solar panels and other infrastructure would be located in Flood Zone 1 and the site is predominantly Grade 4 agricultural land.

- 5.14 In conclusion, there are considered to be no available or suitable brownfield sites or areas of lower quality agricultural land suitable for the solar farm development.

Impact on Landscape Character/Visual Amenities of the area

- 5.15 Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity.
- 5.16 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. The site lies in an area of gently rolling hills with broad low ridge lines and wide valleys, reflective of the underlying rocks and sediments. Within the site the landform contains three distinct elements: the valley of the Chil Brook which rises near the western boundary of the site and meanders across the site towards the north east; the linear knoll created by the further meandering course of the Chil Brook which extends across the centre of the site; and thirdly to the south is the gentle slope stretching south towards the broad valley of the Limb Brook. A mixed plantation woodland belt marks the higher sections of the knoll. The site area is dominated by arable and pasture fields, with associated hedge lines and scattered trees.
- 5.17 A Landscape and Visual Impact Assessment (LVIA) submitted with the application concludes that the significant landscape effects identified as a result of the Proposed Development would be restricted to the change of land use from arable/agricultural to renewable energy generation. In the context of a dominance of agricultural/arable land use within the Survey Area and the local environs, this is considered to be of Medium Magnitude, with regards to Land Use. The remaining aspects of the landscape character would receive no direct impact or, in the case of vegetation with proposed mitigation planting, are of minor-beneficial magnitude. A range of potential visual receptors are identified within and around the Survey Site including residential properties, roads and PROWs. The majority of visual receptors would experience minor or negligible impacts. Where higher degrees of effect were noted, mitigation measures are proposed in order to address these. Whilst the higher levels of effect would still occur at Year Zero following construction, they would all reduce to minor-moderate or less at Year Fifteen of operation, with the exception of the Homestead whose elevated position in close proximity to the Site would require a greater period of time for the infill planting of the shelter belts to provide effective screening. It is anticipated that this receptor too would have a magnitude of impact reduced to minor-moderate after 10-15 years of growth.
- 5.18 In terms of the landscaping strategy, it is stated that the proposed development has been designed to respect the character of the landscape and uses the strong field pattern to integrate the scheme into the landscape as far as practicable. Existing landscape features are to be protected and strengthened. All trees on the site would be retained and additional planting

provided, where necessary, to fill in the gaps of the existing boundary planting. In terms of concerns raised by South Leigh Parish Council the framework landscaping scheme has been amended to include more tree planting, this being along the western (southern section) and southern boundary. In respect of the footpath that runs through the centre of the site, the proposed wildflower buffer strips will now be next to the footpath thereby providing a much wider footpath corridor running through the site. It is also proposed to maintain the hedgerow along the footpath at a lower level (approx. 1.5m), to provide a less enclosed environment and to add some oak to the tree planting mix.

- 5.19 The Council's Landscape Officer has commented that the development will have a transformational impact on a very wide area of open countryside; will have a considerable impact on the network of well-used network of public rights of way and that the areas of solar panels on higher ground will be visible from longer distance vantage points. Whilst it is acknowledged that Officers would be generally supportive of some solar development in the area, it should be designed to reduce its visual impact and impact on users of the public rights of way and that greater mitigation measures are required if a solar farm of this scale is to be supported. As such, the Landscape Officer has recommended that the area of solar panels on higher ground should be reduced; lower lying ground should be explored on surrounding land and priority should be given to an increase in woodland and scrub cover for visual mitigation purposes - both from further afield and to mitigate the impact on footpath users.
- 5.20 Discussions have been held with the applicant involving the Landscape Officer to explore the possibility of locating the panels of lower ground including land to the west and to enhance mitigation measures through extra planting. The applicant has advised that the land to the west is not within their control and other land within their control is constrained. Nevertheless, a revised illustrative layout plan indicates the proposal to relocate some panels off the highest ground on the south sloping side of the site and an improved mitigation scheme is being proposed with enhanced planting to the west and the continuation of existing hedgerows on the southern part of the site to help break up the areas of solar panels and provide additional screening. The treatment for the footpath crossing the site has also been amended so relocate the fencing behind the hedge.

Impact on Heritage Assets

- 5.21 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. The NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.22 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. In terms of non-designated heritage asset the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These duties are reflected in policies EH9, EH11 and EH16 of the Local plan.

- 5.23 A Historic Environmental Impact Assessment has been submitted which concludes that there is a potential for unknown archaeological assets within the site. This desk-based assessment has predicted the following potential: low for Palaeolithic, Mesolithic, Roman, and early medieval remains; and medium for Neolithic, Bronze Age, Iron Age, medieval, postmedieval, and modern remains. There is, however, still a risk that unexpected archaeological remains of all periods may be discovered within the site. D

Assessment

- 5.24 The County Archaeological Officer (CAO) originally raised concerns on the grounds that a geophysical survey should be undertaken, which would indicate whether a phase of evaluation (trenching) would be required. Following further discussions with the agent and the submission of further details including areas of archaeological potential where plinths may be utilised, dependent on the results of any investigation, the CAO is now satisfied with the proposal subject to appropriate mitigation being carried out, which can be secured by condition.
- 5.25 In terms of designated heritage assets, Twelve Acre farmhouse is Grade II listed. The development would be some distance from the farmhouse and would not be visible from the listed building. The Conservation Officer does not consider that the proposed development would have an adverse impact on the setting of the farmhouse but has commented that the solar panels on the higher ground would be visible from long distance views from the churchyard at South Leigh.

Highway Issues

- 5.26 The access to the site during both the construction and operational phases was originally proposed to be solely via Chilbridge Road and then utilising the existing access to the farm. The application has been amended so that access for the construction phase is now proposed via the A40. It is proposed that this access route will be widened with 5m x 5m entry splays tapering down within the site, to allow large vehicles (HGV's) to turn into and out of the site. Junction visibility has been reviewed in respect of the existing de-restricted (60mph) speed limit and to ensure that the full visibility is available, and it is anticipated that some vegetation clearance would be required, although all the associated land is public highway land or within our landowner's control.
- 5.27 Within the development site, new access tracks will be utilised to facilitate movement within the site for construction and maintenance, where an existing track is not available. It is envisaged that topsoil layers will be excavated to expose a suitable base on which to build the track. It is envisaged that the tracks will then be built up by laying crushed stone, rolled in layers. It is proposed that the track(s) will utilise existing access points between fields and crossing points over ditches, with no need to remove trees or hedgerows.
- 5.28 The Transport Statement concludes that the proposed development is expected to generate a limited number of vehicles once the site becomes operational, and similarly, only a limited number of vehicle trips during the construction phase. During the 16 week construction programme, vehicle movements are typically expected to comprise of 15 car and 10 LGV trips, arriving in the morning and leaving in the evening. Around 5 HGV trips are expected per day, with a total of 10 further HGV trips during the whole of the construction period, associated with the delivery of the batteries which will be housed in shipping containers.

- 5.29 The County's Highway Officer (CHO) has raised no objection to the application and notes that the number of trips to and from the site, when it is operational, will be minimal and will have a negligible impact on the highway network. It is noted that the northern part of Chilbridge Road falls within the West Eynsham Strategic Development Area (SDA) and whilst it is not yet known how it will be accommodated within the development, the CHO is confident that access could be accommodated one way or another. No objection has been raised to the use of Chilbridge Road subject to careful management of construction traffic along the Chilbridge Road bridleway being required. In terms of the revised construction access arrangements from the A40, the CHO has advised that in order to avoid obstruction to the free flow of the traffic and to prevent an increase in the likelihood of collisions, the access must be limited to left-turn movements only for vehicles entering and leaving the site. All vehicles will have the opportunity to change direction on the A40 either at the Eynsham roundabout (to the east) or at the Shores Green interchange (to the west). Vehicles must be barred from turning at Barnard Gate because there is no ghosted right-turn filter lane, so HGVs in particular would cause an obstruction if they were waiting to turn right off the A40 here. Vehicles must also be advised not to attempt to use the adjacent laybys to change direction. These measures could be controlled through an agreed Construction Traffic Management Plan.
- 5.30 A Section 278 Agreement will be necessary for the construction of the new access. It will need to be wide enough so that two HGVs can be accommodated between the carriageway and the gate.
- 5.31 In terms of impact on the existing public right of way (PRoW) the revised PRoW footpath cross-section is considered an improvement for users of the path and is acceptable to OCC. Providing an alternative route for construction vehicles away from the PRoW is also an advantage for path users. OCC therefore raise no objection to the application subject to a S278 agreement and Construction Traffic Management Plan condition. Following the request from Members seeking further clarification on enforcement of the proposed construction traffic route, OCC has advised that the favoured method for ensuring left in and left out of the site would be to have a kerbed, triangular-shaped island in the centre of the new access junction. This would create a physical obstruction to HGVs attempting a right turn, and would separate the inbound and outbound lanes of the site access so that two HGVs could pass. Advanced and local signage will be crucial to inform road users of the possible movements, and to direct the HGVs to the A40 junctions where they can make a U-turn.

Flooding and Drainage

- 5.32 The majority of the site is located within Flood Zone 1, the zone with the lowest risk of flooding. A small part of the site is located within Flood Zones 2 and 3, indicating that this land is at a 'medium' and 'high' risk of river flooding. The development proposals for the site indicate that development will be located outside the Flood Zones 2 and 3.
- 5.33 The submitted Flood Risk Assessment concludes that no significant surface water is predicted to enter the site from outside the site boundaries. Any surface water flowing towards the site will largely be intercepted by the Chil Brook. It is proposed that Finished Floor Levels of any buildings are set no less than 71.9m AOD (0.6m over the estimated flood level based on the EA maps) and set above local ground levels (ideally by 0.3m) to prevent surface water flooding. The proposed development will result in no more than 0.27% impermeable area, leaving 99.73% of the site as permeable. 92.5% of impermeable area will be located at the north-east corner of the

site, with the remaining five different locations. SuDS measures are proposed to manage additional surface water runoff generated by the proposed impermeable areas. These include swales. During the construction phase, additional drainage measures would be implemented to attenuate the increase in surface water flows and reduce pollution. Overland flow paths will be similar during an exceedance event, with excess flows draining to the Chil Brook within the top half of the site and draining towards small drains to the south-east and south-west from the bottom part of the site.

- 5.34 No significant risk of flooding from other sources has been predicted.
- 5.35 Following the submission of additional drainage information, the County Council, as the Local Lead Flood Authority, has raised no objection to the application subject to surface water drainage conditions.

Biodiversity

- 5.36 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.
- 5.37 The site has been subject to an Extended Phase 1 Ecological Assessment and Preliminary Protected Species Survey along with Phase 2 surveys for great crested newts (GCN). The Ecological Assessment concludes that the habitats to be directly affected by the proposed development - the arable and pasture fields - are of low ecological value and the proposals would result in a net gain through the conversion of arable to pasture and the creation of new wildflower grassland habitats. New tree and shrub planting would enhance the connectivity of the site once established and provide additional habitat for a range of species.
- 5.38 The results of the Preliminary Protected Species Survey and targeted Phase 2 GCN surveys identified the presence and potential presence of protected species. These concluded that:
- There is no evidence of badgers; however, they are known to be in the local environs and therefore standard Good Practise should be followed during the Construction Phase;
 - The Site is likely to be used by local bat populations for foraging and commuting; no roosting habitats are identified as being directly or indirectly impacted by the proposals;
 - No GCN were identified within ponds situated within 500m of the Site, therefore this species is not a constraint to development;
 - A grass snake was recorded onsite and the habitats have the potential to support populations of further common reptile species such as common lizard and slow worm - an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted;
 - Breeding birds, including ground nesting birds, are likely to use appropriate habitats within the Site and on the Site boundaries - an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted; and
 - The Chil Brook has the potential to provide suitable habitat for watervole and transient habitat for otter - however no evidence of either species was recorded during the surveys.

- 5.39 The assessment concludes that provided the measures detailed in this report are adopted, the Proposed Development is considered to represent a net gain for habitats and species.
- 5.40 Following full consideration of the information and details provided within the report, the Council's Biodiversity Officer has no objections to the proposed development subject to ecology conditions being attached to any permission granted.

Other Matters

Community Benefits

- 5.41 As set out in the representations section above, Green TEA (Transition Eynsham Area) Energy Group comments that it is their intention is to reach an agreement for an option for the Low Carbon Hub to purchase the solar farm, if consented, as a community asset or if the sale does not proceed, Low Carbon Ltd has suggested a fall back of a relatively small one-off donation to the local community. They have stated that they assume that benefits to host communities would be a material consideration. Whilst the public benefit of this renewable energy project is recognised, recent case law has held that benefits such as a donation is not a material planning consideration and that a Council would be acting unlawfully by taking it into account.
- 5.42 The Parish Council has also requested contributions towards their Bartholomew Room Refurbishment Project and funding to help improve the Fishponds (Public Right of Way) in the village. In terms of Planning obligations, the guidance is clear that they may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

It is officer opinion that the requested contributions would not satisfy these tests and as such would not be justified.

- 5.43 Eynsham Parish Council have queried the impact of glare to aircraft using RAF Brize Norton. The applicant has responded that the concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible. Standard solar modules produce less glare and reflectance than standard window glass. Solar modules use 'high transmission, low iron glass' which absorbs more light, producing smaller amounts of glare and reflectance than normal glass. Common construction materials, such as steel and glass (e.g. greenhouses or unpainted metal roofing) and many features of the natural environment such as water and grass have higher reflectivity than solar PV arrays.

Update

- 5.44 The applicant has submitted further information as follows. A full copy of the response can be viewed on the Council's website.

Biodiversity

- 5.45 It is our understanding that as a result of our response and discussions since the application was submitted, all matters raised have been dealt with to the Biodiversity Officer's satisfaction, including through clarification provided by the Applicant and, where necessary, by ensuring that the proposed planning conditions secure any habitat, management and mitigation that is proposed. It is considered that the Applicant has submitted a robust Landscape and Biodiversity Scheme which maximises opportunities for habitat enhancement across the Site, providing a net gain for biodiversity in the long-term.

Landscape and visual

- 5.46 There are no proposals to have any gaps in the screen planting around the site, and all fencing would be inside the perimeter screening. The indicative site layout plan shows where panels would be excluded. The updated photomontages, illustrate views from the west and reflect the changes to the layout and increased planting proposals. These clearly emphasise the following:
- the updated public footpath arrangement through the centre of the Site, now features the fence behind the new hedgerows. The effect of the removal of the fence from alongside the route of the path means that the corridor has effectively increased from 5m to 15m comprising a 5m wide footpath, plus a further 5m of planted wildflower meadow strips on either side;
 - the exclusion of panels from the higher ground within the Site that faces towards the village of South Leigh; and
 - the increased tree planting along the western boundary of the Site, to soften views from the edge of South Leigh.

Construction access

- 5.47 Adequate design and management measures for the construction access could be secured by Conditions. The access could be adequately controlled as a measure of the CTMP in the same way as other measures (wheel washing, working hours etc.) and, as proposed, a requirement for a CTMP should form a condition of any planning permission. Vehicle routing is usually dealt with in the CTMP and, in this particular instance, it should be noted that the HGVs using the construction access would be limited in number (approximately five per day on average) and would also be under the control of the Applicant (i.e. they would be delivering specific equipment for the solar farm, rather than simply being construction staff or contractors working under their own management). Given that all HGVs would be regulated and programmed by the Applicant, it is reasonable that their routing can be controlled and enforced.
- 5.48 Notwithstanding the above, a physical measure could be incorporated into the junction design. This could include the use of bollards or something more substantial to physically enforce the left-in and left-out arrangement.
- 5.49 In terms of landscape impact, the only substantive works would be where the site access track meets the A40, which is shielded from the more open countryside to the south by mature vegetation (hedgerow) and where similar accesses are common place along the stretch of the highway. Importantly, it is not proposed to tarmac the length of the site access track in the more open countryside area to the south. The works here would include providing a rolled

stone/crushed aggregate track, comparable to a conventional farm track. This would follow the route of the existing field access.

Conclusion

- 5.50 In conclusion, the proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases. There are considered to be no available or suitable brownfield sites nor areas of lower quality agricultural land suitable for the solar farm development. Whilst the landscape impact is recognised, particularly of the panels sited on the higher ground, this impact will be mitigated by enhanced planting mainly along the western and southern boundaries where views are most sensitive. There are no technical objections to the application relating to ecology, highway safety or flood risk and there would not be an adverse impact on the setting of Twelve Acre farmhouse. A condition could also ensure that any areas of archaeological interest have adequate mitigation measures such as the requirement to place the panels on concrete pads. The application is thus recommended for permission.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 27th November 2019_ 6th February 2020.
REASON: The application details have been amended by the submission of revised details.
- 3 Prior to the commencement of the development hereby permitted, full details of the final locations, design and materials to be used for the panel arrays, battery cabins, inverters, control room, substations, power conversion system, HVAC unit, CCTV cameras and fencing shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.
REASON: To ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area.
- 4 No lights shall be erected within the site without the prior written agreement of the local planning authority.
REASON: To safeguard the character and appearance of the countryside and to protect foraging/commuting bats.
- 5 Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 6 Prior to the commencement of any site works (including site clearance) a protected area shall be designated for all existing trees which are to be retained, and the trees shall be protected in accordance with a scheme which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 7 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs and wildflower meadow, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 8 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 9 No development shall commence, involving use of the A40 access, until details for the construction of a new priority junction at the location of the existing field access and the creation of visibility splays as shown indicatively on drawing no. 410558-MMD-XX-BA04-DR-C-0001 Rev. P2 have been submitted to and approved in writing by the Local Planning Authority and all works shall be completed in accordance with the approved details.
REASON: In the interests of road safety.
- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. The construction shall be in accordance with detail set out in document reference KCI670 - Aurora Solar Farm, Eynsham dated 25/10/19. The plan shall include phasing detail, pollution control and silt mobilisation during construction and re-instatement and decompaction of ground post construction.
REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal

- 11 The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.
- 12 Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40 year period of planning permission.
REASON: In the interests of visual amenity to accord with the NPPF.
- 13 Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).
- 14 Following the approval of the Written Scheme of Investigation referred to in condition 13, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include 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.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).
- 15 The development shall be completed in accordance with the recommendations in section 6 of the Ecological Assessment report, dated August 2019 and prepared by Landscape Science Consultancy Ltd. All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

16 Before development takes place, details of the provision of nesting opportunities for birds (e.g. pole mounted barn owl boxes) shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

17 A Biodiversity Management Plan (BMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the BMP shall include, but not necessarily be limited to, the following information:

- i. Landscape and ecological trends and constraints on site that might influence management;
- ii. Full details (including a revised site plan and species lists) of the creation and enhancement of habitats and features including the native hedgerow planting and infilling, native tree planting, creation of new wildflower grassland buffering the Chil Brook corridor, the conversion of field margins to wild-flower meadows, conversion of arable grassland to grazed pasture grassland (detailing a contingency plan for alternative management), a wildlife pond if possible and details of a pole mounted Barn Owl box on a revised site plan. Enhancement measures should particularly consider and refer to the creation of habitat for protected and priority species (e.g. Grass Snakes and Skylarks). Both the Grassland Management Plan and the Framework Landscape and Biodiversity Plan should be included.
- iii. Aims and objectives of the management and the appropriate management options for achieving these;
- iv. Prescriptions for management actions and an annual work schedule;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- vi. Details of the body or organisation responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures;
- viii. Timeframe for delivery and reviewing the plan; and
- ix. Details of how the aims and objectives of the BMP will be communicated to the occupiers of the development.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The BMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 18 No development shall take place (including ground works and vegetation clearance for the trench) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for specific species such as GCN, nesting birds, reptiles, hedgehogs and badgers);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. The times during construction when specialists ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
 - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 19 A report prepared by a professional ecologist or the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP - Biodiversity have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the proposed development. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To provide evidence that the impact on the calcareous grassland priority habitat is minimised as much as possible during construction in accordance with Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy Framework, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

NOTES TO APPLICANT

- I Vehicle access (construction) - No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.

