

Democratic Services

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3 July 2020

SUMMONS TO ATTEND

MEETING: LOWLANDS AREA PLANNING SUB-COMMITTEE

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

DATE: MONDAY 13 JULY 2020

TIME: 2:00 pm

Membership of the Sub-Committee

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

RECORDING OF MEETINGS

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

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

A G E N D A

1. Minutes of the meeting held on 15 June 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. Application 20/00188/PROW: Proposed Diversion of Part of Public Right of Way, Eynsham Footpath 2060/30 (Part) (Report of the Business Manager Development Management– copy [attached](#))

Purpose:

To seek authority for Officers to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it.

Recommendation:

That the Business Manager Development Management be authorised (i) to make the Order and carry out public consultation, consistent with the drafted Order attached to the report; and (ii) to confirm the Order if it is unopposed.

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

Purpose:

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

Recommendation:

That the report be noted.



Giles Hughes
Chief Executive

This agenda is being dealt with by Amy Barnes Tel: (01993) 861522
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Note: Councillors will be sent an invitation to the remote meeting via Cisco Webex. Members of the public may view the meeting via [Facebook Live](#). A Facebook account is not required.

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
held via video conferencing at 2.00pm on **Monday 15 June 2020**

PRESENT

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

Officers: Phil Shaw (Business Manager Development Management), Abby Fettes (Interim Locality Lead Officer Development Management), Miranda Clark, (Senior Planner Development Management), Keith Butler (Head of Democratic Services) and Amy Barnes (Senior Strategic Support Officer).

5. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 26 May 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

7. DECLARATIONS OF INTEREST

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

8. APPLICATIONS FOR DEVELOPMENT

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

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

16/01851/FUL - Barn at Weald Manor Farm, Weald Street, Weald, Bampton

The Planning Officer, Miss Clark introduced the application and outlined the report which contained a recommendation of refusal. The reason for refusal was read out in full as detailed on page 8 of the report.

Councillor Enright thanked officers for the report and proposed that the application be refused as per officers' recommendations. This was seconded by Councillor Ted Fenton.

In response to a query raised by Councillor Haine, officers confirmed that the enforcement team would be looking to take the necessary enforcement action, following any decision made at the meeting.

Following a question from Councillor St John, Miss Clark explained that the land marked in pink on the plans related to the land to be put into the legal agreement. Details of the extent of ownership were not available.

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

Refused

- a) In the absence of a legal agreement to ensure that sufficient land remains available to justify the creation of a dwelling in a location where one would not normally be allowed, and due to the extensive rebuild and remodelling of the building itself, it has not been demonstrated to the satisfaction of the LPA that the retrospective occupancy of the now converted barn is justified on its planning merits and as such it is contrary to Policies OS2, H2 and E3 of the adopted West Oxfordshire Local Plan that seek to control unjustified dwellings in unsustainable rural locations and the provisions of the NPPF 2019.

19/02736/RES - Land North and West and East of Belclose Cottage, Witney Road, North Leigh

The Planning Officer, Mrs Fettes introduced the application and advised that the applicant had requested that the Committee be informed of an update relating to the Homes England Grant Funding as detailed in the Additional Representations report.

A public submission had been received and was read out on behalf of Mr Angus Cook representing Bewley Homes. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Information contained in the follow on report advised that updated Ecology and Biodiversity comments had been received along with additional conditions a) to e). Further comments were also outlined from North Leigh Parish Council.

The Planning Officer then presented her report containing a recommendation of approval, advised that there was an amended site layout and Thames Water had no technical objection to the application. Members were reminded that references to an 'LEAP' were a Locally Equipped Area of Play.

Concerns were raised regarding the access point onto the A4095 but the Committee were reminded that the access had been approved at outline stage.

Councillor St John raised a number of concerns including the reduction in size of the open space compared with the original illustrated plans and the number of emails that Members had received suggesting that the foul drainage system would not be able to cope. He therefore proposed that the application be deferred until a satisfactory answer had been received from Thames Water.

In response, Mrs Fettes explained that the open space appeared slightly smaller than on the indicative plan but this had been looked at with the Landscaping and Ecology Officers who had proposed that additional planting and a buffer be introduced. With regard to drainage, Mrs Fettes drew attention to conditions 6 and 12 which required consultation and sign off before work commenced on site.

The public open space and connectivity contributions were discussed and Members were advised that the open space would be secured under the S106 agreement.

Councillor Rylett queried the inclusion of climate change measures and a Construction Management Plan. In response, Mrs Fettes advised that a condition could be added to the permission requesting that a portion of the properties be supplied with electric vehicle charging points, along with an informative asking the developer to ensure climate change measures were included. In addition, she advised that a Construction Noise Management Plan had been covered by condition at the outline permission stage and was under discussion with the County Council.

Councillor Haine raised a concern that the LEAP was in the wrong position and he was not comfortable with the use of red brick, which he felt was out of place. He also asked if the applicant had included any carbon free or energy efficient dwellings.

In response, officers advised that the location of the LEAP had been detailed and agreed at the outline stage. With regard to the use of red brick, this was included in the design guide for North Leigh and officers had already negotiated the use of this down to a smaller amount. There were currently no details regarding energy efficiencies but the development would need to comply with Building Control standards. This could also be further highlighted in an informative note.