- 2 Vehicle access (Occupation) - No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
- 3 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

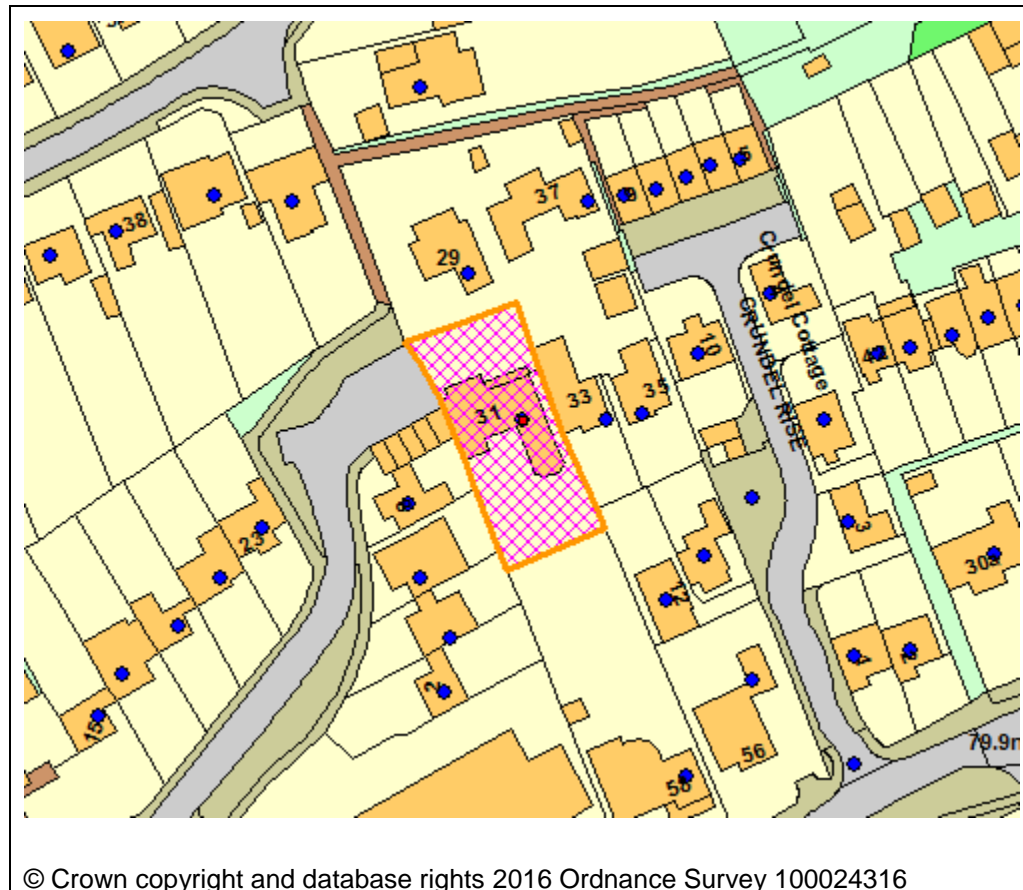
All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting bats or their roosts are carried out.

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

The applicant is encouraged to consider incorporating enhancements for biodiversity within their development. Paragraph 170 of the NPPF states "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... (d) minimising impacts on and providing net gains for biodiversity..." and paragraph 175 states "When determining planning applications, local planning authorities should apply the following principles: ... (d) ... opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Enhancements could be bird nesting (e.g. house sparrow terrace with no. 3 holes) or bat roosting (e.g. bat tubes/boxes/bricks) opportunities integrated within the walls of new buildings or externally mounted on existing walls, away from doors or windows to avoid the accumulation of droppings. Bird nesting opportunities should preferably be on/in the northern or eastern elevations of the building whilst bat roosting opportunities should be on/in the eastern or southern elevations.

Application Number	19/02591/HHD
Site Address	Razzi House 31 Moorland Close Witney Oxfordshire OX28 6LN
Date	4th March 2020
Officer	Claire Green
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	434947 E 210065 N
Committee Date	16th March 2020

Location Map



Application Details:

Amendments to approved plans under application 18/00077/HHD to allow increase height to annex, external paving, landscaping works and alterations with additional windows (to regularise works). (Part retrospective).

Applicant Details:

Mr Mohammed, Razzi House, 31 Moorland Close, Witney, Oxfordshire, OX28 6LN

I CONSULTATIONS

- I.1 Town Council Witney Town Council objects to this application as it does not consider that soft planting and landscaping will mitigate the original objection.
- I.2 Town Council Witney Town Council objects to this proposal as it results in a loss of privacy to the neighbours and also results in the loss of the ability to maintain the fence belonging to 31 Moorland Close.

2 REPRESENTATIONS

Five objection comments have been received from three neighbours. Full comments are available to view on the public portal. The comments are summarised as follows:

- The extension has been going on too long causing disruption to access and parking and causing noise and mess.
- They have raised the height of the ground level significantly, if they were to stand on the platform by the boundary with our property we can now see them from mid-thigh upwards.
- We have lost a significant amount of privacy in our garden due to both paved platforms.
- As built the development prevents maintenance of the boundary fence.
- The new plans do not address concerns about privacy.
- The new proposed fence does not extend to the 'lower terrace' and therefore does not help with the privacy issues. The planting is unlikely to provide a screen.
- Planting in front of the fence will make it difficult to maintain from their side.
- If planting is to include bamboo, which has been suggested, we would request that this has the required sub-terranean barriers to prevent spread of the bamboo into neighbouring properties. This can be a real problem if the wrong species are planted.
- I will lose lighting to the house and garden. I will lose privacy from increased noise and disturbance from increased use.
- The extension will be physically unattractive and trees are being removed.
- I am not happy with the access points (Windows/doors) to the extension, it does not take any consideration of neighbours into account.
- I am unhappy with the height to proposed Annex which will reduce light into my garden and effect directly the line of sight intrusion and privacy to my property.

- I have already had to replace a wooden fence separating our properties due to building works, there seems to be little respect for neighbours.

3 PLANNING POLICIES

DESGUI West Oxfordshire Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

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

4 PLANNING ASSESSMENT

Background Information

- 4.1 The application seeks retrospective planning permission for amendments to approved plans to allow an increase in height to the annex, external paving, landscaping works and alterations with additional windows, at Razzi House, 31 Moorland Close, Witney. The application site relates to a modern detached house in a small cul-de-sac, on a housing estate North West of Witney Town Centre.
- 4.2 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the development on the visual amenity and the impact of the development on the residential amenity.

Principle

- 4.3 The extension and associated landscaping works are located within the residential curtilage of 31 Moorland Close. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031. The extensions were originally granted consent under reference 16/03361/HHD, and subsequently 18/00077/HHD.
- 4.4 The dwelling is on a sloping site with neighbouring properties on all sides. The dwelling is positioned on almost the highest part of the plot, with the rear extensions and paved areas facing downward in a Southerly direction.
- 4.5 The retrospective application includes for multiple elements which have been carefully assessed individually and as a whole.

Increase in Height

- 4.6 The small increase in the height of the annex (27cm) is considered to retain a proportionate scale for this extension. It is officer's opinion that the relatively small increase does not cause significant harm to neighbour amenity.

Changes to Fenestration Detail

- 4.7 The application seeks to regularise changes in fenestration from that originally approved. This application seeks approval for an additional window in the North East Elevation. The South West Elevation now features a door rather than a window.
- 4.8 The windows in the rear elevations of the extensions overlook neighbours to the South, and to a small extent the gardens of properties to the East and to the West. All three of these windows are reduced in size when compared to the previously approved application. It is officer's opinion that the changes in fenestration as addressed in this application do not, on balance, represent an increase in overlooking and neither do they represent an increased loss of privacy to neighbouring properties.

Landscaping and Patio

- 4.9 As built the rear garden currently features a large paved patio area, constructed on two levels. Landscaping plans were not submitted with the original applications, the patio and landscaped levels are subject to an enforcement complaint. The complaints and objections centre around the height of the patio levels and the potential loss of privacy to neighbouring properties, specifically those properties on lower land levels.
- 4.10 Following officer visits to the property, along with meetings with the applicant and agent, a revised landscaping and planting scheme was submitted to address concerns with neighbour amenity.
- 4.11 The application includes for a reduction in the width of the patio, bringing the patio in from the sides by 1 metre from both the East and West boundaries. This would include lifting the patio, removing the gravel and other materials and restoring the border ground levels to natural levels to create a one metre border space that will allow for maintenance of the fences and space for planting, suitable screening species to be agreed.
- 4.12 Additional measures include a fence (1.8 metre high) to be erected along the edge of the patio, on both levels, to provide for privacy to neighbouring properties.
- 4.13 The development is not readily visible on the street scene since all parts of this application refer to development at the rear of the dwelling. The extensions are constructed with materials matching existing and do not give rise to any adverse impacts in regards to visual amenity.

Neighbouring amenity

- 4.14 When considering neighbour amenity officers have carefully considered the impact to neighbouring properties. As previously highlighted, the dwelling is sited on a sloping plot, the estate itself is built on a considerable rise with other properties overlooking dwellings that are built on lower levels. This site and others have windows and gardens facing downhill, with existing overlooking and elements of loss of privacy. It is officer's opinion that the proposed landscaping scheme incorporates design to minimise loss of privacy to neighbouring properties whilst allowing for a more practical and useable outdoor space at a plot with challenging ground levels.
- 4.15 Officers are of the opinion that on balance, the proposed scheme including boundary treatments and fencing provision, would not give rise to any additional adverse impacts in regards to neighbouring amenity.

Conclusion

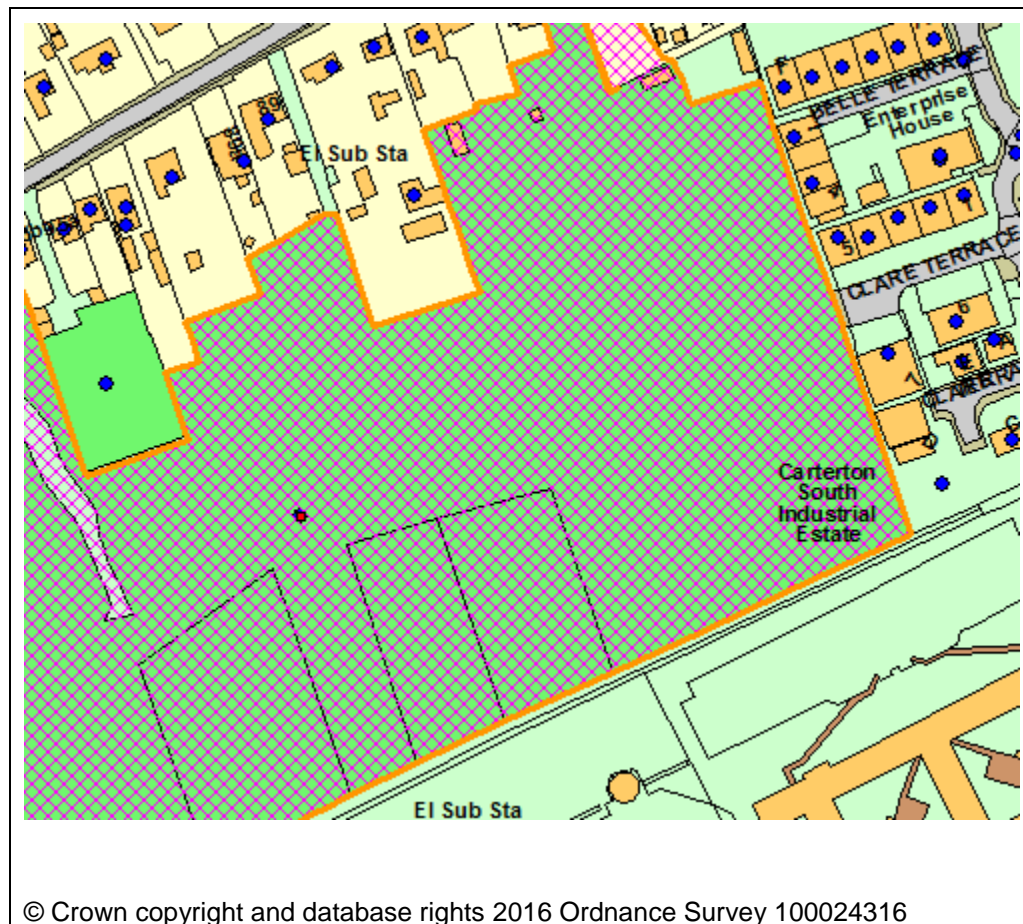
- 4.16 Taking into account the above matters the development is considered acceptable on its merits and is therefore recommended for approval. The application complies with policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

- 1 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.
- 2 The approved means of enclosure shall be constructed as per the design, specification and location detailed in the approved plans within three months of the date of the decision notice and retained as such thereafter.
REASON: To safeguard neighbour amenity.
- 3 That a scheme for the tree/shrub planting of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision notice. The scheme shall be implemented as approved within 12 months of the date of this decision notice or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of neighbour amenity.
- 4 The approved boundary gap shall be constructed/excavated as per the design, specification and location detailed in the approved plans within three months of the date of the decision notice and retained as such thereafter.
REASON: To safeguard neighbour amenity and to allow for boundary fence maintenance and repair.
- 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 additional windows/rooflights shall be constructed in the External South West Elevation or South East (Rear) Elevation of the West Extension identified as 'Annex' on the floor plan.
REASON: To safeguard privacy in the adjacent property.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the North East Elevation or the South East (Rear) Elevation in the East extension, identified as 'New extension to lounge'.
REASON: To safeguard privacy in the adjacent property.

Application Number	I9/02809/FUL
Site Address	Land South of Milestone Road Carterton Oxfordshire
Date	4th March 2020
Officer	Abby Fettes
Officer Recommendations	Defer
Parish	Carterton Town Council
Grid Reference	427742 E 205940 N
Committee Date	16th March 2020

Location Map



Application Details:

Erection of 214 dwellings with associated landscaping, surface water attenuation and parking (Amended description and plans).

Applicant Details:

Partner Construction Ltd, C/O Agent.

I CONSULTATIONS

- | | | |
|-----|----------------------------------|---|
| I.1 | Major Planning Applications Team | Comments awaited. Reconsultation expires 20th March |
| I.2 | MOD - Landowner - Safeguarding | Comments awaited. Reconsultation expires 20th March |
| I.3 | MOD MOD (Brize Norton) | Comments awaited. Reconsultation expires 20th March |
| I.4 | WODC Env Health - Lowlands | <p>I note with interest the Drawings now released for the proposed dwellings. In terms of acoustic design, I see that acoustic trickle vents (37 dB Dn.e.w) and enhanced glazing reduction (38 dB Rw) details are stated on some of the drawings.</p> <p>I welcome these design considerations given the acoustic challenges of the site.</p> |

I have re-iterated my comments and advice of the 26 November 2019 below, which I do not propose to amend in light of the new drawings. For the avoidance of doubt, I do Not Object in principle to the 241 dwellings but acoustic comfort by appropriate design must be delivered. In this respect, I should flag to you the new 'Residential Design Guide ('Acoustic Ventilation and Overheating' by ANC/loA Jan 2020). I think this should naturally follow as an Informative (see below)

Comments and response of 26 November 2019:

I have undertaken a site visit and read professional noise report submissions from the applicant in relation to the design of new homes to address noise primarily from the adjacent MoD RAF Brize Norton base/aircraft movements and engine ground running. I also note the representation made by the latter organisation in relation to acoustic design of houses for this plot.

Recommended noise criteria limits and conditions for new dwellings for this site:

Acoustically treated trickle vents shall be incorporated into all habitable rooms (bedrooms and livingrooms) so as to provide a sound attenuation of 37 dB Dn,e,w

Acoustically treated glazing with a minimum sound reduction performance value of 38 dB Rw +Ct,r shall be incorporated into all bedrooms.

' Thermal double glazing with a sound reduction performance value of 30 dB Rw + Ct,r shall be installed for all other habitable rooms.

' Indoor ambient noise levels for new dwellings shall accord with British Standard BS. 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

The indoor criteria are - bedrooms 30 dBA Leq and living rooms 35 dBA Leq (07:00-23:00hrs). For a reasonable standard in bedrooms at

night, individual noise events should not exceed 45 dBLmax
' An acoustic barrier of height 2.6m shall be erected on the eastern boundary of the site adjacent the existing commercial business on Clare Terrace, Carterton. The barrier shall be imperforate, sealed at the base and have a minimum mass of 10kg/m³
' No dwelling shall be occupied until a pre-occupation validation noise survey has been carried out, in order to demonstrate that the noise mitigation measures that have been incorporated, are effectual in reducing external (aircraft) noise to the internal criteria levels and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority to demonstrate that the noise levels required under BS 8233:2014 have been achieved.

INFORMATIVE:

A new "ACOUSTICS VENTILATION AND OVERHEATING. Residential Design Guide (IoA/ANC) Jan 2020" is now available and should be considered for the design of these dwellings to prevent noise ingress and issues relating to overheating.

Comments awaited. Reconsultation expires 20th March

I.5 Major Planning Applications Team

28th November 2019 response:

Highways

Objection for the following reasons:

- The application has failed to demonstrate safe and suitable access. Visibility splays and vehicle tracking is required, and the county council also requests an amendment to the type of junction proposed.
- The Transport Assessment is not robust does not assess the development's traffic impact.

Drainage

Objection

Key issues:

- Submission is not aligned with Local or National Standards nor best practice.
- Key information missing to enable a full technical assessment of the drainage, flood risk, SuDS usage for the proposal.

Education

No objection subject to:

- S106 Contributions as summarised in the tables below and justified in this Schedule. (totalling £4, 293,526)

Archaeology

No Objection.

3rd February response.

Highways

Objection for the following reasons:

- Further detailed vehicle tracking is required.
- The visibility splays shown at the proposed access junctions are insufficient.
- Further information is required on the traffic impact assessment.

Drainage

Objection

Key issues:

- No new information identified as having been submitted to address comments made under previous objection.
- Submission is not aligned with Local or National Standards nor best practice.
- Key information missing to enable a full technical assessment of the drainage, flood risk, SuDS usage for the proposal.