Further debate continued relating to the location of the LEAP and the potential for this to cause anti-social behaviour. Some Members felt it would benefit from having more space around it but noted that this would require an amendment to the location of the dwellings.

Councillor Leverton proposed that the application be granted as per officers recommendations with the inclusion of the additional Biodiversity conditions and an informative relating to climate change measures.

This was seconded by Councillor Mullins who agreed with the inclusion of electric vehicle charging points and the Climate Change informative and requested that the applicant look at the potential of relocating the LEAP, in consultation with officers and in agreement with the Chairman.

The Officer recommendation of approval was then put to the vote and was carried, subject to the conditions in the report and with the additional conditions and informatives detailed below.

Approved

- a) The additional Biodiversity conditions a) to e) detailed in the update report;
- b) An additional condition requesting EVCP's at a portion of the properties (number to be agreed with officers in conjunction with the Chairman);
- c) An Informative advising the applicant of the Council's commitment to Climate Change and requesting consideration of appropriate measures;
- d) Officers will liaise with the applicant over the location of the LEAP and the potential for relocation or additional mitigation measures.

Councillor St John requested that his vote against the permission be noted for the minutes.

20/00244/OUT - Fairseat, Arkell Avenue, Carterton

The Planning Officer, Miss Clark introduced the application and advised that the report contained a recommendation of approval subject to a Legal Agreement. The application was for the demolition of an existing dwelling and outbuildings and the construction of five houses and seven flats, together with associated works and formation of a new vehicular access.

Additional information in the follow on report advised that the agent had agreed to the affordable housing calculation of 35% and suggested additional conditions relating to car charging points, biodiversity enhancement features and climate control related features. Three further representations had been received relating to tree maintenance, demolition of the house and parking.

Councillor Good felt that this was a good proposal and he welcomed the inclusion of one bedroom units, which were much needed in the area. He therefore proposed that the application be granted as per officers' recommendations.

This was seconded by Councillor Crossland who advised that this was a large plot which would provide homes for twelve families. She highlighted that the Highways objection had been resolved and although the potential of using the existing, Victorian structure as a museum was nice, the funding was not available. Councillor Crossland was satisfied that the design was in keeping with the surrounding area and would have good transport links.

Councillor Leverton reiterated the comments made by Councillor Crossland and stressed that the town needed this type and style of accommodation.

Councillor St John raised a concern regarding vehicles reversing out onto the street and the queried if there was a root plan for the number of trees on site. Miss Clark explained that the County Highways team had assessed the application and had asked for an amended plan. With regard to the trees, a survey had been submitted but landscaping aspects were not part of this application. However, an informative to the applicant could be included regarding tree root systems.

The Officer recommendation of approval, subject to the conditions in the report and with the inclusion of the additional conditions and informative detailed below, was then put to the vote and was carried.

Approved

- a) Subject to a Legal Agreement as per officers' recommendation plus:
- b) Additional conditions covering car charging points, biodiversity enhancement features for the site and climate control related features; and
- c) An informative regarding the tree root systems.

9. PLANNING APPLICATION NO. 19/02809/FUL: ERECTION OF 214 DWELLINGS WITH ASSOCIATED LANDSCAPING, SURFACE WATER ATTENUATION AND PARKING (AMENDED DESCRIPTION AND PLANS); LAND SOUTH OF MILESTONE ROAD, CARTERTON

The Sub-Committee considered a report from the Locality Lead – Development Management which asked it to reconsider the above application following its original

resolution on 16 March 2020. At the time of the meeting, there had been significant pressure for the applicants to meet a 31 March 2020 funding deadline from Homes England, and the application was brought before Members before Officers felt it was ready to be fully considered with all the relevant technicalities resolved.

At that meeting, the Sub-Committee resolved to delegate the approval of the application to officers, in conjunction with the Chairman, subject to no further technical objections, where officers deemed it necessary for Sub-Committee input, any changes members may require of the design, and the necessary infrastructure contributions being secured (and/or reducing the amount of affordable housing in order to increase the contributions to an appropriate level).

The report advised that officers considered the County Council and Ecology objections specified in section 2 of the report were technical objections and Members should reconsider the application in light of these comments.

Additional information in the follow on report advised that a further letter from the agent had been sent directly to Members of the Sub-Committee and outlined detailed comments from the Biodiversity officer. For clarity, the addendum included the reasons for refusal in full.

A public submission had been received and was read out on behalf of Andrew Gore from Marrons Planning in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mrs Fettes addressed Members and explained that an amended layout had been received from the applicant a short while ago but the application was before Members due to the technical objections received.

The technical objection received from Oxfordshire County Council was detailed in full in paragraph 2.1 of the report and advised that the applicant was unable to fund the required S106 financial obligation, which was required to mitigate the impact of the development. The objection also advised that a contribution would be required to the Education department and that additional school capacity would be required in the area as a result of housing development.

The objection from Ecology centred round the number of habitat units likely to be lost, resulting in a net % change in Biodiversity of -87.4%. The update report outlined further detailed comments from the Biodiversity officer and summarised their objection which was due to biodiversity harm and insufficient assessment, mitigation and compensation details for protected species, priority habitats, biodiversity net gain and ecological networks.

Councillor Haine stated that he remembered the application from the March meeting, which had been in front of Committee due to a desire from the applicant to hit a funding deadline. He felt that the application was strictly against policy on Biodiversity terms, and was concerned by the lack of a contribution to the County Council when the development would result in an increase of cars and a need for education provision. He surmised that the number of units could be reduced to assist with the impact on Biodiversity. He therefore proposed that the application be refused for the two reasons detailed in the update report.

This was seconded by Councillor Enright.

Councillor Leverton addressed Members and stated that he did not feel the proposal would provide high quality homes and he highlighted the lack of garages. In addition, he felt that the increase in cars and lack of parking would cause social issues and the scheme came across as a backwards step to the 'old market value houses'.

Members were reminded that page 16 of the Local Plan outlined that there was limited or no capacity in local primary schools.

Councillor St John directed Members to the comments made by Thames Water who had objected on the grounds of limited capacity.

Councillor Crossland echoed the comments made by Councillor Leverton and, despite not being present at the March meeting, was disappointed by the tone of the applicant. She felt that officers had worked hard to uphold the Local Plan policies and she supported the recommendation to refuse the application.

Having considered the report and having heard the representations made at the meeting, it was agreed that the application should be refused for the reasons outlined below.

Refused

1. In the absence of an agreement or commitment to an agreement to secure the provision of: public transport; education; sport and leisure; public art; primary healthcare; and ecological and landscape management the local planning authority cannot be satisfied that the impacts of the development can be made acceptable or adequately mitigated and as such the scheme is likely to give rise to education, transport, sport and leisure, health and ecological harms. The viability assessment shows that the scheme would be viable if it was policy compliant with CA2 of the West Oxfordshire Local Plan 2031 and those harms would not arise. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy CA2, EH3, EH5, T3 and OS5 and paragraphs 54 and 56 of the NPPF; and
2. The proposed development would result in significant biodiversity harm as insufficient survey, mitigation and compensation details have been submitted to ensure that impacts on protected/priority species and priority habitats are minimised or adequately compensated, and that a biodiversity net gain can be achieved. The green infrastructure provision within the proposal is also deemed to be inadequate. The proposal is therefore contrary to Local Plan policies EH3 and EH4, and paragraphs 170 (d), 174 (b), 174 (d), 175 (a) and 175 (b) of the NPPF.

10. APPLICATIONS DETERMINED UNDER DELEGATED POWERS, APPLICATIONS WITHDRAWN, AND APPEAL DECISION

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

The Chairman suggested that if Councillors had any questions or queries on specific items, they contact him in advance of the meeting or by using the chat facility in Webex.

Miss Clark outlined the appeal decision detailed in the report and advised that the Inspector had concluded that the land in question could be classed as previously developed land. It was noted that this came down to a matter of planning opinion but that costs had been dismissed in this instance.

Councillor Fenton thanked the officers for their presentations and advice and thanked all Councillors for attending before closing the meeting.

The meeting closed at 4:50 pm.

CHAIRMAN

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th July 2020

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

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

Recommendations:

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

List of Background Papers

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

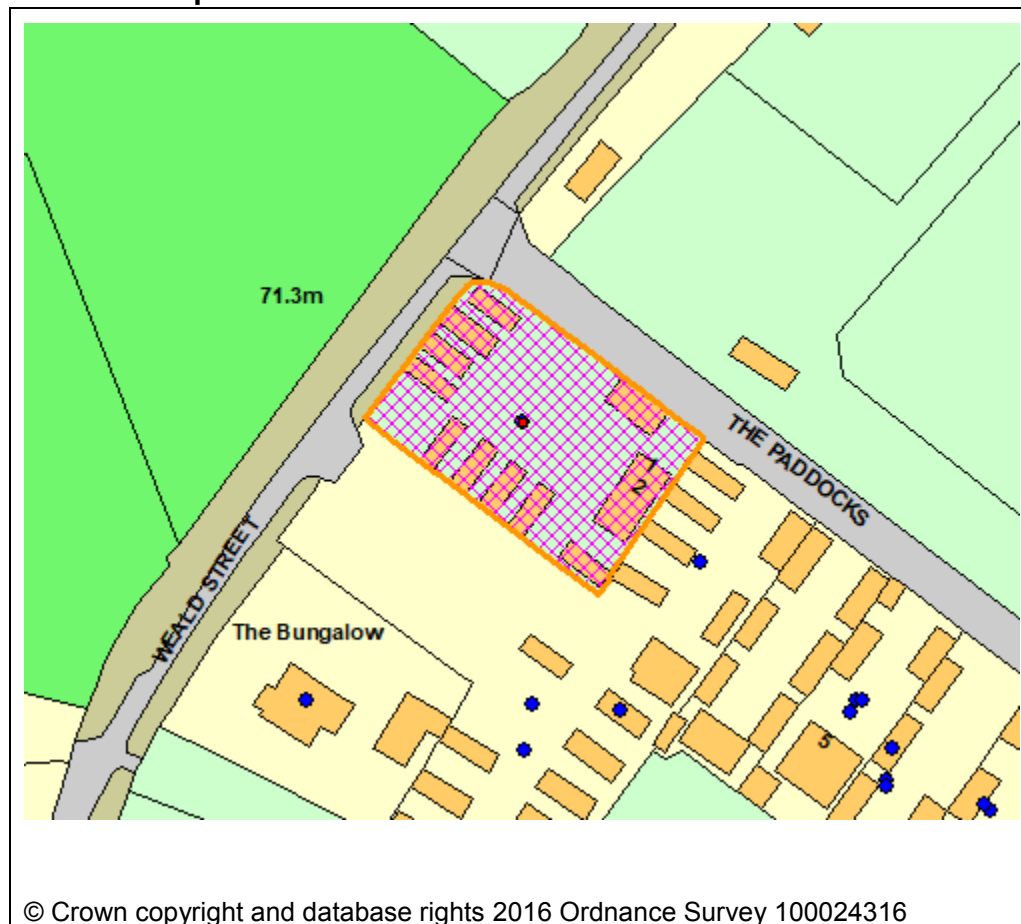
Please note that:

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

Application Number	Address	Page
20/00375/S73	Land At The Paddocks E430988 N202388 Weald Street, Weald, Bampton	3
20/01144/HHD	58 - 60 Acre End Street, Eynsham	14

Application Number	20/00375/S73
Site Address	Land At The Paddocks E430988 N202388 Weald Street Weald, Bampton Oxfordshire
Date	30th June 2020
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bampton Parish Council
Grid Reference	430989 E 202388 N
Committee Date	13th July 2020

Location Map



Application Details:

To allow the siting of six mobile homes, three for occupation by gypsies and their dependents and three for occupation by non gypsies and their dependents (non-compliance with conditions 1 and 2 of planning permission 09/0568/P/FP which restricts occupancy to gypsies and limits the number of mobile homes to one and non-compliance with conditions 2 and 6 of planning permission 08/0230/P/FP which restricts occupation to a named gypsy and his dependents and limits the number of mobile homes to one).

Applicant Details:

Mr Felix Doran, 1 And 2 The Paddocks, Weald Street, Bampton, Oxon OX18 2HL

I CONSULTATIONS

I.1 WODC Env Health - Lowlands

Mr ERS Pollution Consultation

Original ERS Pollution Consultation

ERS are very concerned over the separating distance between mobile homes as proposed, as the distances would not satisfy the criteria as laid out in the Caravan Sites Act 1963. ERS would not be able to issue a Licence based on the number and arrangement of homes as requested by the application herein for the land. And on that basis, ERS wishes to submit an official Objection. They would need a Licence under the said Act, but they would not be able to comply.

ERS

Following further review, Environmental & Regulatory Services (ERS) consider a pragmatic approach to the use of land for caravans at The Paddocks, would be to reduce the total number of units requested by a small amount. ERS are likely to be able to discharge their duties required by the Caravan Licensing Act regime, but only if there is a maximum of six or seven units on this land plot. As a critical consideration to the site licence process are compliance standards in regards to separating distances. ERS consider that it is much more likely that the site area will be able to accommodate a maximum of six or seven caravans rather than the proposed nine units.

For the avoidance of doubt the key separating distances ERS have to consider for a Licence are:

- Distance between units: 6m (although, where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres).
- Distance between unit and boundary: 3m
- Distance between unit and any other structure: 3 metres (unless other structure is constructed of non-flammable materials and with the approval of the local authority)

ERS would like to emphasise that these separating distances are very important on Health and Safety grounds for occupiers and would not be imposed by ERS for aesthetic or visual reasons alone. I trust this now clarifies the ERS position.

I.2 OCC Highways

ORIGINAL HIGHWAYS

It appears to me that Weald Street is a narrow single track minor road lacking footways, street lighting and passing places. There appears to be inadequate visibility at the entrance to the site and at the Weald St/Bridge St junction. The site is poorly served by public transport. I recall damage to verges during my previous journey along Weald St some time ago.

Could you please ask the applicant for more details in the form perhaps of a simple Transport Statement detailing the traffic generation from the proposed additional units and the impact on the shortfalls in the local road network

HIGHWAYS AMENDED COMMENTS

The proposal seeks to allow 9 further mobile homes plots on land at The Paddocks, Weald Street. The majority of Weald Street is a single-track lane with occasional passing places. There are a number of dwellings along Weald Street which appear to operate adequately, however, the addition of a further 9 dwellings could significantly increase traffic.

No information has been provided regarding car or cycle parking so this cannot be fully assessed. As there is no dedicated footpath or street lighting along Weald Street it is not considered that walking/cycling into Bampton would be an attractive option for residents. Visibility splays for the access into The Paddocks or onto Clanfield Road have not been provided, however, the accident record in the area does not point to a highway safety concern presently.

Due to the narrow nature of Weald Street and the lack of suitable walking and cycle routes from the site, the site is not considered sustainable nor does it prove that safe and suitable access to the site can be achieved for all users as stated in Paragraph 108 of the National Planning Policy Framework . As such, Oxfordshire County Council recommend refusal of this application on highway grounds.