Local Member View (Cllr Handley)

The roundabout at junction of new homes and verge area on north side of milestone rd to be tarmacked and made into a footpath , via 106 type funding by the builders

- | | | |
|------|----------------------|--|
| I.6 | Conservation Officer | Design changes required before we can support |
| I.7 | WODC - Arts | Should this proposal be granted planning permission, then the Council would favour the following approach:
A contribution of £24,990 towards off-site artist-led activity in the vicinity of the site which engages the community. |
| I.8 | Wildlife Trust | No Comment Received. |
| I.9 | Environment Agency | The planning application site falls within 250m of a COMAH site. We have reviewed the application and have no comments to make. |
| I.10 | Biodiversity Officer | In summary, the following are required before a positive determination of the application: <ul style="list-style-type: none">- Southern boundary hedgerow and associated 2m buffer management proposals- Consideration of alternative site layout proposals to retain the southern boundary hedgerow within the public realm or a larger buffer- Back garden boundary form of enclosure along the southern edge of development to provide protection of the hedgerow and buffer area- Consideration of the use of a covenant for hedgerow protection- Biodiversity net gain details- Reptile survey and mitigation strategy- Great crested newt habitat assessment (and full survey) or confirmation as to whether the applicant will be joining the |

NatureSpace district licensing scheme

- Mitigation strategy for other protected species, including badgers, bats and nesting birds

I.11 ERS Env. Consultation Sites

While the information provided with the application goes some way to characterising the site it is not considered sufficient to negate the need for a pre-commencement contamination condition. It is noted that the former breakers yard in the west of the site does not appear to have been highlighted in the correct position on the exploratory hole location plan. The method for installing the ground gas monitoring points is not clear, it appears as though the monitoring wells were installed into trial pits. Section 8.3 of British Standard BS8576 indicates that it is preferable to install monitoring points into boreholes.

Given that further investigation may be necessary please consider adding a condition to any grant of permission.

I.12 WODC Env Health - Lowlands

I have no objection in principle to the residential development at this site.

I have undertaken a site visit and read professional noise report submissions from the applicant in relation to the design of new homes to address noise primarily from the adjacent MoD RAF Brize Norton base/aircraft movements and engine ground running. I also note the representation made by the latter organisation in relation to acoustic design of houses for this plot.

Recommended noise criteria limits and conditions for new dwellings for this site:

- Acoustically treated trickle vents shall be incorporated into all habitable rooms (bedrooms and living rooms) so as to provide a sound attenuation of 37 dB Dn,e,w
- Acoustically treated glazing with a minimum sound reduction performance value of 38 dB Rw +Ct,r shall be incorporated into all bedrooms.
- Thermal double glazing with a sound reduction performance value of 30 dB Rw + Ct,r shall be installed for all other habitable rooms.

Indoor ambient noise levels for new dwellings shall accord with British Standard BS. 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

The indoor criteria are - bedrooms 30 dBA Leq and living rooms 35 dBA Leq (07:00-23:00hrs). For a reasonable standard in bedrooms at night, individual noise events should not exceed 45 dBLmax

- An acoustic barrier of height 2.6m shall be erected on the eastern boundary of the site adjacent the existing commercial business on Clare Terrace, Carterton. The barrier shall be imperforate, sealed at the base and have a minimum mass of 10kg/m³

- No dwelling shall be occupied until a pre-occupation

validation noise survey has been carried out, in order to demonstrate that the noise mitigation measures that have been incorporated, are effectual in reducing external (aircraft) noise to the internal criteria levels and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority to demonstrate that the noise levels required under BS 8233:2014 have been achieved. The measures incorporated in the design and construction and so certified, shall thereafter be retained.

- | | | |
|------|-----------------------------|---|
| I.13 | Health And Safety Executive | No Comment Received. |
| I.14 | WODC Housing Enabler | No Comment Received. |
| I.15 | MOD MOD (Brize Norton) | <p>1. Provision for surface water discharges:
Included below are the relevant extracts from the response from Ancala who manage the water and drainage for the MOD at RAF Brize Norton. As you will see the conclusion is that there could be a very small risk of increase in flooding arising from the proposals, but the conclusion from the RAF Brize Norton perspective is that has been appropriately mitigated by the developer. You may wish to flag to the developer that they will need to agree with Thames Water how the RAF Brize Norton site is accessed to provide the necessary connections within its boundary. We will also presume that Thames Water have responded separately to confirm that sufficient upgrades and capacity will be available, if not we would have additional concerns.</p> <p>2. Noise:
Included below are the relevant extracts from the response from DIO's Subject Matter Expert. I'd draw your attention in particular to the recommendation that "acoustically treated glazing with a minimum sound reduction performance value of 38dB Rq should be incorporated into all bedrooms of the properties"; ... "the proposed ventilation for bedrooms should be incorporated into all habitable rooms"; ... consideration be given to extending the 2.3m acoustic fence along the length of the southern boundary; and ... "should permission be granted ... an informative is added" using the suggested wording below.</p> <p>Since our Subject Matter Expert has commented, we have also obtained detailed information on the number of aircraft movements at RAF Brize Norton. The station records on the number of aircraft movements (each take-off and landing being counted as one movement) indicate that broadly the 474 counted in the July 2019 period chosen for the noise survey was similar to that for the June and August of this year. However, when compared to previous years it was approximately half the level that could be expected for this time of year (907 in July 18 and 863 in July 17). It is currently envisaged that RAF Brize Norton will return to seeing the higher levels of movements seen in previous years. It should be noted that</p> |

these movement records do not include some elements such as circuits / fly pasts; but have been chosen to ensure numbers are provided on a comparable basis.

Accordingly, noise modelling and mitigation levels should reflect the higher levels of movements expected rather than the low average recorded.

I.16 MOD - Landowner - Safeguarding

Obstructions and Aviation Safety

RAF Brize Norton hosts the RAF's largest station accommodating the Strategic and Tactical Air Transport forces as well providing support for overseas operations. In the interests of safety, the airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

The application site is within an area of protected airspace known as the transitional, inner horizontal and approach surface for RAF Brize Norton. The transitional, inner horizontal, approach and take off climb surfaces are required to be kept free of obstruction from tall structures to ensure that aircraft transiting to and from or circuiting the aerodrome can do so safely.

The site of the proposed housing development also occupies the statutory technical height safeguarding zones that serve to ensure air traffic approaches and the line of sight of transmitter/receivers navigational aids are not impeded.

In this case the proposed dwellings should be no higher than 10m above ground level in order to not infringe the aerodrome height and technical safeguarding criteria.

It is recognised that cranes are likely to be used in the construction of the development that forms the subject of this application. The construction process and specifically the use of cranes and other tall plant, has the potential to have a significant impact on aviation safety. In the event that consent is granted, a condition should require that the developer submits a Construction Management Strategy in order to minimise the risk to aviation safety. A suggested wording for that condition is provided below:

Submission of a Construction Management Strategy

No development shall commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The construction management strategy should include, but not be limited to, providing comprehensive details of the location (whether within or adjacent to the application site), type and dimensions of any plant or crane to be utilised in the implementation of the development along with details of any obstacle lighting.

Development shall be carried out strictly in accordance with the details laid out in the approved construction management strategy (or any variation approved in writing by the Local Planning Authority) and shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

Birdstrike

The MODs main concern relates to the creation of open water bodies, and the potential introduction of habitat that could attract or support flocking bird species deemed hazardous to aircraft safety.

The planning documents illustrate a sizeable attenuation pond to the south west of the proposed development, the applicant has provided assurance to the MOD this will be permanently dry and designed for the 1:30 year climate change (storm event) and water will dry down within 72 hours.

The proposed landscaping includes tree species such as Oak and Scots Pine, these are canopy forming trees which have the potential to attract and support arboreal and flocking birds deemed hazardous to aircraft safety. Therefore the MOD seek these species of tree be removed from the landscape plan.

There is also reference to berry bearing plant species, these also provide exploitable food source for flocking bird species deemed hazardous to aircraft safety. Therefore, the MOD require no more than 10% of the planting palette be berry bearing. To minimise the risk of birdstrike, a condition should be added requiring the submission and approval of a Bird Hazard Management Plan (BHMP). A suggested wording for that condition is provided below:

No development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan should contain, but not be limited to:

- Means of managing the site during construction. During construction it is anticipated the recently turned earth, and any imported material has the potential to expose preferred food sources for flocking birds; as well as create temporary ponding or puddling which may also be an attractant to bird species deemed hazardous to aircraft safety
- Details of the maintenance regimes proposed for planting and managing landscaped areas to include the heights and species to be used (care should be taken to avoid a proliferation of berry bearing

shrubs or plants and (reduce the planting palette by 10% and those species that provide ideal roosting or feeding environments for starlings, pigeons or corvids)

- Means of monitoring any standing water within the site, whether temporary or permanent to ensure the attenuation pond drains down within 72 hours

The development and operation of the site shall be carried out in strict accordance with the details laid out in the approved Bird Hazard Management Plan (or any variation approved in writing by the Local Planning Authority) and those requirements and activities set out in the Bird Hazard Management Plan shall be implemented, operated and complied with in perpetuity, or until RAF Brize Norton is no longer operational.

Reason: To minimise and mitigate the potential for development to attract and support birds of such species that could endanger the safe movement of aircraft and the operation of RAF Brize Norton.

Noise:

The MOD advises that the proposed development will be exposed to noise from aircraft activities at RAF Brize Norton, which some residents, when living on the development, may find disturbing. My colleagues in the DIO Town Planning section will be submitting separate representation on noise issues in respect of this application.

In summary, the MOD has no safeguarding objections to this application subject to the conditions requiring the housing to be no higher than 10m agl, the submission of a construction management plan and a bird hazard management plan as outlined above to ensure the application does not impact on the operation of RAF Brize Norton.

I would be grateful if you could confirm receipt of this letter and confirm that a relevant condition covering the MOD's requirements is included in any consent granted. You are reminded that under the provisions of Planning Circular 01/03:Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas, should West Oxfordshire District Council resolve to grant planning permission contrary to MOD advice or to omit recommended conditions, notification should be provided to the MOD no less than 28 days prior to that decision being formalized.

I.17 Natural England

Thank you very much for this additional information; my main concern is not with flooding at Alvescot Meadows, but that water is not taken out of the catchment of the SSSI/Shill Brook so that the hydrological regime of the SSSI is maintained. Therefore it would be helpful to understand whether the surface water sewer that will take run off discharges within the catchment of the Shill Brook or whether

it will remove water from that local system elsewhere?

- I.18 WODC Planning Policy Manager No Comment Received.
- I.19 TV Police - Crime Prevention Design Advisor
Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design. If these are not addressed I feel that the development may not meet the requirements of;
- The National Planning Policy Framework 2018, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. And;
- HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive and vibrant neighbourhoods.'
In addition, the Design and Access Statement (DAS) does not adequately address crime and disorder as required by CABE's 'Design and Access Statements- How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'.
Therefore, to address these concerns and ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;
Prior to commencement of above ground works, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of accreditation has been received by the authority.
- I.20 WODC - Sports No Comment Received.
- I.21 Thames Water No Comment Received.
- I.22 WODC Env Services - Waste Officer No Comment Received.
- I.23 Oxford Clinical Commissioning Group NHS
NHS Oxfordshire Clinical Commissioning Group objects to this proposal unless there is additional investment in expanding local primary medical care capacity. Primary care is at capacity in Carterton and requires additional infrastructure to provide capacity

for population growth.

OCCG's published formula for developer contributions to health infrastructure is dwellings x average occupancy x £360. We would seek a £189,216 contribution for this development.

OCCG would allocate resources to expand existing mehealth facilities rather than create new standalone provision.

- 1.24 Town Council Carterton Town Council: welcomed the development but would like to see the flats moved further away from the bungalows in Milestone Road, as well as improvements to the junction and footpaths to address concerns over access and public safety.

2 REPRESENTATIONS

- 2.1 Over 30 letters of objection have been received and are summarised as follows:

Highways

- Exit/entrance to the houses it will create too much traffic on Milestone Road
- An alternative route should be made maybe onto Black Bourton Road
- Milestone Road and Corbett Road is already a rat run for the local RAF personal
- The two accesses for the number of houses is small and will cause problems to an already busy road
- There are no parking restrictions on Milestone and if cars are parked on either side of the street 2 cars cannot pass and extra traffic will only exasperate the traffic problems.
- The proposed access between 77/75 Milestone Road is not sufficient for the proposed number of homes and vehicles
- The speed limit is not widely obeyed on Milestone Road and the additional traffic could be a danger unless Highways standards are upgraded
- The A40 is a concern especially within increase of accidents in their due to added housing
- My children can't play outside due to the current amount of vehicles speeding up and down
- My car has been hit three times in the last few years and more cars will make it worse
- the noise levels would increase both day and night and change the whole character of the community
- The Road infrastructure, particularly the A40, cannot cope with traffic travelling into Oxford as it is and that's without Brize Meadow being fully populated
- have lived in Milestone Road for approximately 55 years & during that time have seen the volumes of traffic increase to dangerous levels
- Access to the towns two larger supermarkets will cause queuing traffic on Black Bourton Road
- The access from this development is onto Milestone Road this will cause traffic chaos to the southern side of town
- reference to the fact that the south side of Milestone Road has a footpath that extends its full length is equally misguided
- There are a number of areas where residents and visitors currently park half on the road and the path.
- the footpath actually becomes unusable in places because of this and therefore, parents with prams, disabled users, joggers and walkers are forced to walk in the road at various points

Principle

- This amount of houses will have a massive impact on the community and the local wildlife
- Unacceptably High Density. 219 homes represents a significant number of homes for the site
- Living immediately adjacent to the proposed development, i am horrified NOT to have not received, nor to my knowledge, any other properties in the immediate area, any details direct from WODC re the application
- There are too many homes being proposed for the site and no provision for self build. 5% of the developable plots are required to be self build.
- The density and lack of diversity in the housing options, combined with the proximity of the development to the RAF Base, will have an overall negative affect on the local neighbourhood, effectively creating a suburb of perceived lower quality housing
- Inclusion of at least 5% self build options would not only change the dynamics of the sight but also provide an alternative method for introducing diversity and community
- I for one have always wanted the opportunity to build locally and believe this provision should be included
- What was once a village has significantly increased into a town with the addition of Shilton Park, Swinbrook Park and Brize Meadows
- Its another attempt by greedy landowners and developers to make a quick buck at the expense of the community
- An ever increasing population need houses, but squeezing so many in is just ridiculous and greedy
- How many new housing developments do we need in Carterton?
- There are much more suitable areas around Carterton for a development of this size
- Large increase in housing developments in West Oxfordshire is also having a potential further impact in the current housing market
- Homes for sale in Carterton appear not to be selling quickly and the property prices are in some cases having to be drastically reduced to make them competitive
- Squeezing more in without the infrastructure already in place to support it is both foolhardy and unsafe both for the current residents and the potential residents who may end up in 'affordable' housing that does not provide the quality of life they were hoping for

Infrastructure

- Wonder if the people who grant these proposals take into consideration the infrastructure of the town?
- Schools are full to capacity and most Carterton residents are waiting sometimes more than three weeks for a Doctor's appointment
- If there were less houses more spaces to park (each house with 3 spaces) and building of doctors and park /childrens play ground it may be more appropriate to the area of town
- Increased strain on schooling, medical and dental care that needs to be accounted for
- How can increasing population numbers further be sustainable to the local community and existing residents access to services
- One bank machine to service the whole of Carterton and no bank, police station rarely staffed and lack of jobs for existing residents alone

Design

- Will the houses be built with the in keeping of the existing road as per I had to adhere to when construction of my house and of extensions as well as others I know on the road
- It seems its a development of squeeze them in to every space possible like most new estates these days, I suppose its all about the money for them, more they build more they make
- The proposed house types on the Milestone Road boundary are completely out of keeping with existing properties in the area, not least of all, plots 68/69/70/71/72 and 73 as well as plots 74/75/76/77/78 and 79.
- To put an ugly housing estate over looking these matured and well landscaped properties is completely out of keeping with the area
- If this area were to be developed it should be done within the style of the houses which it flanks. Bungalows, not high density housing and flats
- The layout and density of the proposed development is also inappropriate and not in keeping with the existing properties along Milestone Road

Residential amenity

- I have 2 windows on that elevation (1 ground and 1 first floor) both will have their privacy compromised
- The proposed construction would be approximately 1 metre from my boundary fence.
- Worried as to whether the strip of land next to our property Nr 89, is going to be used as a thoroughfare by the new residents, as our bedrooms are directly next to this piece of property
- The density and quantity is such that, in some cases there is the potential for loss of light, overshadowing, overlooking and loss of privacy of neighbouring properties and their boundaries.
- The development is also planned on the boundary of the RAF base and also an Industrial estate which I would imagine won't be very pleasant for residents
- Visual disturbance including light pollution caused by such a dense number of properties, their vehicles and street lighting.
- The light pollution along the south of Milestone Road is already high due to the light produced from the buildings situated on RAF Brize Norton running parallel to Milestone Road
- The houses are planned to be built much too close to existing properties.
- The noise from the airfield, although better than in previous years, is still too great to allow residents acceptable comfort.

Environment

- Significant concerns regarding the local environment from a wildlife habitat, surface water attenuation and run off
- Developing the area will result in the loss of a significant amount of green space, trees and the open aspect of the neighbourhood, removing the habitat for many species
- The local drainage system is already under significant strain and is not proving to be a sustainable drainage system

- Although there is provision being made for a pumping station, it will only serve to move the problem further downstream
- The current unpaved site significantly slows the rate at which surface water enters sewers and water courses and it significantly reduces the risk of downstream flooding in the Shill Brook and on RAF Brize Norton Air Base
- Flooding is a concern due to the constant increase of climate change
- If this development gets the go ahead you may as well say bye bye to what wildlife we have in the area
- Areas of the land have been exposed to 'serious' contamination by Japanese Knotweed and the area adjacent to Milestone Road is contaminated by the historic use as a 'scrap yard' as identified by previous planning applications.
- There is a lot of wildlife in that land, badger and fox sets also, and breeding red kites
- Am extremely concerned with flooding due to drainage and surface water!
- We already see rivers of water coming down the road (The Crescent) and down our drives during heavy rain with garages and gardens flooding
- One of our neighbours also required Thames water to come out to carry out a waste clean up operation in their back garden due to the drains overflowing washing human waste all over the garden!
- With the increase in climate change there is a danger of more frequent severe weather resulting in further flooding to our properties.
- This land is currently dense in trees, shrubs and other foliage which is habitat to and currently rich in many species of birds and wildlife.
- This planning proposal will remove this habitat entirely causing a decline in the population of birds and wildlife in the area; birds and wildlife which play a vital part in regenerating the local flora throughout Carterton
- Many existing trees along Milestone Road have been un-accounted for on this site plan which is a cause for concern
- The proposed development includes very little landscaping other than areas of allocated garden space which may or may not be retained as 'green space' by new residents
- it's been known for otters frequent the gardens in Milestone Road
- increase in housing developments in Carterton is reducing green space and areas to relax and enjoy themselves
- people have to travel further away from Carterton in order to enjoy green spaces
- Muntjac deer currently residing in this area

Other

- When we first moved into this property the Surveyor notified us of the high Radon levels on the property, and while this is a natural gas, the proposed houses are even nearer to the airfield so it is questionable as to whether the levels are acceptable
- we (the Town People) were told over a period of many years, the land was to be used as a burial ground - this would solve the already overcrowding of the cemetery in Black Bourton
- I understand that areas adjacent to the Airfield were subject to a covenant restricting future development - this dates back to the occupancy by the USAF
- Our suggestion would be to reduce the number of properties on the new proposed development, lessening the impact on the surrounding roads, town, infrastructure and local amenities. We suggest removing the strip of properties directly adjacent to the existing Milestone Road properties on the south side. In their place we would propose a wide buffer strip rich in green space, to include tall trees, shrubs, hedges and plant life which

would retain some of the natural environment, bird and animal life as well as providing essential privacy for all effected residents of Milestone Road. It is our suggestion also that the properties along milestone road be adequately fenced off to the south side (with solid adequate height fencing) from any new development to retain privacy and security as well as reduce noise and light disturbance

- 2.2 One letter of support has been received from the landowner of 79-81 Milestone Road which forms the rest of the allocated site.