I.3 WODC Planning Policy Manager

General principle

Policy governing the increase of provision for Gypsies and travellers, Policy H7 gives specific instruction as to how new and existing sites should be handled. The policy states that 5 year housing land supply targets will be achieved in part by expansion or intensification of existing sites for the provision of 1-2 pitches. The given site has capacity for many more and is already capable of supporting gypsies and travellers.

Condition 1 of application 09/0568/P/FP States that the permission is only to be exercised for the purpose of providing accommodation for gypsies. Condition 2 of application 09/0568/P/FP pertains to restricting impact on views and character of the Bampton Conservation Area which partially cuts through the site. Views are fairly well mitigated however by the presence of hedgerow along the North West border of the site and another hedgerow bordering the adjacent field. With regards to policy H7 it specifies that development to meet the needs of travellers and gypsies "be of an appropriate location and scale not to have an adverse impact on environmental or heritage assets and the character and appearance of the surrounding area".

Based on all of the above I believe that the policies in the local plan support this application.

I.4 Newt Officer

No Objection: Informative relating to great crested newts (GCN) provided.

It is considered that great crested newts and their habitats are unlikely to be affected by the proposed development (there is no reasonable likelihood of this species being present). Therefore, no supporting ecological information in respect of this species is required and there is no objection to registering/determining this application.

However, the proposals involve development within a red impact zone as per district licence impact mapping, which highlights that there is potential for newts to occur in the surrounding area. The applicant should follow the advice provided below with respect to great crested newts.

If all other planning matters have been satisfied the application can be approved with the following informative:

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

I.5 Oxfordshire Fire Service

No reply at the time of writing

I.6 Conservation Officer

Conservation Architect has advised your Officers verbally that given the site is established as a site for occupation by gypsy families that he has no objection to the proposal in terms of impact on the setting of the nearby Conservation Area.

- 1.7 WODC Housing Enabler Having had the opportunity to review this application I am able to make comments from a housing point of view.
- This planning application does not propose provision of affordable housing offering homes with traditional tenures described in the NPPF 2019.
- The scheme does however have potential to offer pitches to people whose needs are not met by the housing market.
- The West Oxfordshire District Council Local Plan 2031 Policy H7 proposes expansion or intensification of existing sites for provision of 1 - 2 pitches for people meeting the Government definition of Gypsies and Travellers. The Councils own evidence suggests that the need could be for 19 pitches if the Government definition is not applied.
- It is understood that the site already has a need for pitches that exceeds the number permitted by the current planning consent. The application proposes a mix of pitches for Gypsies and Travellers and for other groups and requests that Government definitions are not applied.
- The proposal would therefore offer valuable housing opportunities as well as assisting the Council in meeting its aims for provision of pitches.
- 1.8 ERS Env. Consultation Sites Mr ERS Pollution Consultation Thank you for consulting our team.
- The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.
- 1.9 Parish Council We OBJECT on the grounds that the site is overdeveloped, and we believe that 12 the Paddocks did not have planning permission granted.
- Furthermore, occupation should be limited to the original planning permission numbers and none of the occupants should have anything other than qualifying gypsy status.

2 REPRESENTATIONS

- 2.1 Two residents of Weald have commented as follows:
- 2.2 The aerial map is years out of date.

- 2.3 There is now a site called No12 The paddocks which has more caravans in than the original line of dwellings in The Paddocks and I've never seen any planning permission for this site.
- 2.4 14 new dwellings, 7 at Glebe Farm and 7 at Weald Manor Farm plus those at No12 The Paddocks have been added to Weald Street in the last 3 years and the traffic is destroying the verges in what was a country lane, not helped by someone regularly mowing what should be wild, delightful verges full of wild life and mixed vegetation but is now a driven on desert.
- 2.5 If the new set of caravans called No12 The Paddocks had not been added I would have been very happy to support this proposal.
- 2.6 Weald Street is at heart a single track road and with the two business parks in Weald as well, it is no longer a safe place to drive or walk.
- 2.7 Planning permission was given to convert farm buildings at Weald Farm to two holiday self catering units and when they are done, it will mean even more traffic.
- 2.8 Unlike many people I have no objection at all to gypsy families living close by, we all need somewhere to live and I'm a great believer in, if you treat people with respect, they will do likewise to you.
- 2.9 I have lived in weald for 26 years. I have never had any objection in principle to the gypsy and travellers site, based upon the existing planning permission referred to in this application.

However:

- 2.10 The photograph is out of date. The area shown in red on the plan is I believe already occupied by the units and has been for some considerable time and has thus been in breach of the planning conditions for that period.
- 2.11 I believe there has been (recent) additional adjacent land acquired with more units sited but I am not clear as to the status of the planning for this, but it must also have an impact upon the density of the occupation of the site.
- 2.12 To allow retrospective permission and the lifting of the restrictions is creating an over intensification of the site - which is admitted in the supporting document. 9 further units is too many.
- 2.13 It is unclear as to how many individuals will occupy the site (and adjacent site) in total if this is granted, which must be of some concern in terms of pressure on services and the question of whether it is 'over inhabited'.
- 2.14 With some of the community being transient, there must be a danger that there could be too many people inhabiting the site, given that it is impossible to know how many are living there at any one time.
- 2.15 It has been of some considerable concern to me that over the course of the last 4/5 years there has been a large increase in traffic, a good proportion of which does come from this site, reflecting the fact that the additional units have been there for some time. This has the effect of creating danger for those who wish to use a rural lane for recreational purposes. The increase

in traffic has led to the verges being eroded as the lane is not wide enough to allow 2 cars to pass. In addition I am sorry to say that the speed of traffic is not compatible with a lane, creating a danger to walkers, horse riders and other road users.