My first knowledge of this Planning Application was to see the formal notice fixed to the telegraph pole next to 75/77 Milestone rd. I happen to be the owner of 79/81 Milestone rd the former Doris Watts Care Home, which is in this allocated site, and was approved a planning consent on the 5th December 2011, planning reference No 11/1916/P/FP, but I was not consulted as part of this Application process by the owners! I am fully aware of the 'Rat-Run' and the increased traffic flow from this development, and would suggest that the following Highway improvements be provided by the Developers.

1. A wider Vision Splay for the access between 77-75 Milestone Road which will avoid vehicular accidents.
2. An offset mini roundabout, as a traffic calming measure.

Should land not be available at this location, then I am prepared to negotiate with the Developer and to provide items 1 & 2 to support improved Highways Infrastructure, as I have noted the comments that have been recorded so far by other Residents of Milestone Road.

The Benefits to this whole Community are indeed astounding, to make such an Affordable Housing provision considering the Housing Waiting List is truly commendable, and combined with true Conservative objectives, this Government have promised that all tenants in RSL/Housing Association Houses can have "Shared Ownership" giving our young families a chance to become homeowners and to contribute to our society with the distinct pride in eventually owning their own Homes.

However Highway matters are very important for the safety of our children, so with the improved suggestions by others, I am happy to contribute to this Allocated Site in a positive way, and it is only down to the Developer accepting the Highway advice as it comes from local knowledge of this part of Town, and from caring people.

3 APPLICANT'S CASE

- 3.1 The proposal is accompanied by a number of supporting documents which are available to view online. The Planning Statement submitted with the application is concluded as follows:

- The development plan for the purpose of this application is comprised of the West Oxfordshire District Council's Local Plan 2031 (adopted September 2018). The principle of residential development in this location is established by Policy CA2 'Land at Milestone Road, Carterton' of the Local Plan which allocates the site for around 200 dwellings.
- It is considered that the proposals deliver an appropriate density (a density of 38 dwellings per hectare) on a scheme of high quality design and comply with the relevant policies in the

adopted Local Plan. There are no material considerations which indicate that the application should not be determined in accordance with the development plan.

- In the context of the three dimensions to sustainable development: economic, social and environmental (listed in the NPPF) the proposal will:
 - provide jobs associated with the construction of new homes;
 - lead to additional expenditure in Carterton to the benefit of local services and facilities boosting their vitality and viability;
 - boost the supply of housing including 200 affordable homes;
 - reduce the need to travel by private car through providing residential development in a sustainable location; and
 - have excellent access to a range of services, facilities and public transport modes.

- In conclusion, the proposed development is in accordance with the relevant policies of the development plan as well as the National Planning Policy Framework. There are no insurmountable technical issues that should prevent permission being granted and therefore, it is respectfully requested that planning permission is granted without delay.

4 PLANNING POLICIES

CA2NEW Land at Milestone Road, Carterton

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T2NEW Highway improvement schemes

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal seeks full planning consent for 214 dwellings with associated landscaping, drainage and parking. The application has been amended in terms of the description (it was initially for 219 dwellings) and submitted drawings to address a number of consultee concerns.
- 5.2 The site is to the south of Milestone Road and immediately to the north of RAF Brize Norton. It was formally rear gardens to properties in Milestone Road but it is fenced off and is currently grassed over. The Carterton Mobile Home Park is to the west and Carterton Industrial Estate to the east of the site.
- 5.3 In terms of planning history, in 2012 committee considered a full planning application (12/1019/P/FP) for a 93 bed Extra Care unit and an outline application for the erection of residential development and formation of access road (12/1020/P/OP) and resolved to approve both but the legal agreements were never signed and the applications were finally disposed of.
- 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 The site is allocated in the Local Plan 2031 under policy CA2 for around 200 houses on a slightly larger site area which included 79-81 Milestone Road. Unfortunately they have not come forward as a comprehensive scheme but we have to consider the scheme as submitted. The proposal is for a mix of 1-4 bed houses and apartments, ranging from single storey to three storey.
- 5.6 Policy CA2 requires that proposals for development should be consistent with the following:
- a) provision of a mix of house types and tenures including affordable housing in accordance with Policy H3 - Affordable Housing;
 - b) provision of satisfactory vehicular accesses from Milestone Road via a through road and appropriate pedestrian and cycle connections;
 - c) appropriate provision of and contributions towards essential supporting infrastructure, including the provision of supporting transport infrastructure, including mitigating the impact of traffic associated with the development; the provision of appropriate financial contributions towards LTP4 transport schemes; provision of appropriate public transport (services and infrastructure) serving the site; and provision of a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas and other key destinations.
 - d) development to take account of the height, scale and density of surrounding buildings;
 - e) where necessary, provision of noise mitigation measures to take account of potential noise from RAF Brize Norton
 - f) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.
 - g) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.

h) the developer will be required to set aside 5% of the developable plots for those wishing to undertake custom/self-build.

- 5.7 In terms of criteria a) the scheme is proposing 91% affordable provision which is significantly higher than the 35% sought by the policy. Because of this the proposal cannot bear all of the S106 contributions that have been requested by 3rd parties including the Oxfordshire Clinical Commissioning Group and OCC as they total £4,727,972. We have commissioned an independent viability assessment to consider what the scheme can bear in terms of contributions so we can balance the provision of affordable housing with the provision of infrastructure that is required for the additional 214 dwellings, effectively weighing up criteria a) and criteria c) of the policy above.
- 5.8 The applicants requested that the application be considered at the March committee as they are seeking grant funding which requires a planning permission by the end of March. Additional information was requested by the independent assessors on the 13th February and unfortunately the applicants did not respond for two weeks so there has been a delay in this assessment. Until the outcome of the assessment is known, officers are not in a position to make a recommendation.
- 5.9 In respect of criteria d) above, the initial scheme was not considered to be of a high enough quality in terms of its design and layout. Alternative schemes have been drawn up to address officer concerns and a final version was submitted on Friday 28th February. This has been readvertised and further consultations have been undertaken and the expiry date of that extended period is the 20th March. It is hoped officers may be able to update members further in the additional representations report but clearly the chances of being in a position to make a recommendation are slim, and it would normally be expected that a development of this scale would not be pushed through in advance of adequate consultation.

Conclusion

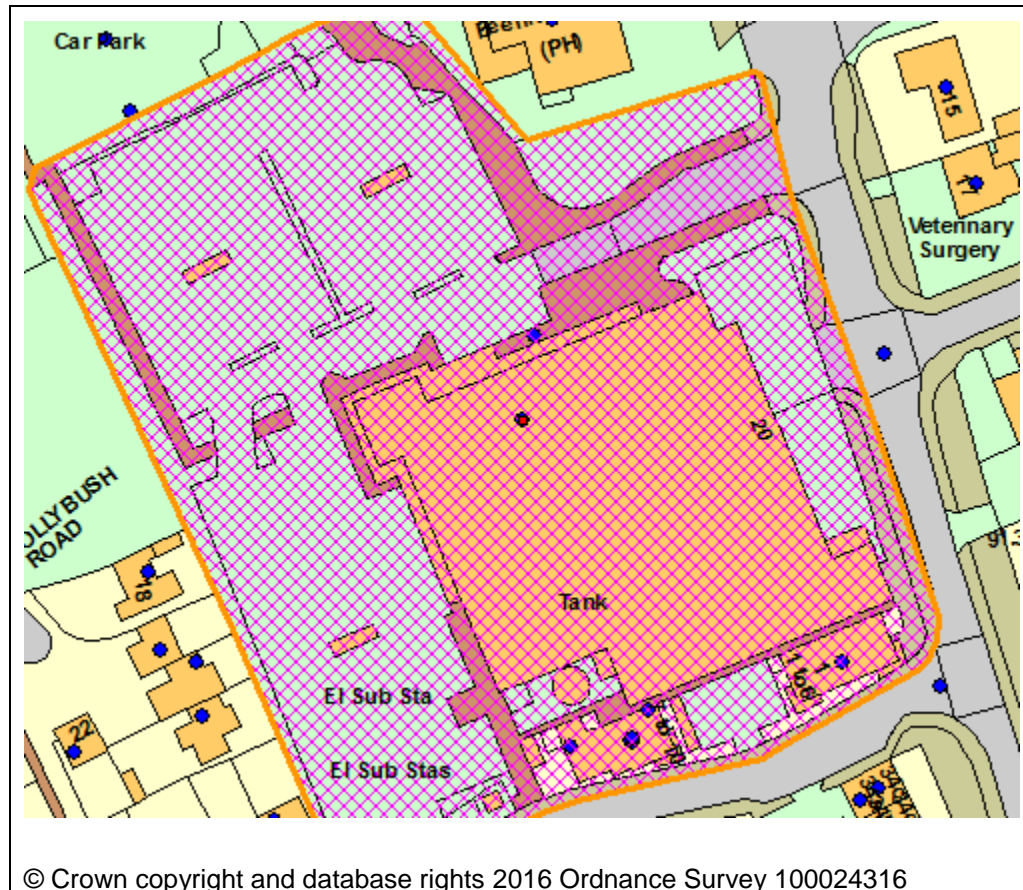
- 5.10 At the time of agenda preparation there are still key consultation responses outstanding on the amended plans and the viability assessment has not been received so the S106 package has yet to be finalised. Officers are therefore presenting the application in order that Members can advise as to whether there are any further key issues that they would wish the final report to address.
- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers do not consider that the proposed development is yet in a position to receive a recommendation and as such would advise that it is DEFERRED pending a full report and recommendation in due course.

6 RECOMMENDATION

The application is recommended for deferral to await the outcome of the viability assessment and the conclusion of the reconsultation period.

Application Number	19/02914/S73
Site Address	Morrisons 20 Black Bourton Road Carterton Oxfordshire OX18 3HA
Date	4th March 2020
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	428091 E 206614 N
Committee Date	16th March 2020

Location Map



Application Details:

Non compliance with condition 1 of planning permission 14/0498/P/S73 to allow changes to delivery times to Deliveries to the food store shall only take place between the hours of 0500 and midnight Monday to Saturday and 0600 to 2300 on Sundays and Bank Holidays and at no other times

Applicant Details:

Hilmore House, Gain Lane, Bradford, BD3 7DL

I CONSULTATIONS

- 1.1 WODC Env Health - Lowlands I have spent some time on site and made some observations. I think there is reasonable scope to cover the existing entry steel framework gates/fence with a proprietary acoustic covering/material which would lend to the containment of noise breakout from unloading activities.
- I think the requirement that for deliveries which occur between 23:00 and midnight and 0500 hours and 0700 hours shall allow for the unloading of goods with no empty cages/pallets being loaded onto the delivery vehicle is a good one.
- 1.2 Town Council Object - Deliveries in the early hours or late at night would be detrimental to residents living adjacent to the store.

2 REPRESENTATIONS

- 2.1 2 letters have been received objecting to the application on noise nuisance and inconsiderate parking grounds.
- 2.2 Cllr Crossland - This app seems to come up once a year. I always object to any variation in the permitted delivery times on the grounds that such activity would introduce unwelcome noise into a residential area when local people can reasonably expect to be enjoying a peaceful night's sleep. You will note that Morrisons is sited beside Black Bourton Road, Butlers Drive and Wycombe Way - all residential roads. The residents in flats adjoining Morrisons would be particularly badly affected. For the reason of noise at an inappropriate time I object to this application.

3 APPLICANT'S CASE

- 3.1 The main thrust of the case in support of the proposal can be summarised as follows:
- The current delivery restrictions are unreasonable and unnecessary having regard to the Acoustic Assessment;
 - The Acoustic Assessment has confirmed that the extended delivery hours would not have an adverse impact on residential amenity;
 - It would ensure the delivery system to the Morrisons store operates more efficiently with associated economic, social and environmental benefits;
 - It would give rise to a number of significant benefits to serve the overall public interest. They are material to the decision-making process and we believe they are compelling; and
 - It does not conflict with the policy direction in the statutory development plan and/or the other material policy considerations.
- 3.2 In the absence of harm, and taking into account the tangible positive benefits arising from the proposal, we respectfully request that planning approval be granted.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

EH8 Environmental protection

NPPF 2019

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

5 PLANNING ASSESSMENT

- 5.1 Morrisons is located within Carterton, off Black Bourton Road. A pub adjoins the site to the north east with residential properties adjoining to the west, east and south. On the opposite side of Black Bourton road, there is a mix of properties including a veterinary surgery and sorting office. The service/delivery yard is located in the eastern side of the store and is parallel to Black Bourton Road. It accessed via a mini roundabout which forms the junction with Black Bourton Road/Wycombe Way. The yard is accessed by a large steel gate, with the yard itself enclosed by the supermarket to the west and south, and delivery yard wall on the eastern perimeter boundary.
- 5.2 This application is to be heard before the Lowlands Planning Sub-Committee as the Parish Council has objected to the proposal.
- 5.3 An extension of time was required to determine this application because of condition considerations and its requirement to be reported to Committee.
- 5.4 An application (Ref:15/04042/S73) for non-compliance with condition I of planning permission 14/0498/P/S73 to allow deliveries of stock to or from the store, or handling of stock outside, between the hours of 0500 and midnight Monday to Sat, and 0700 - 2300 hours on Sundays and bank holidays was refused planning permission in November 2015 on the grounds that it had not been demonstrated that the extension of opening hours would not give rise to unacceptable noise impact to neighbours adjoining the store or sited along the delivery route.
- 5.5 This application again seeks to vary condition I attached to a S73 application (14/0498/P/S73) which varied the delivery hours of the original planning permission for the store (12/1217/P/FP). The 2014 permission allowed deliveries to take place between 0600 and midnight Monday - Saturday and between 0700 - 2300 hours on Sundays and Bank Holidays. This application seeks to further extend the hours to 0500 - midnight on Monday - Saturday and from 0600 - 2300 on Sundays and Bank holidays. The application in essence seeks to allow deliveries one hour earlier on all days.
- 5.6 The Planning Statement submitted with the application, states that the store has difficulty unloading vehicles, unpacking products and stocking shelves with fresh produce ready for the store opening to customers. As such, the current delivery restrictions create an inefficient environment; in a morning, the store is preparing to open to customers (7am opening, Monday-Saturday), and pressures are created by the time-constraints on accepting and unloading deliveries. Early morning deliveries are required to ensure shelves are stocked ready for opening; deliveries of fresh produce are not possible the night before as the produce will not be in situ at the Regional Delivery Centre by the time the delivery leaves the premises to ensure compliance with existing restrictions. Staggered deliveries to the foodstore would mean that each vehicle can be unloaded in an efficient manner whereas attempting to unload several

vehicles within a very limited time can lead to inefficient work and excessive noise due to the need to work as quickly as possible.

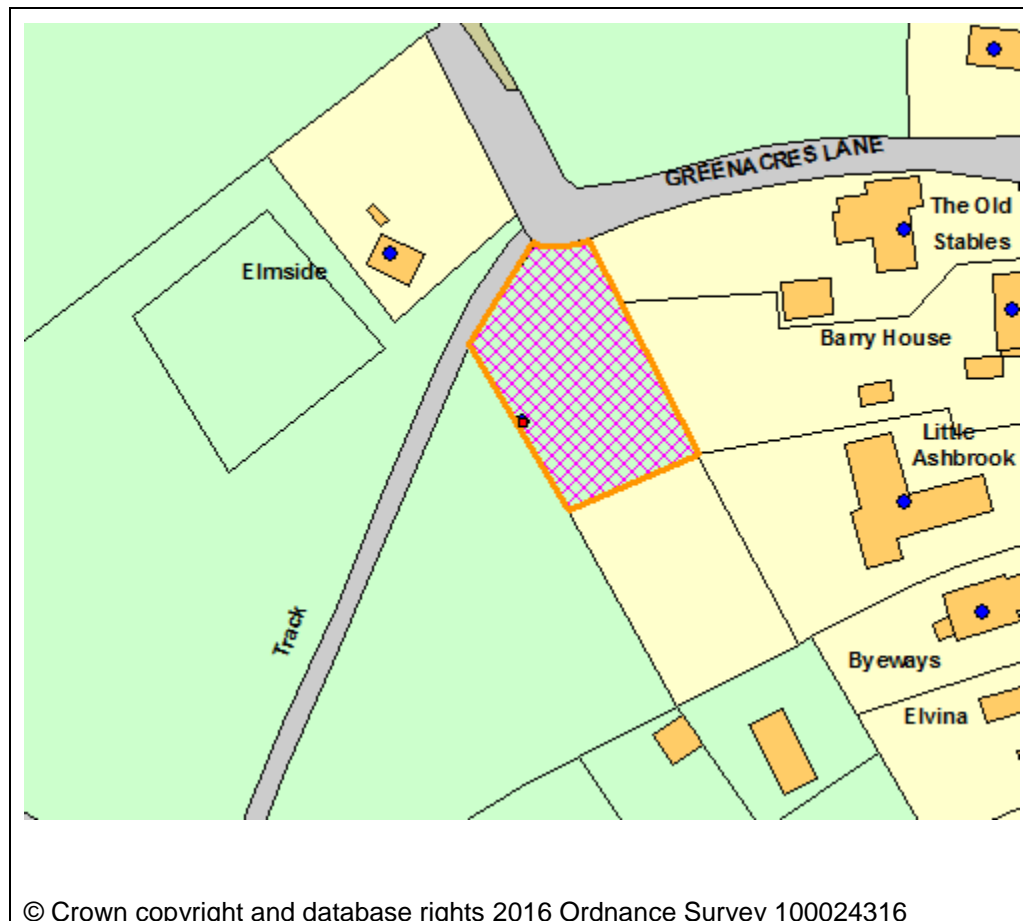
- 5.7 The nearest houses to the delivery bay are to the east at 15 Black Bourton Road (40m) and 23 Black Bourton Road (30m) and residential units lie to the south immediately behind the store. Objections have been received from the Parish Council and local residents on potential noise nuisance grounds. A noise assessment has been submitted with the application which concludes that predicted delivery activity noise during the additional hours sought would comply with the requirements of the NPPF to avoid significant adverse impact.
- 5.8 The Environmental Protection Officer has visited the site during delivery hours and has commented that he considers there is reasonable scope to cover the existing entry steel framework gates/fence with a proprietary acoustic covering/material which would lend to the containment of noise breakout from unloading activities. He has also advised that for deliveries which occur between 23:00 and midnight and 0500 hours and 0700 hours should allow for the unloading of goods with no empty cages/pallets being loaded onto the delivery vehicle as recommended in the noise assessment report.
- 5.9 The application is thus recommended for permission subject to noise mitigation conditions as recommended by the Environmental Protection Officer.