- 2.16 Additional new housing in Weald from recent planning applications has added to the burden on both landscaping and traffic which is inappropriate in a conservation area and in respect of sites adjacent to the conservation area.
- 2.17 Whilst I appreciate there is pressure on local authorities to find suitable permanent sites, it is equally important not to allow overcrowding/over development, which is simply not sustainable in a rural area.

3 APPLICANT'S CASE

- 3.1 In a precised form the applicants case is as follows:
- 3.2 The owner of the land has been asked to accomodate many homeless travelling families in the past 11/12 years ,such that there is a clear continuing and identifiable need for the land to be utilised for a maximum number of pitches that can be accommodated without creating site licence issues through over-intensification.
- 3.3 The whole of the land is already recognised as suitable for use as a gypsy traveller site.Where there is already such a recognised and established permitted type of use on an area of land ,it must be preferable to make maximum sustainable use of that land for that purpose by providing accommodation for further travelling families, rather than have to grant permission on Greenfield sites in order to meet the Council's obligations to make adequate provision for this section of society.
- 3.4 The owner wishes to let out the additional pitches to those families who cannot afford to buy their own site or pitch.This is a valuable opportunity to cater for those less fortunate amongst the travelling community.
- 3.5 The proposal is an intensification of use but the mature hedgerow along the frontage of the site affords a high level of screening.
- 3.6 Given the level of existing traffic entering and leaving The Paddocks, the additional traffic that this proposal will generate would be modest in effect and within acceptable tolerances for the junction.There would be no unacceptable risk to highway users.
- 3.7 The mature hedgerow ensures that the setting of the Conservation Area will not be adversely affected by this proposal.

4 PLANNING POLICIES

H7NEW Travelling communities
EH10 Conservation Areas
EH9 Historic environment
OS2NEW Locating development in the right places
T1NEW Sustainable transport
T4NEW Parking provision

EH3 Biodiversity and Geodiversity

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is part retrospective and seeks to regularise the siting of additional units on an area of land that have been combined together and were originally 2 separate plots. The site of which this parcel forms part originally gained consent at appeal and was the subject of two pertinent conditions. The first of these is that the site only be occupied by Gypsies and Travellers and the second limited the number of caravans on each plot.
- 5.2 Over the years these conditions have been varied on a number of the adjoining plots and some permanent buildings in the form of day rooms/wash rooms etc have been permitted.
- 5.3 This application seeks to regularise the increase in the number of caravans on the plot the subject of the application and additionally to enable some of them to be occupied by persons who do not meet the definition of Gypsies or Travellers but who instead pay rent to the Gypsy who owns the plot. These lessees are generally themselves persons unable to access the conventional housing market (itinerant workers etc) It should also be noted that similar intensifications have occurred on the majority of other plots on the overall Gypsy site such that the total number of units and the extent of non Gypsy occupation considerably exceeds that which has consent.
- 5.4 Members will also recall that the breach of control is of long standing and that when it was first identified some years ago it was not possible for the Council to enact its usual enforcement regime as TVP advised that they wished to undertake a separate investigation.
- 5.5 Upon conclusion of that investigation your Officers have instructed specialist legal advice as to how to best address matters and in following that advice have served 2 Planning Contravention Notices to seek to secure relevant information as to the nature of the occupiers and acting in accordance with the specialist legal advice have been in dialogue with the occupiers seeking applications whereby the merits can be properly debated. This is the first such application resulting from that process and so dependent upon outcome there may be further enforcement/precedent issues that will need to be considered in due course.
- 5.6 This application originally proposed the siting of 9 units but as a result of concerns raised by both OCC Highways and the Council's licencing team the application has been amended for the location of 6 mobile homes, three for occupation by gypsy families and 3 for occupation by non gypsy families. The applicant's agent has agreed that if permission were to be granted that it would be the subject of a legal agreement requiring that a minimum of three of the mobile homes on the site be occupied in perpetuity by gypsy families.
- 5.7 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

- 5.8 As set out in the Policy response the Council has long applied a policy that seeks to meet the needs of the travelling community by allowing proposals that come forward and which accord to the relevant policy rather than by making site allocations. This has over the years allowed the Council to largely meet the needs of the travelling community without the need to create large new sites and without the extent of on road and unauthorised encampments that tend to characterise Authorities where a less pro- active approach is employed.
- 5.9 The policy of the recently adopted plan repeats that pragmatic approach by requiring the provision of a further 5 pitches alongside a criteria based policy that requires retention of existing plots, allows expansion and intensification of existing sites provided that they are well located to the transport network, not harm the environment, not conflict with other policies, not be at flood risk and be designed to meet the Governments Good Practice Guide (Policy H7)
- 5.10 In that context the ability to ensure that the number of "Gypsy" units remains at or above what is consented can be secured by condition. There is a need for Gypsy accommodation and in an area of high cost housing such as West Oxfordshire it is likely that these units will be amongst the cheapest available on the private rental market and thus meet a housing need (see Housing Officer comments) . Your Officers are thus satisfied that the principle of the intensification is acceptable and that it is the specific criteria /other material considerations that determine the overall acceptability of the scheme.