6 CONDITIONS

- 1 Deliveries to the food store shall only take place between the hours of 0500 and midnight Monday to Saturday and 0600 to 2300 hours on Sundays and Bank Holidays and at no other times.
REASON: To limit the potential for noise to harm to neighbouring residents.
- 2 Deliveries which occur between 2300 and midnight and 0500 hours and 0700 hours shall only unload goods, with no empty cages/pallets being reloaded onto the delivery vehicle.
REASON: To limit the potential for noise to harm to neighbouring residents.
- 3 Prior to implementation of the new delivery hours, a Noise Management Plan (NMP) detailing noise control policies and procedures associated with minimising noise from deliveries shall be submitted to and approved in writing by the Local planning Authority.
REASON: To limit the potential for noise to harm to neighbouring residents.
- 4 Prior to implementation of the new delivery hours, the [metal gate] entrance to the service yard area shall be treated with an acoustic barrier covering /curtain in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
REASON: To limit the potential for noise to harm to neighbouring residents.

Application Number	I9/03403/FUL
Site Address	Land South of Elmside Greenacres Lane Aston Bampton Oxfordshire
Date	4th March 2020
Officer	Stuart McIver
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433756 E 203163 N
Committee Date	16th March 2020

Location Map



Application Details:

Erection of dwelling with associated works.

Applicant Details:

Mrs Cole, C/O Walker Graham Architects.

I CONSULTATIONS

I.1 Parish Council Planning Application 19/03403/FUL

The members of Aston, Cote, Shifford & Chimney Parish Council considered the above application for land south of Elmside, Greenacres Lane, Aston at a meeting of the Parish Council on 20th January 2020.

The Parish Council does not wish to object to the application. However, the Parish Council would like to reiterate the original comments as made in the original planning applications 18/00446/FUL and 18/03576/FUL for consideration:

- o We would like the District Council to ensure that the applicant prepares and agrees a construction traffic management plan with the District Council before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane, as such parking could cause a highway safety hazard. Furthermore we would like there to be a requirement placed on the applicant that no construction traffic passes Aston & Cote Primary School on Cote Road, in the interests of highway and pedestrian safety;

- o Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, The Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents

I.2 OCC Highways

The red line application area does not include access to the highway Recommendation:
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

I.3 Conservation Officer

As before, from our point of view it is the principle of this that is problematic - as this isn't an appropriate site for such development. I can only repeat my previous comments, thus:

The existing morphology of this part of Back Lane is very much linear,

lining the road, and of single dwelling-depth. Elmside is something of an anomaly; it is a modestly sized outlier, and development adjacent to this would not represent a logical addition to the settlement - rather it would consolidate the anomaly, pushing the built form more firmly into the countryside.

- | | | |
|-----|-------------------------------------|--|
| I.4 | ERS Env. Consultation Sites | <p>Section 2.9 of the Design and Access Statement states that the likelihood of contamination is remote and as such a contaminated land survey has not been submitted. The development site is described as rough ground, a part of Kingsway Farm.</p> <p>Review of the historical maps and aerial photographs we hold suggest that various small structures have been present on the site over time. Please could the applicant confirm that no fuels or other potentially contaminating substances have been stored or used on the site. Depending on the response to this question I would likely request a precautionary contamination condition to be added to any grant of permission.</p> |
| I.5 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.6 | WODC Planning Policy Manager | No Comment Received. |
| I.7 | WODC Drainage Engineers | Condition requesting a full surface water drainage scheme. |

2 REPRESENTATIONS

Two letters of objection have been received in respect of this planning application. The comments have been summarised as:

- The proposals would not represent infilling but an extension of the village. Does not follow the existing pattern of development.
- Traffic Generation - an increase in traffic using Back Lane would be detrimental to highway safety and to the safety of pedestrians. Permission was recently refused at Ferndale, Back Lane on highway safety grounds.
- The development would be overbearing and would have an adverse visual impact on the surrounding properties.
- The development would have an adverse impact on biodiversity.
- There is no additional need for a four bedroom house in the village.
- The development would have an adverse impact on the character of the area, including the Conservation Area.
- The development would have an adverse impact on existing properties by reason of overlooking and the increase in vehicular use of Greenacres Lane. The development would cause light pollution and spillage.
- The development would be out of character with the appearance of the surrounding area.
- Existing sewerage infrastructure will be unable to cope with the proposed development.

3 APPLICANT'S CASE

- 3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:
- 3.2 The planning application is a resubmission, following a refusal of planning application ref: 18/00446/FUL, determined on 22nd May 2018 and a subsequent planning application ref: 18/03576/FUL, withdrawn on 11th February 2019.
- 3.3 The proposed dwelling has been designed to meet the family needs of the applicant and for them to remain living together within Aston. The proposal constitutes infill development and follows the existing pattern of development in Aston of houses fronting village lanes.
- 3.4 The proposal is in accordance with the relevant paragraphs of the NPPF.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH2 Landscape character
EH10 Conservation Areas
EH13 Historic landscape character
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 proposal is a resubmission of refused application 18/00446/FUL and withdrawn application 18/03576/FUL.
The proposal seeks consent for the erection of a detached dwelling and associated works on an area of agricultural land located beyond the main built up limits of Aston.
The application site is to the south of Greenacres Lane and is located adjacent to three existing properties; The Old Stables and Barry House to the east and Elmside to the North West. The site is located within the Aston Conservation Area. The application site forms part of a wider agricultural field.

The application is to be heard before the Committee as the Parish Council has not objected to the proposal.
- 5.2 Relevant planning history:
- 18/00446/FUL - Erection of dwelling with associated works - Refused. The reasons for refusal were as follows:
- I. By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the

Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development.

Consequently the proposals would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, EH1 and EH7 of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 17, 64, 109 and 134

2. The design, scale and form of the dwelling as proposed would appear incongruous within the context of the immediate built form and would fail to harmonise with the existing settlement character. Consequently the proposals would fail to preserve or enhance the setting of the Conservation Area. The proposals would be contrary to Policies BE2, BE5 and H2 of the Existing Local Plan 2011; Policies OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraphs 17 and 64 of the NPPF.

18/03576/FUL - Erection of dwelling with associated works was withdrawn.

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

Principle/Siting
Impact on Conservation Area
Residential Amenity
Highways

Principle/Siting

- 5.4 Since the West Oxfordshire Local Plan was adopted the Local Authority has a confirmed and deliverable 5 year housing land supply.
- 5.5 The application site is located on the edge of Aston, which is listed as a village under the provisions of Policy OS2 of the Adopted Local Plan 2031. Policy H2 allows in principle for new dwellings in villages, where this constitutes infilling or a rounding off of the existing settlement area. Your officers consider that this proposal is neither infilling nor rounding off. Policy H2 is also permissive in principle of new dwellings on undeveloped sites within villages. On greenfield sites such as this adjoining the settlement area it is permissive only where this is necessary to meet an identified need and where the development is considered to be compliant with the general provisions of Policy OS2. In all instances it is expected that the development should form a logical complement to the existing pattern of development in terms of its siting.
- 5.6 The proposed dwelling would be sited to the west of the rear curtilage area of two existing dwellings fronting Back Lane, The Old Stables and Barry House. There is also an existing dwelling to the north west of the site, called Elmside. The application site forms part of a wider agricultural field, the character of the area is semi-rural and there is no built form to the south or north of the site. Elmside is an outlying dwelling and is somewhat detached from the settlement edge of Aston. The surrounding development to the east fronts Back Lane, with the rear gardens facing the application site.
- 5.7 Whilst there is built form adjacent to the proposed dwelling, your officers consider that the siting of the development would neither round off the settlement edge nor would it form a

logical complement to the existing pattern of development owing to the positioning of the existing built form and the somewhat dispersed pattern of development within this part of the village. In this sense the proposals would constitute a backland form of development beyond the natural built form of the village.

- 5.8 Given that the natural settlement edge extends up to the properties fronting Back Lane, your officers consider that the proposal would represent an encroachment beyond the natural limits of the village into a wider agricultural field, which would be of detrimental to the character and appearance of the settlement, conservation area and local landscape character.
- 5.9 The applicant identifies a need for a specific family to remain within the village. Notwithstanding the period of time that the family has resided in the locality, Government advice is that a decision " to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building....". Given that the proposed dwelling does not deliver affordable housing or other public benefits, it would result in the delivery of an additional market house which is not needed to meet the council's 5 year housing land supply. Consequently your officers consider that the proposed development would fail to comply with the provisions of Policies OS2 and H2 of the Adopted Local Plan and the personal circumstances would be insufficient to warrant setting these policies aside.

Impact on Conservation Area

- 5.10 Within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.11 The character of the immediate area is semi-rural and the site forms part of a wider open field. The area to the rear of Back Lane and Greenacres Lane consists of open field and paddock land, including the application site and the land to the north of the application site. The Conservation Area boundary for Aston extends beyond the settlement limits and includes open fields and areas of countryside beyond the built up area specifically because of the importance of these open spaces and their contribution to the rural character of this particular part of the settlement.
- 5.12 The sites contribution to the Conservation Area is taken from its open, undeveloped and rural character, which would be eroded by the addition of the dwelling and associated works including hardstanding, particularly as the siting would be largely uncomplimentary to the existing pattern of development. As Greenacres Lane is a private road, it is considered that public views of the proposed dwelling would be limited; however your officers would still consider that the siting of the dwelling would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character.

Residential Amenity

- 5.15 The proposed dwelling would be sited adjacent to three existing dwellings. There would be a separation distance of 20 metres between the proposed dwelling and Elmside and a separation distance of 40-60 metres between the proposed dwelling and The Old Stables and Barry House.
- 5.16 Whilst the proposed dwelling would be visible from the rear of The Old Stables and Barry House, your officers consider that the proposed siting and separation distance is sufficient to ensure that the dwelling would not have a detrimental impact on overbearing, loss of light, overlooking or loss of privacy. Your officers also consider that there is sufficient separation between the proposed dwelling and Elmside.

Highways

- 5.17 The site would be accessed via Greenacres Lane, which is a non-tarmac, narrow private road. The proposed dwelling would generate a relatively low level of additional traffic and your officers consider that the minimal additional traffic generation which would arise would not be detrimental to highway safety or amenity. Parking is provided within the site for two vehicles, which is considered to be sufficient for the scale of the proposed dwelling. Oxfordshire County Council Highways were consulted during the planning process and raised no objection.

Conclusion

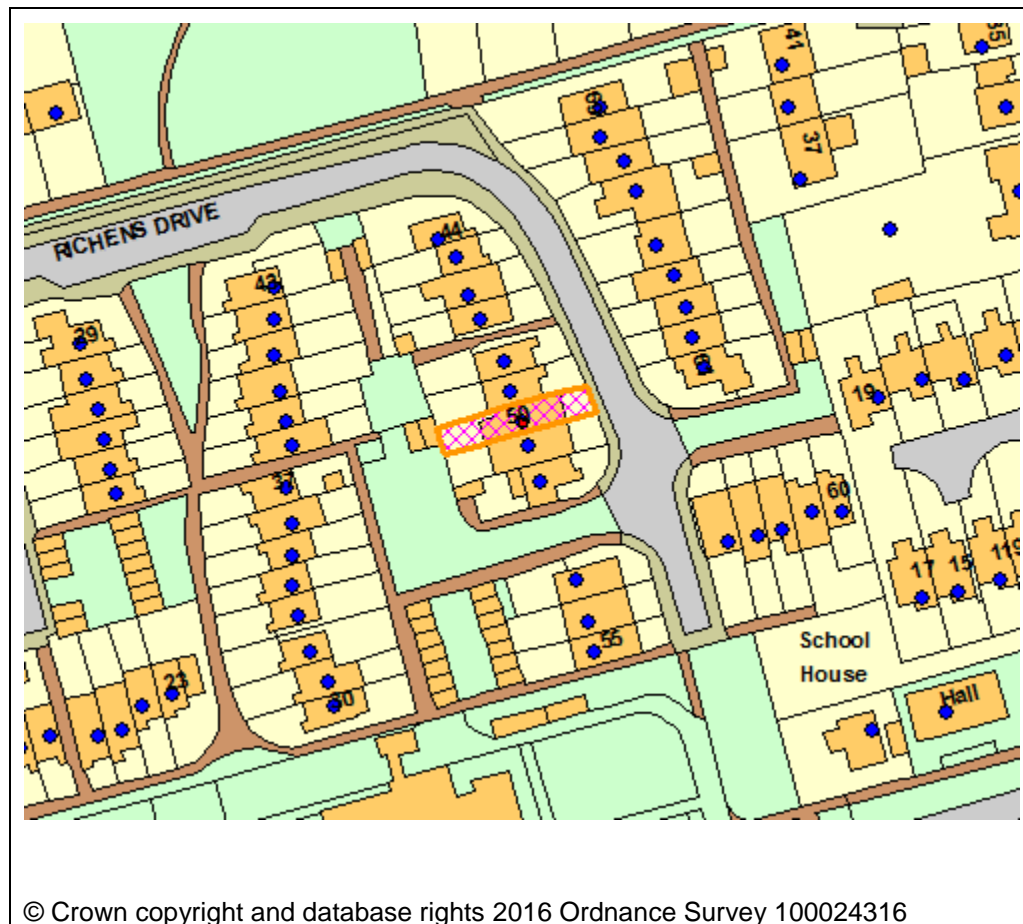
- 5.18 For the reasons outlined the siting of the proposed dwelling would fail to respect the settlement character and would harm the character of the Conservation Area. Consequently the proposal would result in 'less than substantial' harm to the character of the Conservation Area and when assessed in relation to the balancing exercise required under Paragraph 134 of the NPPF, your officers consider that the level of harm would fail to be outweighed by the limited public benefits of the proposed development.
- 5.19 Your officers additionally consider that the proposed development would fail to comply with the provisions of Policies OS2, H2, EH2, EH10 and EH13 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF 2019. In light of the above the application is recommended for refusal.

6 REASON FOR REFUSAL

- 1 By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposal would fail to comply with the provisions of the adopted West Oxfordshire Local Plan Policies OS2, H2, EH2, EH10 and EH13.

Application Number	20/00016/HHD
Site Address	50 Richens Drive Carterton Oxfordshire OX18 3XU
Date	4th March 2020
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427515 E 206827 N
Committee Date	16th March 2020

Location Map



Application Details:

Erection of porch.(Retrospective)

Applicant Details:

Mr Phil Caswell, 50 Richens Drive, Carterton, Oxfordshire, OX18 3XU

I CONSULTATIONS

- 1.1 Town Council No objection.

2 REPRESENTATIONS

- 2.1 There has been one objection to the application, from the occupant of no. 49:-

"We live next door at No49 and we objected strongly at the first planning application due to it being an eyesore to the neighbourhood it also blocks the light coming into our front room. No50 had an original extension built by the builders Mr Caswell had added another extension onto it and its size from our front room window to the end of the extension is 8ft which is horrendous.

The original planning application was refused as was the subsequent appeal. At the time Mrs Maxine Crossland put forward a compromise which was that Mr Caswell was to take the

Enforcement by the council was never enforced as it should have been!!!. This is totally unacceptable as Mr Caswell is breach of the above. Also it is a total disregard for the rules and the law at the time. My requests as to what was being done about the "extension " were not answered to our satisfaction further requests were "ignored ".

We therefore object in the strongest way possible to this extension and he should be made to comply with the original order."

3 APPLICANT'S CASE

- 3.1 The porch is required as a downstairs toilet has had to be installed in the only available location in the property, this being the original entrance to the property. Due to my disability and worsening mobility a downstairs toilet is a necessity and has had a significant positive impact on my quality of life since the toilet was built.
- 3.2 The application is being submitted retrospectively and also as advised by the WODC Planning Office following an earlier application being refused, cross-reference application 17/03250/HDD, submissions to the Lowland Committee and the appeal to the Planning Inspectorate (APP/D3125/D/18/3202448).
- 3.3 The option of replacing the supporting wooden post/pillar with a bracket is another alternative as shown in attached photos. The walls that it is proposed be retained are at a lower level than the current fencing and as such to not exceed the regulations relating to the height of fencing/wall. The retention of a canopy will provide an element of protection whilst also not interfering with the integrity of the EPDM covering of the entire front roof and invalidating the warranty.
- 3.4 Quotations for work (relating to the removal of 40cm of the Porch etc) have been forwarded to the Enforcement Officer under separate email but can be provided on request.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is an application for alterations to a porch that was built without planning permission in 2017 and the erection of wooden posts and a canopy. The site is a mid-terraced dwelling at Richens Drive in Carterton. The row of dwellings is staggered, with numbers 50 and 51 standing forward of numbers 48 and 49. What is proposed within the current application is removal of part of the porch to bring it within permitted development tolerances, but with retention of walls to either side of the porch and the addition of a canopy supported by wooden posts.
- 5.2 Members may recall that they considered an application in 2018 to retain the porch which, as built, falls outside the permitted development limits of 3 square metres in floor area. Following a site visit, Members resolved to refuse the application on the grounds of its being intrusive and overbearing and blocking light to the neighbour at no. 49. On appeal by the applicant, the Planning Inspector stated that in his view the porch, whilst not harming the off-street parking provision at the property, does harm the character and appearance of the area and the living conditions of the neighbouring occupant. The appeal was accordingly dismissed.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 The principle of an extension is acceptable.

Siting, Design and Form

- 5.5 The terrace of houses is staggered and no. 50 already stands forward of nos. 48 and 49. The porch extension further accentuates this, so that as built it projects noticeably much further forward than other front extensions along the length of the terrace and other terraced development fronting on to Richens Drive. What is proposed will remove a small front section of the porch so that what is left would fall within permitted development rights. However, pillars will be retained to either side of the front of the retained porch that will measure 93cm tall, 33cm wide and 41 cm deep and a canopy added that will project over the retained walls. The effect of the changes would be to reduce slightly the massing of the porch due to the gap created between the proposed canopy and the top of the walls, however, the built form would still stand considerably forward of the original front elevation (by some 173 cm) and taking into account the staggering, would continue to project forward of number 49 by over 5 metres.

- 5.6 The Planning Inspector in the appeal stated that the extension, although not significantly larger than would be allowed under permitted development rights is very visible and its location and the extent to which it protrudes is exacerbated due to the distance by which the property stands forward of no. 49.
- 5.7 Despite the fact that the revised area of the porch considered in isolation would be within permitted development limits, the additional works bring this development under control and therefore the whole structure falls to be considered. It is Officers' view that the proposed alterations do not materially alter the size, massing and extent of projection of the structure forward of the original elevation and that the development would be alien and incongruous and therefore harmful to the character and appearance of the area.

Residential Amenities

- 5.8 In the appeal against refusal of the previous application, the Planning Inspector considered the current porch to be clearly visible from the living room window on the ground floor of no. 49. He went on to state:-

"Although the extension is single storey, the very close proximity of the development to the boundary with the neighbour creates a development that appears prominent and visually intrusive. Even if the proposal does not impact on the light into these windows and does not generate any harm with regards overlooking, the scale and massing of the extension has an overbearing impact harming the outlook of the occupants of the neighbouring dwelling."

Considering what is now proposed, the length of the structure will be unchanged and will remain very prominently visible from the primary living space of the neighbouring property. Regardless of the changes, the development will, due to its scale and massing be likely to reduce the light to the detriment of the neighbour's residential amenity and will in any event continue to adversely affect its outlook.

Public Sector Equality Duty

- 5.9 Under section 149 of the Equality Act 2010, public authorities must, in the exercise of their functions, have due regard to removing or minimising disadvantages to disabled persons through considering the need to take steps to take account of their disabilities. In this case the applicant suffers from a disability, however Officers are not satisfied that any particular benefits of the enlarged porch area to the applicant as a disabled person are outweighed by the identified significant harm.