Impact on Highway Safety and Sustainable Location

- 5.11 It will be noted from the Highways comments that (in summary) they have assessed the proposals as an increase in 9 units whereas the site already enjoys consent for 2 residential mobile homes, that the existing situation "appears to operate adequately", that the application lacks detail as regards parking (this could be addressed by condition) that walking and cycling to Bampton are not attractive options and that the accident safety record does not point towards highway safety issues presently. Their recommendation for refusal is thus targeted at the "unsustainable location". Usually a recommendation for refusal from Highways would lead to an officer recommendation along the same lines but in your officers assessment the details of the response need some further analysis in this instance.
- 5.12 It is clear that no highway safety issue has been identified. It is also clear that the response has been framed as if there was a 9 unit increase over and above the "existing" apparently acceptable situation. The suggested refusal reason is based on the sustainability of the location as regards walking/cycling. However it is a fact that most Gypsy sites are sited some distance from settlements perhaps as a result of perceived/real difficulties in assimilating the occupants and the settled community. Additionally one needs to consider the alternative were residents forced to relocate were consent to be refused.
- 5.13 It is likely that at least some of the occupants would be forced to roadside occupation on unauthorised sites and that may be located many miles from the areas where children may be attending schools, families attending health facilities etc. Thus a refusal could prompt even more unsustainable travel patterns. On balance your officers have taken the view, particularly in light of the reduction of proposed mobile homes from 9 to 6, in order to accord with site licence distance requirements, that with a lack of evidence of highway safety harms and with the site being relatively well located to one of the more sustainable rural settlements in the district that

a sustainability based refusal reason would not be likely to gain support at appeal. As such this recommendation for refusal from OCC is not recommended to Members in respect of this particular application. It should be noted however that if and when additional applications are submitted in respect of the other plots adjacent that are in breach there may come a point where the cumulative impact is considered sufficient as to warrant refusal.

Impact on the setting of the Conservation Area

- 5.14 The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. By virtue of the fact that the proposed additional units will be located within an existing well screened enclosed site and that additional screening along the frontage is required by condition, Officers consider that the proposal will have no material harm on the character and appearance of the area and that the setting of the Conservation Area will be preserved.

Residential Amenities

- 5.15 The Paddocks is well screened and is some distance removed from residential properties along the length of Weald Street. As such officers do not consider the addition of 4 mobile homes on the plots 1 and 2, to allow a total of 6 units will not adversely affect the residential amenity of nearby Weald Street occupiers. Limiting the number of units to 6 will also provide a satisfactory level of amenity for the future users of the mobile units.

Conclusion

- 5.16 In light of the above assessment, subject to the applicant entering into a legal agreement to secure the use of a minimum of 3 of mobile homes on the land for occupation by gypsy families in perpetuity and subject to the recommended conditions, the application is considered compliant with policies H2, H7, OS2, T1, T4 and EH10 of the adopted Local Plan and relevant paragraphs of the NPPF.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of 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. Prior to the commencement of development a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. 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.

4. Prior to the commencement of development a proposed scaled layout plan(min 1:500) identifying the precise location of the 6 mobile homes on the land together with parking provision to serve the units shall be submitted to and approved in writing by the LPA and the said approved siting and parking provision shall be retained as such thereafter.
REASON: To ensure that the layout complies with site licence requirements and that adequate off street parking to serve the users of the land is provided.
5. The existing boundary hedge along the boundary of the site with Weald Street shall be retained.
REASON: In the interests of the semi rural character and appearance of the area.