Conclusion

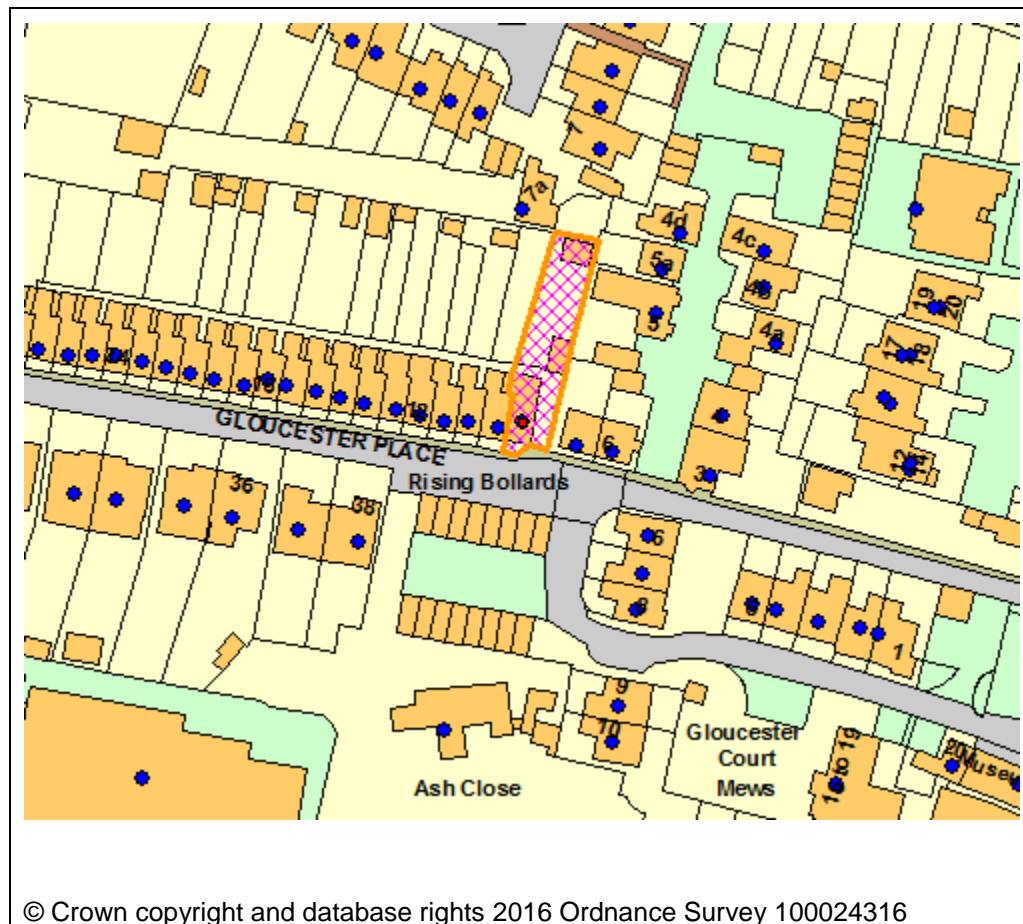
- 5.10 Despite the proposed changes to the design and form, the scale and massing of what is proposed would continue to have a highly detrimental visual impact both on the character and appearance of the area as seen from the street scene and an overbearing impact on the residential amenity of the neighbour and is in Officers' view unacceptable.
- 5.11 The application is considered to be contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

6 REASON FOR REFUSAL

- I The proposal by reason of the disproportionate size and scale of the porch combined with the proposed pillars and canopy appears intrusive and overbearing, failing to form a logical complement to the existing scale and pattern of development in the vicinity and as such is incongruous in the street scene and harmful to the character and appearance of the area. Further, by reason of the combined length of the existing gable and the porch extension with additional pillars, one of which is along the common boundary with the neighbour, the scale of the development has an overbearing impact on the outlook of the primary living space of the occupiers of 49 Richens Drive and reduces its access to natural light. As such, the proposal is considered contrary to policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 and relevant policies of the NPPF as revised in 2019.

Application Number	20/00099/HHD
Site Address	8 Gloucester Place Witney Oxfordshire OX28 6LA
Date	4th March 2020
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435610 E 210114 N
Committee Date	16th March 2020

Location Map



Application Details:

Insertion of rear dormer window.

Applicant Details:

Mr And Mrs A Wood, 8 Gloucester Place, Witney, Oxon, OX28 6LA

I CONSULTATIONS

- 1.1 Town Council Witney Town Council has no objection to this application.

2 REPRESENTATIONS

No representations have been received.

3 PLANNING POLICIES

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

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

4 PLANNING ASSESSMENT

Background Information

- 4.1 The application is a resubmission of approved application I6/04233/HHD. The application has been submitted as the previous permission is no longer extant. The proposal seeks consent for the insertion of a rear dormer window at 8 Gloucester Place, Witney.
- 4.2 The application is to be heard before Members as it has been submitted on behalf of a member of West Oxfordshire District Council staff.
- 4.3 The application site is an existing traditional Victorian end-terraced property. The adjacent area is characterised by predominantly residential development. The property is set over three floors and sits in a narrow plot with a small front garden and longer rear garden, having a pedestrian right of way cutting through the curtilage to provide access to the rear of others within this long terrace.
- 4.4 The site lies within the Witney and Cogges Conservation Area and although is not on the statutory list, is a locally listed building as identified within the Conservation Area Appraisal.
- 4.5 Relevant planning history:
- Planning application Ref: I6/04233/HHD - Proposed rear dormer window - Approved
- 4.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Design
 - Impact on Conservation Area and Heritage Assets
 - Residential Amenity

Principle

- 4.7 This application seeks permission for alterations 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.

Design

- 4.8 With regard to design, the proposed three window pane flat roofed dormer matches the form of several existing flat roofed dormers to the rear of Gloucester Place. As such, your officers consider that the proposed development is not out of character with the existing host dwelling or the immediate surrounding area.

Impact on Conservation Area and Heritage Assets

- 4.9 Within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 4.10 Your conservation officer was consulted as part of the previous approved application process and raised no objections in terms of harm to either the Locally Listed Building, or wider Conservation Area, given the presence of several other similar dormers in this elevation, together with several roof-lights, and given that this is the more discreet rear elevation.
- 4.11 In regard to the above, the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

Residential amenity

- 4.12 Given the elevated position, north orientation of the rear of the building and scale of the dormer, it is not considered that the scheme would give rise to a potential overshadowing or overbearing impact. In relation to potential overlooking, the room is proposed for storage and the windows would face towards the rear garden area for the host dwelling, with other properties to the rear being an acceptable distance away. Also, the existence of other windows to the rear elevations at both first and second floor level is a relevant consideration in terms of existing views to the rear. In view of this it is not considered that the proposal would result in additional harm. No objections have been received from neighbours and Witney Town Council has commented with no objections to the application.

Conclusion

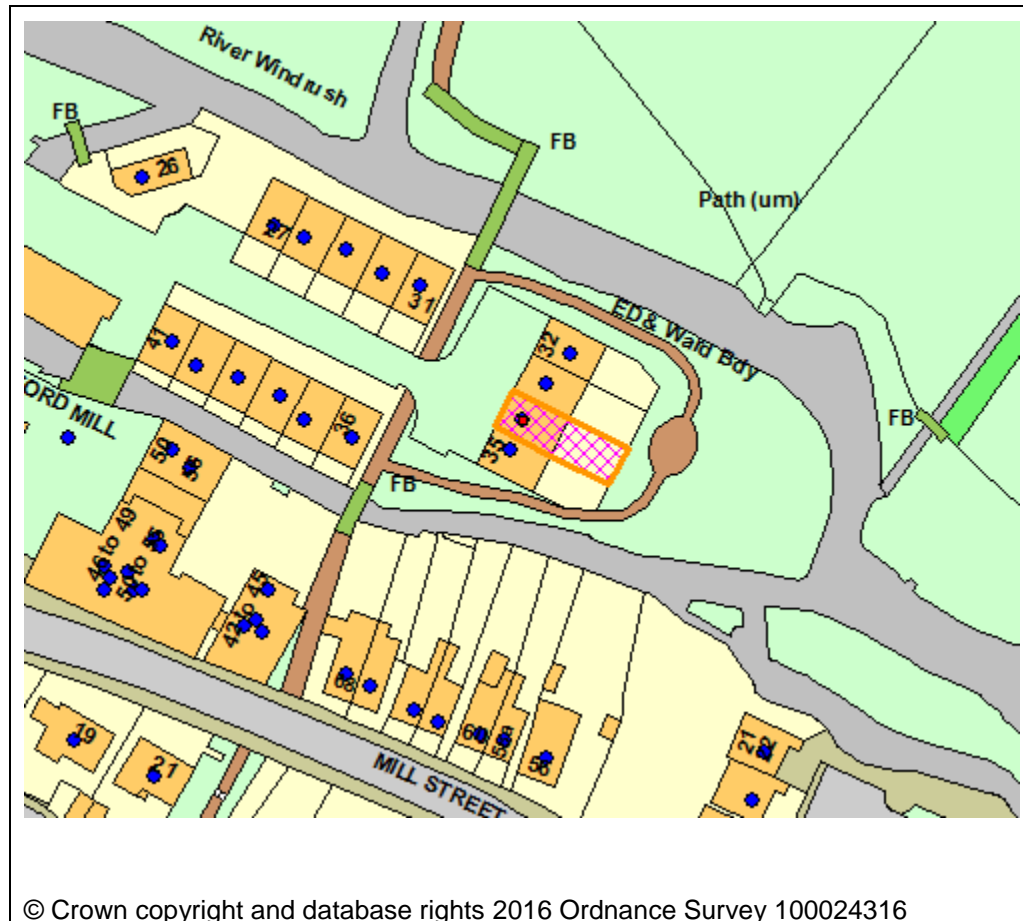
- 4.13 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS4, EH9 and EH10 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

5 CONDITIONS

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

Application Number	20/00195/HHD
Site Address	34 Woodford Mill Mill Street Witney Oxfordshire OX28 6DE
Date	4th March 2020
Officer	Claire Green
Officer Recommendations	Refuse
Parish	Witney Town Council
Grid Reference	435550 E 210338 N
Committee Date	16th March 2020

Location Map



Application Details:

Replacement windows (Retrospective)

Applicant Details:

Dr Lawrence Haar, 34 Woodford Mill, Mill Street, Witney, Oxfordshire, OX28 6DE

I CONSULTATIONS

- 1.1 Town Council Witney Town Council makes no comment on this application.

2 REPRESENTATIONS

One general comment has been received, three support comments have been received and eight objection comments have been received. The comments are available to view in full on the Council website. The comments are summarised as follows:

General Comment

- Whilst I am aware that the new frames do not match the rest of the houses on this development, I do not find them offensive.

Support Comments

- We have no problem with this.
- I have no objection to the windows that have been installed in 34 Woodford Mill. Under the circumstances they seem very practical especially as there are fitted shutters already installed.
- These replacement windows are in keeping with the design of Woodford Mill, and have a fitting and uniform structure in keeping with the originals.
- There will always be small variations, 100% exact uniformity with the rest of the homes on the estate is not actually possible.
- My neighbour is simply trying to update and upgrade their property and I therefore give them my full support.

Objection Comments

- Whilst I do not hold strong views on the change in window design effected by Dr Haar I do take exception to the reason he provides. As a neighbour I do not believe I have witnessed Dr Haar's brother staying in the property in the ten years I have lived in Woodford Mill, and certainly not for the 6-month period that Dr Haar states in his letter to you. I would urge you to seek appropriate evidence from Dr Haar to support his assertion.
- I am in favour of allowing PVC windows of a similar design to the original wooden windows. I also appreciate that there will be minor differences in style and that it is also important that there is adequate ventilation in all rooms. I agree that the original style did not provide this in the first floor bedrooms but this can be provided by inward opening tilted side windows which from the outside look similar in style to the original. The only reason that Dr Haar gave for not installing these was the fact that he had shutters on the inside which prevented their operation, so I suggest that he changes these shutters rather than install the small side windows which are totally out of keeping with all the other windows on the

estate. Every time I approach my house I am struck with the incongruity of the design of the windows in no 34.

- Unfortunately, as No. 34 sits in a prominent plot in our Development, the style of door/window that has been installed - sticks out like a sore thumb and totally out of keeping with all other properties.
- All Woodford Mill freeholders know the rules and the reasons why this application should be rejected and the window replaced. In a development such as Woodford Mill uniformity is very important. If this application is not rejected and the window removed I fully expect that other residents will not conform.
- I do not understand why Mrs S Groth has a comment listed on behalf of Witney Town Council who "makes no comment". If it was an original Mill building, rather than a Town House, would there be a comment
- Dr Haar may well have a brother with health issues, but as neighbours for 15 years we have never seen him visit the property and certainly not stay for six months. In all the time we have been neighbours the only people staying long term were housekeepers. Stating 'Health' as the main reason for the design is therefore not valid.
- As planners have suggested a better design of window to allow ventilation, and which some owners have installed, Dr Haar should have installed this style of window. Thus solving the problem of ventilation and adhering to 'like for like' replacement advice.
- Dr Haar mentions the design of other windows at Woodford Mill which have been replaced. Whilst these are slightly different they are all in keeping with the original windows. Dr Haar's are clearly not in keeping and in our view very unattractive.
- We understand that planning advice is to install 'like for like' replacements, and other owners have followed this advice.
- We have to remember that Woodford Mill is a conservation area and we live in a terrace of houses so they need to look the same.
- Should approval be given it will send a message to all other owners that anything goes and any design is allowable and thus spoil the whole look of Woodford Mill.
- With the exception of Number 34 the outward appearance of the new UPVC windows are very much the same. We were quite shocked when we first saw how different the windows of Number 34, at the end of our street, appeared.
- Allowing such disregard to the appearance of terraces, such as ours in Woodford Mill, sets an unacceptable design and appearance standard.

3 APPLICANT'S CASE

- 3.1 The applicant states that the windows were installed for health reasons, specifically for a family member who visits for extended stays. The applicant states that for health reasons, ensuring adequate ventilation in this bedroom is of paramount importance for a visiting family member.

- 3.2 The applicant states that inward opening windows could not be fitted given the design of the interior shutters that have been fitted.

4 PLANNING POLICIES

EH9 Historic environment

EH10 Conservation Areas

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks retrospective planning permission for replacement windows at 34 Woodford Mill, Mill Street Witney. The application site relates to a modern town house style mid-terrace property in a gated area on the Woodford Mill estate.
- 5.2 The property is situated within the Witney and Cogges Conservation Area.
- 5.3 The key considerations of this application are the design and appearance of the windows and their impact on the character and appearance of the street scene and the wider area.
- 5.4 Although alterations to windows do not normally require express consent, in this case, to protect the character and appearance of the area, permitted development rights were removed when consent for this development was granted in 2001.
- 5.5 The Council's advice to residents making enquiries with regard to replacing windows has consistently been that replacement windows in the same design are acceptable, provided they are designed so that they do not materially alter the external appearance of the property.
- 5.6 The new windows installed in the first floor bedroom to the front of 34 Woodford Mill are the same outer dimensions as windows previously installed, however, the replacement upvc windows feature two top hung lights, a feature not included on the original window designs.
- 5.7 Whilst small in detail, it is officers opinion that the change in design is materially different in appearance and not deemed to be an acceptable change. The addition of fanlights does not maintain the window formation as per original approved plans for Woodford Mill and therefore do not retain the architectural integrity of the development.
- 5.8 The first floor window is visible from the street and is an integral part of the front elevation, and prominent visually. The terrace of four houses, and the similarly designed terraces East of the application site have a distinctly uniform appearance that was very carefully designed to respect and complement the historic industrial context when the development was approved, with design conformity offering a strong sense of place.

Conservation Area

- 5.9 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the replacement windows at Woodford Mill are considered by officers to be contrary to the requirements in as much as they do not preserve or enhance the character or appearance of the wider Woodford Mill area.

- 5.10 Further, The design is considered contrary to the West Oxfordshire Local Plan policy EH10: Conservation Areas and EH9: Historic Environment, as they do not 'Conserve or enhance the special interest, character, appearance and setting of the area'.
- 5.11 In addition the window design is considered contrary to the West Oxfordshire Local Plan policy OS4: High quality design, in that 'New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.' Further, new development should 'Conserve or enhance areas, buildings and features of historic, architectural and environmental significance, including both designated and non-designated heritage assets'. In this regard for the reasons noted above the replacement windows are not considered to comply with the requirements of OS4.

Conclusion

- 5.12 Having assessed the application, officers consider that the replacement windows, by reason of their design and form, are not an acceptable change. A more appropriate form of window replacement would ensure that the original window formation is preserved, achieving a design in-keeping with the originally approved plans.
- 5.13 The interior shutters as fitted by the applicant could be removed to allow for inward opening windows of an acceptable design and form.
- 5.14 Officers therefore consider that the development is contrary to the provision of policies EH9, EH10 and OS4 of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.
- 5.15 For the reasons expressed above officers recommend that permission should be refused.

6 REASON FOR REFUSAL

- 1 By reason of the design of the replacement windows, which include two top hung lights for ventilation, located on a prominent front elevation highly visible in the street scene, the windows appear out of keeping with the design of the windows on the adjacent and nearby residential development, to the detriment of the uniform character and appearance of the development of Woodford Mill as a whole.

As such the replacement windows fail to either preserve or enhance the character and appearance of the Conservation Area and do not conserve the special interest, character and appearance of the wider Woodford Mill development. As such the development is considered contrary to policies EH9, EH10 and OS4 of the West Oxfordshire Local Plan 2031.

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 16 MARCH 2020
UNAUTHORISED OPERATIONAL DEVELOPMENT
50 RICHENS DRIVE CARTERTON OX18 3XU
17/00114/PENF
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Kelly Murray Tel: (01993) 861674)

(The Sub-Committee's decision on this matter will be a resolution.)

1. PURPOSE

- 1.1. To enable Members to consider whether it is expedient to authorise the issue of an enforcement notice.

2. RECOMMENDATION

- 2.1 Issue an enforcement notice to require an unauthorised porch to be removed or reduced in size so that its floor area does not exceed permitted development limits.

3. BACKGROUND

- 3.1 In 2017 the Council received complaints about the erection of a porch at this property, which is situated within an estate to the west of Carterton. On investigation it transpired that the contravener had not sought planning permission as he was seeking to rely on permitted development rights under the Town and Country Planning (General Permitted Development)(England)Order 2015 ("GPDO"). The ground area of the porch however exceeded the limitations set out in the GPDO and therefore brought the whole development under planning control.
- 3.2 A retrospective planning application (17/03250/HHD) was refused on 20 February 2018 following Members' resolution at the Sub-committee meeting on 12 February. The grounds for refusal were visual impact, in that its disproportionate size made it an incongruous and alien feature within the street scene. Also, due to its size and position along the common boundary with the neighbour, the porch was considered adversely to affect the outlook and light serving the primary living space of the occupiers of 49 Richens Drive. The relevant extract from the minutes of the Sub-Committee meeting are attached at [Annex 1](#). It should be noted that in resolving to refuse the application, Members were sympathetic to the applicant's particular circumstances: the porch was intended to give him further space and flexibility required to manage a disability, including the provision of a downstairs lavatory. The contravener had also stated that he had not deliberately breached planning control, rather he had erroneously received advice from his builder that permission was not required for the porch.
- 3.4 The contravener appealed against the refusal and this appeal was dismissed on 9 July 2018 (appeal decision attached at [Annex 2](#)). Part of the Inspector's findings was as follows:-

"The location of the extension in the middle of the terraced row along with

the extent to which it protrudes compared to other extensions within the row and wider road is further exacerbated by the extent to which the property stands forward of No 49. In combination the overall size and scale of the development appears intrusive and overbearing and as such is incongruous in the street scene.”

He went on to state:-

“The front of No 50 projects well beyond No 49. As such the development is clearly visible from this dwelling which has a habitable room window on the ground floor front elevation. Although the extension is single storey, the very close proximity of the development to the boundary with the neighbour creates a development that appears prominent and visually intrusive. Even if the proposal does not impact on the light into these windows and not generate any harm with regards overlooking, the scale and massing of the extension has an overbearing impact harming the outlook of the occupants of the neighbouring dwelling.”

4. NEXT STEPS

- 4.1 Following the appeal decision, the contravener wished to explore alternative options involving reduction of the porch. Mindful of Members’ sympathy for the applicant and the Development Manager’s agreement expressed at Committee to work with the contravener in finding a solution, there then followed a protracted period of communication in which the contravener sought advice on whether various proposals would require planning permission. When no progress appeared to have been made on removing or reducing the porch, communications culminated in Enforcement Officers writing in October and November last year informing the contravener that they now had little choice but to commence enforcement action. An application for amendments to the porch and for construction of a canopy supported by posts was then submitted (application 20/00016/HHD due for consideration by the Sub-committee at this meeting). If Members resolve to accept Officers’ recommendation to refuse that application, the next step is to consider whether it is expedient to commence formal enforcement action.

5. ENFORCEMENT ACTION AND HUMAN RIGHTS

- 5.1 The Council has the power to issue an enforcement notice where it appears: first, that there has been a breach of planning control and secondly, that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations. The Council must also have regard to relevant guidance, including the NPPF which sets out at paragraph 58:-

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

- 5.2 In this case, the breach of planning control is one which a Planning Inspector has identified as causing harm both visually, as an intrusive and incongruous structure and also in terms of its overbearing impact on the immediate neighbour. As such, the development is contrary to policies OS2, OS4 and H6 of the WOLP 2031.
- 5.3 The recommended enforcement action would require the owner either to remove the porch altogether, or to reduce it to within permitted development limits. This potentially engages provisions of the European Convention on Human Rights.
- 5.4 Article I of the First Protocol to the European Convention on Human Rights provides

for the peaceful enjoyment of possessions. This right applies also to legal persons, including companies. It is, however, a qualified right and the Courts recognise that it has to be balanced against the need to enforce laws controlling the use of property in accordance with the general public interest. In this case Officers consider – and the appeal Inspector agreed – that there is harm to the character and appearance of the area and neighbours’ amenity. In view of this, the balance of interest lies in the need to reduce the length of the porch to remedy the identified harm. Having regard to government guidance and the principle of proportionality, enforcement action is required and is an expedient and a proportionate response to the harm identified in this report.

Public Sector Equality Duty

- 5.5 Under section 149 of the Equality Act 2010 public authorities must, in the exercise of their functions, have due regard to removing or minimising disadvantages to disabled persons through considering the need to take steps to take account of their disabilities. In this case the applicant suffers from a disability and has set out in correspondence to the Council that the porch works were carried out in order to assist him with daily living. In this regard, the Planning Inspector in dealing with the appeal stated as follows:-

“I note the personal circumstances of the appellants need for the development and I sympathise with their situation. I also note the benefits the scheme has provided since construction. The development provides an adapted living space for the occupant to meet their existing and future needs. I have not however been provided with any substantive evidence to demonstrate that the extension provides the only option in terms of making adjustments to improve the living conditions within the home. The benefits of the development for the occupant of the property are outweighed by the significant harm that arises from it.

I have empathy for the applicant regarding any additional work that may be required to the property as a result of any incorrect advice about the need for planning permission for the development. However, irrespective of who would undertake any amendments to the scheme and at what cost to the appellant, there is little evidence to demonstrate that a scheme that fell within the requirements of permitted development would not address the harm identified to the character and appearance of the area and to the living conditions of the neighbouring occupier.”

- 5.6 In Officers’ view the considerations set out above apply in deciding whether it is expedient to issue enforcement action in this case. Significant harm has been identified and this outweighs the benefits conferred by the unauthorised element of the development. One of the main reasons for the size of the porch was to provide a downstairs lavatory which will remain accessible following remedial works.

Accordingly, the options for next steps are as follows:-

Take no further action

- 5.7 In light of Officers’ assessment of the harm caused by the development, Members’ resolution to refuse the 2017 application and the conclusions of the Planning Inspector on appeal, it is considered that formal action must be taken to remedy the harm. There is a 4-year enforcement period that will come to an end in 2021. If action is not taken during this time the development will become immune from enforcement action. In view of this, delaying action at this stage or indeed taking no further action is not a recommended option.

Issue an enforcement notice to secure the removal of the porch/ its

reduction to within permitted development tolerances.

- 5.8 The service of an enforcement notice will reserve the Council's position and will force the contravener to take positive action. This will not preclude further negotiation with the Council on further works that the contravener may consider necessary, however, he will be given a timetable in which he must carry out the required works.

6. ALTERNATIVES / OPTIONS

Take no further action- see above.

7 RISK

None at this stage.

8. FINANCIAL IMPLICATIONS

None at this stage.

9. REASONS

See paragraphs 5.2, 5.7 and 5.8 above.

**EXTRACT FROM MINUTES OF THE MEETING OF THE
LOWLANDS AREA PLANNING SUB-COMMITTEE, 12 FEBRUARY 2018**

The Planning Officer introduced the application and reported receipt of additional representations from the applicant, Mr Caswell, and from Mr Spicer.

The applicant, Mr Caswell, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to a question from Mr Howard, Mr Caswell confirmed that the sunshine diagram in his accompanying papers was that as at 7 February 2018.

In response to questions from Mr Postan and Mr Good, Mr Caswell advised that he had drawn up the plans for the porch and compiled the pictures and notes he had circulated.

Mr Fenton enquired whether the porch had been constructed outside the limits of permitted development in error or deliberately. Mr Caswell stated that the Council's Officers had advised that planning permission was not required. He explained that the design of the porch made provision for a wheelchair turning space.

The Planning Officer then presented her report containing a recommendation of refusal.

Mr Howard indicated that, having viewed the development, he concurred with the Officer's assessment that it was too large and out of keeping. He expressed concern over the displacement of vehicles onto the highway and questioned whether the design and construction of the porch had taken sufficient account of the applicants potential future welfare needs.

Mr Howard noted that the sunshine diagram related to a specific date and indicated that the impact of the development in terms of shading would be worse at different times of the year.

Mr Howard also sought to clarify the original extent of the property and questioned whether this had any impact upon the extent of permitted development rights.

The Development Manager advised that, as far as could be ascertained, there had been no previous extension of the property and full permitted development rights applied.

Mr Good indicated that, whilst he had sympathy for the applicant's position, the fact remained that, as a matter of planning law, the extension exceeded permitted development limits. If an application had been submitted it would have been refused for the reasons set out in the report. Mr Good was unable to support the application and proposed the Officer recommendation of refusal.

The proposition was seconded by Mr Howard.

Mr Emery expressed his support for the Officer recommendation as the porch exceeded permitted development limits. He questioned whether, should the porch be reduced in size to comply with permitted development rights, the Council would have no further locus in the matter. As an aside, Mr Emery suggested that the neighbour could improve his own position if he removed the palm in his front garden.

Mr Fenton suggested that the question of light and shading was a diversion from the real issue which was that the porch failed to comply with permitted development rights. He suggested that the applicant should seek to pursue his advisors to seek to recoup any consequential loss.

Mr Handley agreed that the application should be refused and enquired whether the porch had been inspected by the Council's Building Control Service. The Planning Officer advised that there was no record of an inspection having taken place.

The Development Manager emphasised that refusal of planning permission would be the first of a two stage procedure and suggested that any enforcement action be delayed to enable Officers to seek to identify a solution.

Mr Kelland asked whether there was any evidence to support Mr Caswell's assertion that Officers had advised that planning permission would not be required. The Development Manager advised that there was no record of any such advice and Mrs Crossland indicated that it was her understanding that the builders maintained that they had received this advice by telephone.

The Development Manager informed Members that Officers would not give such specific advice by telephone but would simply inform the enquirer of the rules governing permitted development. An applicant would not be advised that planning permission would not be required unless details of the proposed development were known.

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

Refused

Appeal Decision

Site visit made on 25 June 2018

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2018

Appeal Ref: APP/D3125/D/18/3202448
50 Richens Drive, Carterton OX18 3XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Caswell against the decision of West Oxfordshire District Council.
 - The application Ref 17/03250/HHD, dated 6 October 2017, was refused by notice dated 20 February 2018.
 - The development proposed is erection of a single storey porch at the front of the property.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application seeks retrospective permission for development that has already been constructed. I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the occupants on the neighbouring property, No 49 Richens Drive with regards outlook and light.
 - The effect on off street parking provision.

Reasons

Character and Appearance

4. The appeal site is a mid-terrace property in a staggered row of dwellings with No 50 and the immediate neighbour No 51 standing forward of Nos 48 and 49. Properties in the row have either a flat roof canopy over the front door or a flat roof enclosed porch. The integral garage of the property has been converted to a habitable room at some time in the past, as has occurred at other properties. Due to the size of the front porch the block paving to the front of the property provides parking provision for one small car.
5. Whilst designed to meet the minimum requirements of **the occupant's existing** and future needs, the extension is very visible even if it is not significantly

larger that would be permitted under permitted development rights. The location of the extension in the middle of the terraced row along with the extent to which it protrudes compared to other extensions within in the row and wider road is further exacerbated by the extent to which the property stands forward of No 49. In combination the overall size and scale of the development appears intrusive and overbearing and as such is incongruous in the street scene. This is despite design features such as a flat roof, doors and windows to match the surroundings and the use of materials to match the main dwelling.

6. The development harms the character and appearance of the area and as such conflicts with the part of Policy OS2 of the West Oxfordshire Draft Local Plan 2031 (including further main modifications) (emerging Local Plan) which seeks to ensure new development is proportionate and appropriate in scale to its context and forms a logical complement to the existing scale and pattern of development and/ or character of the area. Whilst the emerging Local Plan has not yet been adopted which limits the weight that can be attributed to it, the proposal nonetheless also conflicts with the parts of Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 (Local Plan) which requires new development, including extensions to dwellings, to respect the existing scale, pattern and character of the surrounding area and that extensions to dwellings should not erode the character and appearance of the surrounding area.

Living Conditions

7. The front of No 50 projects well beyond No 49. As such the development is clearly visible from this dwelling which has a habitable room window on the ground floor front elevation. Although the extension is single storey, the very close proximity of the development to the boundary with the neighbour creates a development that appears prominent and visually intrusive. Even if the proposal does not impact on the light into these windows and not generate any harm with regards overlooking, the scale and massing of the extension has an overbearing impact harming the outlook of the occupants of the neighbouring dwelling.
8. The development harms the living conditions of the neighbouring occupants and as such conflicts with the parts of Policies OS2 and OS4 of the emerging Local Plan which requires that new development should not have a harmful impact on the amenity of existing occupants. It also conflicts with Policy H2 of the Local Plan which amongst other things seeks to ensure that new development does not create unacceptable living conditions for existing residents.

Off street Parking Provision

9. The appellant says that since the conversion of the internal garage of the property to a room, and in the absence of a dropped kerb spanning the full width of the property, only one off street parking space is currently provided. Even if the dropped kerb was extended, from my observations on site I am not convinced that 2 cars could comfortably park adjacent to each other in the absence of the porch. Given the parking standards emanating from the relevant parts of Policies T1 and T4 of the emerging Local Plan and Policy BE3 of the Local Plan which set a maximum requirement of 2 spaces at the appeal site, I do not consider that the development exacerbates an existing absence of

the provision of off street parking at the property. The development does not therefore conflict with Policy in this regard.

Other Matters

10. Paragraph 57 of the National Planning Policy Framework (NPPF) identifies the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. Inclusive design in the NPPF is defined as **'designing the built environment, including buildings and their surrounding space, to ensure that they can be accessed and used by everyone'**. In exercising my duty on behalf of a public authority, I am mindful of the requirements of the Public Sector Equality Duty contained in the Equality Act 2010. This includes the need to advance equality of opportunity, which may involve taking steps to meet particular needs.
11. I note the personal circumstances of the appellants need for the development and I sympathise with their situation. I also note the benefits the scheme has provided since construction. The development provides an adapted living space for the occupant to meet their existing and future needs. I have not however been provided with any substantive evidence to demonstrate that the extension provides the only option in terms of making adjustments to improve the living conditions within the home. The benefits of the development for the occupant of the property are outweighed by the significant harm that arises from it.
12. I have empathy for the applicant regarding any additional work that may be required to the property as a result of any incorrect advice about the need for planning permission for the development. However, irrespective of who would undertake any amendments to the scheme and at what cost to the appellant, there is little evidence to demonstrate that a scheme that fell within the requirements of permitted development would not address the harm identified to the character and appearance of the area and to the living conditions of the neighbouring occupier.
13. The appellant has identified elements of the scheme that they consider to be beneficial including a reduction in the need for artificial lighting from the skylight, the recycling of materials, improvements to energy efficiency, lack of financial cost to neighbours and communication with them prior to construction. I do not consider such considerations go significantly beyond what may reasonably be expected from a development or provide a compelling justification for the development that outweighs the harm I have found.

Conclusion

14. Whilst I am of the view that the development does not harm off street parking provision at the property, the porch does harm the character and appearance of the area and the living conditions of the neighbouring occupant. For the reasons identified I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 16 March 2020
Report Number	Agenda Item No. 6
Subject	Progress on Enforcement Cases
Wards affected	As specified in Annex A
Accountable officer	Phil Shaw, Business Manager, Development Management Email: phil.shaw@publicagroup.uk
Author	Kim Smith, Principal Planner (Enforcement) Tel: 01993 861676 Email: kim.smith@westoxon.gov.uk
Summary/Purpose	To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations
Annex	Annex A – Schedule of cases (Sections A to C)
Recommendation	That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No

I. BACKGROUND AND MAIN POINTS

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 312 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 16% of the total caseload.

2. FINANCIAL IMPLICATIONS

- 2.1. There are no financial implications resulting from this report.

3. ALTERNATIVE OPTIONS

- 3.1. Not applicable, as the report is for information.

4. BACKGROUND PAPERS

- 4.1. None

SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD

The cases listed in the following section are those where a notice has been served and the requirements have not been met within the compliance period or there has been an unauthorised display of advertisements. This means that an offence is likely to have been committed and that the Council need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
24 Saxon Road Witney	Construction of rear extension without planning permission	Enforcement Notice issued on 31/08/2018 requiring removal/remodelling of the extension within 6 months of the EN taking effect.	The date for compliance with the EN has expired .The new owner advised that he would implement the rear extension as approved by planning permission by the end of February 2020.Site visit needed to confirm compliance with the grant of planning permission. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
Ramblers Cottage, Alvescot	Unauthorised removal of stone boundary wall and creation of access.	Enforcement Notice issued and the subject of an appeal which was dismissed on 3 January 2020 and the terms of the EN upheld.	The EN requires re-instatement of the stone wall by 3 March 2020.A site visit is needed to confirm compliance with the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
109 Abingdon Road, Standlake	Without planning permission a material change of use of land from agriculture to domestic garden	Enforcement Notice issued on 20 May 2019. Requires cessation of the unauthorised use by 19 August	A site visit is needed to confirm compliance with the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
Land adjacent to Waterworks Cottage, Worsham	Large outbuilding used for storage erected without planning permission	The building had been in situ for some time and is very prominently located away from other buildings. Despite advice from your Officers that the building needs planning permission and cannot be supported on its planning merits	A site visit is needed to confirm compliance with the terms of the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
		<p>the building had not been removed voluntarily.</p> <p>An Enforcement Notice was subsequently issued on 2 October 2019 requiring removal of the building from the land within two months of the EN becoming effective. Removal required by 2 December 2019.</p>	
27 Cherry Tree Way	Unauthorised storage of materials relating to the occupiers business.	<p>EN 565 was issued in April 2016 requiring removal of the items relating to the occupiers business.</p> <p>The EN was complied with and the case closed.</p> <p>Investigation in to a recent complaint has confirmed that the unauthorised materials are being stored on the land.</p>	<p>Following confirmation that the terms of the EN are in breach, Officers have given the contravener a short time frame to remove the materials.</p> <p>If voluntary compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.</p>

SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Land at Mount Pleasant Farm, Northmoor	Unauthorised storage use. Unauthorised residential caravan	Two Enforcement Notices issued in respect of the identified breaches. Both the subject of appeals.	<p>The EN appeal in respect of the residential use was dismissed by the Inspectorate and the EN upheld. The cessation of the residential use and removal of the caravan from the land is required by 20 July 2020.</p> <p>Following an appeal the EN in respect of the storage use was quashed on the grounds that the Inspector considered that the notice failed to identify the breach in the terms required under S173(1) and (2) and that the EN could not be varied or corrected without prejudice.</p> <p>At the time of writing your Officers are considering issuing a further EN following further consideration of the Planning Inspectors comments in the appeal decision.</p>
4 Chimney Farm Cottages, Chimney	Unauthorised storage of builder's materials and equipment. Unauthorised hardstanding and building/office not considered incidental to residential use.	<p>One Enforcement Notice has been issued to date in respect of an alleged material change of use from residential to a mixed residential/commercial use as a builder's depot. This EN is the subject of an appeal to the Planning Inspectorate.</p> <p>At the Lowlands Sub Committee in February Members resolved to issue a further EN in respect of the unauthorised hardstanding and building/office.</p>	<p>Awaiting the outcome of the appeal in respect of the EN that has been issued.</p> <p>Second EN being drafted at the time of writing.</p>

SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
The Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site. Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.	Given the complexity and time required to progress this case a specialist lawyer has been instructed to guide your Officers on this site and a similar site in Uplands. At the end of 2018 a team of officers visited the site and personally served Planning Contravention Notices on all of the caravans on all of the plots in order to ascertain who is occupying the caravans together with information about their personal circumstances in order to gain an understanding of any human rights issues which will inform the next steps .	Post the poor response to the service of Planning Contravention Notices further legal advice was sought. In light of the legal advice received further Planning Contravention Notices requesting detailed information about the circumstances of the occupants of the individual caravans on each of the plots were issued on 13 June 2019. In recent weeks an agent acting for a number of the plot owners has submitted a planning application for plots 1 and 2 seeking to regularise the breaches of planning control on the plots. The application has not yet been validated as additional information has been requested. It is anticipated that this application will be registered in the near future allowing for the issues raised in the breaches of planning control to be considered within the existing policy context.
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	Expediency of formal enforcement action under consideration.
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, portacabin, vehicles	This site is located within the Green Belt and the floodplain.	Despite your Officers having offered the contraveners a potential way forward in seeking to regularise the unauthorised development no action has been taken by them to date. A recent site visit has confirmed that there appears to be further non - agricultural storage taking place on the site. In light of the fact that the present occupiers of the site are apparently not willing to engage with your Officers formal enforcement action will need to be considered.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Lower Haddon Farm, Bampton	Unauthorised residential caravan	Unfettered residential uses in the open countryside are unlikely to be acceptable on the planning merits unless there is an operational/ functional need that cannot be met in any other way	An application for a Lawful Development Certificate has been received under ref 19/1232/CLE which is presently under consideration. The application is still under consideration at the time of writing.
Manor Dairy Farm, Shilton	Unauthorised extension and conversion of barn to dwelling/clubhouse	A barn has been extensively remodelled/rebuilt and has all the features of a dwelling. The contravener has advised that he would like to use the building as a clubhouse for a model aircraft flying facility.	A retrospective application has been submitted in an attempt to regularise the use which is on the March Schedule for consideration by Members.
Home Farm, Barnard Gate	Additional gypsy pitch. Unauthorised use of land for the storage of vehicles and caravans	The site is authorised for a maximum of 5 pitches for occupation by gypsy families	Planning permission granted for the additional gypsy pitch. Consideration is being given to the expediency of taking formal enforcement action in respect of the unauthorised storage use.
Shaken Oak Farm, Hailey	Unauthorised storage of vehicles and caravans and erection of a marquee.	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	The contravener has confirmed that the unauthorised development will be removed within the 6 week time frame that has been given. Site visit to confirm compliance.
North Leigh Windmill	Concerns have been raised about the physical state of the listed building and its surroundings.	Officers have had a number of meetings/discussions with the owner in respect of the state of repair of the building following which in recent weeks scaffolding has been erected around the structure.	A listed Building consent has recently been granted for internal and external alterations to weather-proof the Windmill including repair works and making good of existing roof. Officers are in discussions with the owner to ascertain when the said approved works are to be implemented.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington	<p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a recently listed building (Grade II)</p>	<p>Retrospective applications have been submitted in an attempt to regularise the unauthorised developments.</p>	<p>Planning permission has been granted for the retrospective works to the outbuilding located adjacent to St Peters Church.</p> <p>An Enforcement Notice has been issued in respect of unauthorised works to the barn located to the west of the main farmhouse. This EN is the subject of an appeal to the Planning Inspectorate.</p>
Land at Thorney Leys	<p>Non -compliance with the approved landscaping scheme</p>	<p>A recent site visit has confirmed breaches of the approved scheme</p>	<p>Officers to liaise with the relevant interested parties to attempt to seek to secure compliance without the need for formal action.</p>
106 Raleigh Crescent, Witney	<p>Unauthorised change of use and enclosure of land</p>	<p>Planning permission for its retention refused and dismissed at appeal.</p> <p>At the Lowlands Sub Committee in February Members resolved to issue a further EN in respect of the unauthorised development.</p>	<p>Notice being drafted at the time of writing.</p>
Weald Manor Farm, Bampton	<p>Four separate alleged breaches of planning control as follows:</p> <p>Unauthorised extension to the main dwelling;</p> <p>Works not in accordance with the approved plans(15/02150/FUL)</p>	<p>Planning permission has recently been refused for the unauthorised extension to the main dwelling.</p> <p>The contravener and his agent have been in discussions with your Officers regarding how to progress the breaches.</p>	<p>A number of the breaches are considered harmful and failure to seek to address the concerns that have been raised will leave Officers no alternative but to consider the expediency of formal action.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	<p>for the range of buildings to the rear of the site;</p> <p>Unauthorised outbuilding and extension of curtilage:</p> <p>Non- compliance with condition 12 of 15/02150/FUL- Landscape details to be agreed in writing by the LPA prior to first occupation</p>		
31 Woodley Green, Witney	Alleged unauthorised change of use of a dwelling to an HMO.	Officers have been in discussions with the owner advising that occupation of the dwelling by more than six individuals will require planning permission.	It is your officers understanding that the owner intends reducing the number of individual occupants to six. PCN served to gather evidence/information.
Sheehan's, Dix Pit, Standlake	Alleged breach of noise condition.	Sheehan's have been cooperating in terms of Officers gathering information/measurements on site as well as providing data from on-site monitoring equipment	No evidence of a breach to date. ERS to do more monitoring of noise when the plant is operational again.

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

	Application Number.	Ward.	Decision.
1.	18/01746/FUL	Bampton and Clanfield	REF

Proposed residential scheme of 6 dwellings and associated landscaping.

Land North Of Pound Lane Clanfield

Mr Marcus Little

2.	19/01785/S73	Eynsham and Cassington	S106
----	---------------------	------------------------	------

Non-compliance of condition 2 of 15/00761/FUL to allow changes to layout including relocation of drainage pump station, minor increases to carriageway and footpath widths, reduction in height of detached garages on unit types D and D2 and relocation of bay window on unit type A3 and Plot 1 (whilst still incorporating all other changes approved under 17/03521/S73).

Land South Of Eynsham Nursery And Plant Centre Old Witney Road Eynsham

Thomas Homes Ltd

3. **19/02960/LBC** Alvescot and Filkins APP
 Internal and external alterations to infill rear porch, new glazed/timber screen (amended).
Old Rectory Westwell Burford
 Mr & Mrs Garvin and Steffanie Brown
4. **19/02973/HHD** Standlake, Aston & Stanton Harcourt APP
 Construction of replacement single storey rear extension. (Amended Plans)
Lancotta Lancott Lane Brighthampton
 Mr Kinniburgh
5. **19/02974/LBC** Standlake, Aston & Stanton Harcourt APP
 Construction of replacement single storey rear extension. (Amended Plans)
Lancotta Lancott Lane Brighthampton
 Mr Kinniburgh
6. **19/02999/FUL** Eynsham and Cassington APP
 Rebuilding and conversion of part of former store rooms to create three en-suite guest rooms (9, 10 and 11).(Part Retrospective).
Mason Arms Station Road South Leigh
 Mr Justin Salisbury
7. **19/03000/LBC** Eynsham and Cassington APP
 Internal and external alterations to rebuild and convert part of former store rooms to create three en-suite guest rooms (9, 10 and 11).(Part Retrospective).
Mason Arms Station Road South Leigh
 Mr Justin Salisbury
8. **19/03003/FUL** Eynsham and Cassington APP
 Demolition of the existing dwelling, associated barn and greenhouse on Horseshoe Island, the construction of a replacement building for a dwelling (C3) that incorporates an ancillary field study centre (D1) on the footprint of the existing dwelling on Horseshoe Island, and improvements to the opening of the site's existing access onto the public highway (Oxford Road, B4044)
Footpath North West Of Bettys Meadow Oxford Road Eynsham
 Ms and Professor Ms Catriona and Kevan Bass and Martin
9. **19/03030/FUL** Brize Norton and Shilton APP
 Change of use of equestrian land to domestic curtilage (retrospective). Construction of an oak framed timber outbuilding for home office.
Westfield Farm Shilton Burford
 Mr Neil Pollington

- | | | | |
|-----|---|------------------------|-----|
| 10. | 19/03282/HHD
Affecting a Conservation Area | Bampton and Clanfield | REF |
| | Alterations to approve application 16/02413/HHD to allow two storey rear extension, single storey side extension, conversion of roof space and erection of detached garage, changes to fenestration and vehicular access.
Weald Manor Farm Weald Street Weald
Mrs Michael Pelham | | |
| 11. | 19/03112/FUL | Carterton North West | APP |
| | Change of use to football pitch.
Carterton Football Club Swinbrook Road Carterton
Michael Brennan | | |
| 12. | 19/03123/FUL
Affecting a Conservation Area | Alvescot and Filkins | APP |
| | Conversion of barn to dwelling including the demolition of one barn and erection of single storey side extension
Peartree Farm Cross Tree Lane Filkins
Mr Goodenough | | |
| 13. | 19/03128/FUL | Eynsham and Cassington | APP |
| | Construction of all weather riding arena.
Shuttles Cottage Chapel Road South Leigh
Mr And Mrs Baish | | |
| 14. | 19/03366/FUL | Witney West | APP |
| | Insertion of four new first floor windows to rear elevation. (Retrospective).
Units 7 And 8 Nimrod De Havilland Way
Mr David Jenkins | | |
| 15. | 19/03184/HHD | Witney North | APP |
| | Single storey rear extension, first floor front extension and porch extension.
37A Woodstock Road Witney Oxfordshire
Mr Alex Curtis | | |
| 16. | 19/03188/HHD
Affecting a Conservation Area | Witney East | APP |
| | Creation of new vehicular access and provision of parking area (amended).
124 Newland Witney Oxfordshire
Lisa Parker | | |

17. **19/03217/S73** Eynsham and Cassington APP
 Non compliance with condition 2 of planning permission 19/00056/FUL to allow changes to fenestration.
2 Clover Place Eynsham Witney
 Mr & Mrs Thornton
18. **19/03225/LBC** North Leigh APP
 Internal and external alterations to weather-proof Windmill including repair works and making good of existing roof.
Land At North Leigh Windmill Common Road North Leigh
 Ms A Salter
19. **19/03236/S73** Standlake, Aston & Stanton Harcourt APP
 Non-compliance of condition 3 to allow the use of different stonework and roof tiles to that of the existing building (retrospective) and variation of condition 2 to allow raised roof ridge height of extension and insertion of two rooflights in East elevation of rear projection, both pertaining to planning permission 15/02774/HHD.
The Morlyn 14 Rack End Standlake
 Mr House
20. **19/03256/HHD** Witney North APP
 Affecting a Conservation Area
 Erection of replacement single storey rear extension. (Amended)
The Harriers 15 West End Witney
 Ms Tanya Buchanan
21. **19/03257/LBC** Witney North APP
 Affecting a Conservation Area
 Internal and external alterations to remove existing, and erect replacement, single storey rear extension together with changes to utility room and kitchen layout. (Amended)
The Harriers 15 West End Witney
 Ms Tanya Buchanan
22. **19/03258/HHD** Carterton North East APP
 Erection of single storey rear extension. (Amended Plans)
44 Willow Drive Carterton Oxfordshire
 Mr And Mrs Carpenter
23. **19/03270/CLP** Eynsham and Cassington REF
 Affecting a Conservation Area
 Certificate of Lawfulness (Erection of garden studio and workshop, including removal of front garden wall and continuation of rear garden wall).
24 High Street Eynsham Witney
 Mr And Mrs Graham And Clementine Bannell

24. **I9/03277/FUL** Ducklington APP
 Proposed Horsewalker and All-Weather Warm-Up Sand Track to support Existing Racehorse Training Yard
Land East Of Lew House Stables Lew Bampton
 Mr Marcus Foley
25. **I9/03431/HHD** Alvescot and Filkins APP
 Erection of a two storey rear extension
Manor Farm Radcot Road Grafton
 Mr Jonathan Eddolls
26. **I9/03299/FUL** Witney West APP
 Installation of additional water chiller in service yard together with pipe gantry and associated works to provide further cooling requirements.
Abbott Diabetes Care Range Road Windrush Industrial Park
 Mr Neil Johnson
27. **I9/03444/HHD** Eynsham and Cassington APP
 Erection of single and two storey rear extensions, with glazed veranda to rear of house. Enclose existing external stairs to office above existing garage, addition of front porch and new first floor window to front elevation. Alterations to entrance wall and construction of gate piers.
April Cottage South Leigh Road High Cogges
 Mr David Hindley
28. **I9/03321/CLP** Eynsham and Cassington APP
 Certificate of lawfulness (Single storey and two storey rear extensions, alterations to fenestration to include the addition of two new dormer windows) (amended)
Shuttles Cottage Chapel Road South Leigh
 Mr And Mrs Baish
29. **I9/03336/HHD** Bampton and Clanfield APP
 Proposed garage and carport with office space over.
Poplar Cottage Main Street Clanfield
 Mr Neil Calvert
30. **I9/03350/HHD** Bampton and Clanfield APP
 Conversion of existing garage and erection of first floor extension above to create additional living space.
24 The Pieces Bampton Oxfordshire
 Mr And Mrs Sone

31. **19/03377/HHD** Hailey, Minster Lovell & Leafield APP
 Erection of garage.
Dove House Burford Road Minster Lovell
 Andrew Pateman
32. **19/03388/FUL** Eynsham and Cassington APP
 Change of use of premises to warehouse and trade sales (sui generis) to include enlarged office and retail space within existing building, insertion of new windows and external cladding together with associated parking facilities.
Old Kinlock Warehouse Stanton Harcourt Road Eynsham
 Mr A White
33. **19/03425/FUL** Carterton South APP
 Erection of single storey dwelling with access.
Land South Of 49 Alvescot Road Foxcroft Drive Carterton
 Mr Brian Taylor
34. **19/03426/HHD** Witney North APP
 Erection of single storey side and rear extension with the addition of new rooflights.
76 Farmers Close Witney Oxfordshire
 Mr Hubbert
35. **20/00010/FUL** Eynsham and Cassington APP
 Affecting a Conservation Area
 Alterations and extensions to first floor (53 and 55 Newland Street, Eynsham)
53 Newland Street Eynsham Witney
 Ms Denise Ridler
36. **19/03448/FUL** Witney South APP
 Proposed change of use from general industrial (Class B2) to storage and distribution (Class B8)
Unit 1-5 Avenue Two Witney
 Mr Gary Lees
37. **19/03449/FUL** Witney South APP
 Formation of new doors.
Unit 1-5 Avenue Two Witney
 Mr Gary Lees
38. **19/03450/HHD** Witney South APP
 Erection of two garden sheds to the rear garden of the property.
7 Applegarth Court Witney Oxfordshire
 Mr R Dixon

39. **19/03455/FUL** Ducklington APP
Proposed replacement dwelling and associated works including landscaping
Firdales Course Hill Lane Ducklington
Mr R Demain
40. **20/00024/HHD** Alvescot and Filkins APP
Affecting a Conservation Area
Alterations and erection of single storey rear extension.
10 Oakey Close Alvescot Bampton
Mrs A Sherwood
41. **20/00048/HHD** Brize Norton and Shilton APP
Erection of front porch (amended plans).
2 Grove Farm Cottage Brize Norton Road Minster Lovell
Mr David Russell
42. **20/00062/HHD** Standlake, Aston & Stanton Harcourt APP
Affecting a Conservation Area
Divide double garage into single garage and office space with new roof lights.
8 Saxel Close Aston Bampton
Mr Paul Farrow
43. **19/03503/HHD** Witney South APP
Alterations and erection of single storey front extension and single storey rear extension.
65 Curbridge Road Witney Oxfordshire
Mrs Heidi Barrass
44. **20/00083/FUL** Alvescot and Filkins APP
Minor amendments to approved scheme 16/02130/FUL and 16/02133/LBC (Conversion of two barns to ancillary accommodation).
Church Farm Little Faringdon Lechlade
Ms K Moss
45. **20/00084/LBC** Alvescot and Filkins APP
Minor amendments to approved scheme 16/02130/FUL and 16/02133/LBC (Conversion of two barns to ancillary accommodation).
Church Farm Little Faringdon Lechlade
Ms K Moss
46. **19/03518/CLP** Witney West REF
Certificate of Lawfulness (erection of fencing)
4 Birdlip Close Witney Oxfordshire
Mr C Gaden

47. **19/03521/HHD** Standlake, Aston & Stanton Harcourt APP
 First floor side extension to include two rooflights to rear roof slope
10 Rack End Standlake Witney
 Dr Fiona Clough
48. **20/00085/HHD** Witney East APP
 Single storey rear extension
6 Pensclose Witney Oxfordshire
 Mrs Angela O'Farrell
49. **20/00095/HHD** Carterton North West APP
 Erection of single storey replacement extension.
8 Heather Close Carterton Oxfordshire
 Mr Steve Little
50. **20/00011/HHD** Ducklington APP
 Erection of single and two storey extensions to include front and rear dormer windows.
2 Hill View Lew Bampton
 Mr Marc Sheikh
51. **20/00015/NMA** Bampton and Clanfield APP
 Affecting a Conservation Area
 Alterations and erection of two storey rear and single storey side extensions (non-material amendment to allow the relocation of internal staircase and front door with changes to fenestration).
Priory Cottage New Road Bampton
 Mr Andrew Norris
52. **20/00029/HHD** North Leigh APP
 The addition of two velux windows to the front elevation of the property.
22B Perrott Close North Leigh Witney
 Mr Adrian Beesley
53. **20/00124/HHD** Witney South APP
 Single storey rear extension
11 Buttercross Lane Witney Oxfordshire
 Mrs Faith House-Pypovolou
54. **20/00127/FUL** Witney South APP
 Affecting a Conservation Area
 Change of use from retail to tattooing/body piercing.
7 Langdale Court Witney Oxfordshire
 Miss Felicity Denham

- | | | | |
|-----|---|-----------------------|-------|
| 55. | 20/00058/HHD | Witney South | APP |
| | Erection of single storey extension and porch to front elevation and the conversion of garage to create extra living space.
117 Burwell Drive Witney Oxfordshire
Mr Stephen Robberts | | |
| 56. | 20/00077/HHD | Witney South | APP |
| | Erection of front porch
52 Colwell Drive Witney Oxfordshire
Mr And Mrs Kristy Chapman | | |
| 57. | 20/00107/LBC | Alvescot and Filkins | APP |
| | Affecting a Conservation Area

Alterations to include changes to internal ground floor layout and replacement of a ground floor window with French doors.
Broughton Poggs Mill House Broughton Poggs Lechlade
Mr And Mrs Charles Payne | | |
| 58. | 20/00142/HHD | Carterton North West | APP |
| | Alterations to existing garage to include conversion into living space.
105 Burford Road Carterton Oxfordshire
Mr Richard Parsons | | |
| 59. | 20/00149/HHD | Bampton and Clanfield | APP |
| | Erection of single storey side extension.
South House Main Street Clanfield
Mr Brian Milton | | |
| 60. | 20/00157/HHD | Witney North | APP |
| | Alterations and erection of rear extensions, front extension to garage and addition of new porch.
18 New Yatt Road Witney Oxfordshire
Mr And Mrs Morgan | | |
| 61. | 20/00199/HHD | Witney West | APP |
| | Single storey rear extension
25 Tetbury Drive Witney Oxfordshire
Mr And Mrs Payne | | |
| 62. | 20/00184/PN42 | Carterton North East | P2NRQ |
| | Erection of single storey rear extension.(6m x 3.5m x 2.4m)
39 Brizewood Carterton Oxfordshire
Mr Dean Spivey | | |

63. **20/00215/HHD** Witney Central APP
Erection of conservatory to rear of property.
11 Heron Drive Witney Oxfordshire
Mr Peter Wood
64. **20/00230/PN42** Bampton and Clanfield P3APP
Erection of replacement single storey rear extension (3.375m x 8.877m x 2.55m height to eaves/3.5m max height).
Wokefield 5 Pound Lane Clanfield
Mr Alan Strickland
65. **20/00256/NMA** Witney North APP
Erection of single storey side and rear extensions (non-material amendment to allow flank wall of extension to be built in brick rather than block and render).
206 Farmers Close Witney Oxfordshire
Mr Alex Brazier

APPEAL DECISION

APPLICATION NO: 19/00289/FUL

Revised scheme for an attached dwelling, parking and access
- 65 Mayfield Close, **CARTERTON**.

APPEAL DISMISSED