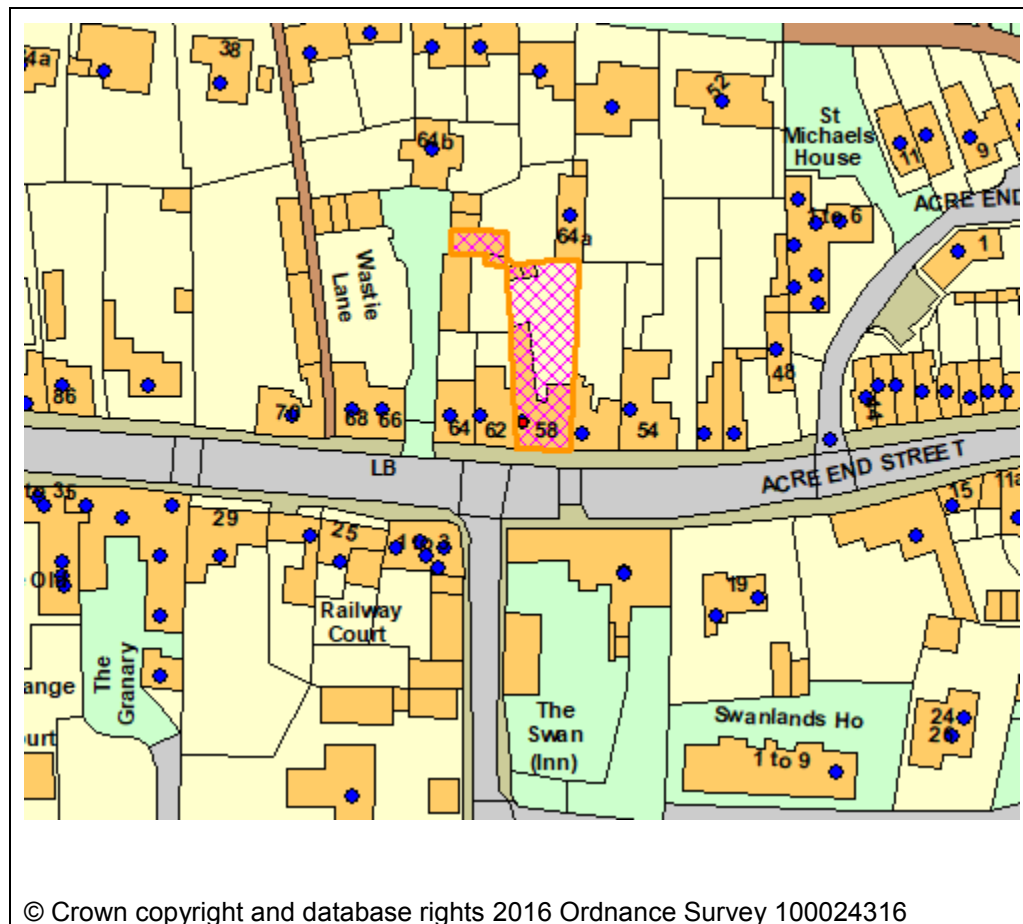
NOTES TO APPLICANT:-

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

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

Application Number	20/01144/HHD
Site Address	58 - 60 Acre End Street Eynsham Witney Oxfordshire OX29 4PD
Date	30th June 2020
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443072 E 209296 N
Committee Date	13th July 2020

Location Map



Application Details:

Single storey rear infill extension.

Applicant Details:

Mr And Mrs Levy, 58-60, Acre End Street, Eynsham OX29 4PD

I CONSULTATIONS

- 1.1 Parish Council Mrs Katherine Doughty for Eynsham Parish Council Whilst the extension makes an improvement to the property, the Design & Access Statement contains insufficient heritage information for a property in the Conservation Area and the plans lack detail. The Council has no objection to the application.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted and summarised as;
The existing built form consists of a dwelling with outbuildings and a lean-to at the rear of the property, and a garage accessed from the adjacent side street. Historically, the building was divided into two dwellings, no. 58 and no. 60 Acre End Street.
- 3.2 The current internal layout is restricted by the narrow east and west wings (resulting from the original built form of the two separate dwellings), which disconnects the two parts of the existing property at the rear leaving redundant outbuildings with limited natural light and no particular use. The narrow entrance lobby further reinforces the sense of enclosure and separation between the two sides of the house.
- 3.3 The proposed alterations to 58-60 Acre End Street seek to address the problems with the existing layout by linking together the two wings at ground floor level. This is achieved by removing the lean-to to the east wing and constructing a single-storey kitchen infill extension within the yard area between the two rear wings, in addition to some internal reconfiguration, and renovation of the redundant outhouse rooms. The additional floor space provides a more generous and usable family kitchen on the ground floor, whilst integrating the utility rooms into the main body of the house.
- 3.4 The proposed rear extension is sensitively designed in terms of its form, materials, scale and proportions. The single-storey extension will be constructed from coursed rubble limestone in keeping with the existing building. A generously sized rooflight brings natural light into the kitchen and link extension, whilst conservation rooflights introduced into the outbuildings improve the quality and usability of these previously redundant spaces. In addition to enlarging the kitchen, the infill extension re-orientates the rear of the existing building; instead of facing inwards (towards an enclosed back yard), the building now opens out onto the cottage garden taking advantage of the improved physical connections and enhancing the setting of the dwelling without increasing its visual impact as seen from neighbouring properties.
- 3.5 It is considered that these proposals enhance the character and appearance of 58-60 Acre End Street within the Eynsham Conservation Area by sensitively extending and connecting the buildings, and improving the overall aesthetic and setting of the dwelling.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EHI0 Conservation Areas

ENP2 Eynsham Neighbourhood Plan

DESGUI West Oxfordshire Design Guide

NPPF 2019

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to a traditional, terraced dwelling, 58-60 Acre End Street which is located within the Conservation Area. The locality is characterised by predominantly vernacular development, with a mixture of residential and commercial uses nearby. This application is to be heard before the Members of the Lowlands Area Sub-Committee as the applicant is a Ward Councillor.
- 5.2 The application property is a generously-proportioned natural rubble limestone dwelling, with traditional timber windows and slate and clay tiled roofing. The dwelling fronts directly onto Acre End Street, with the private rear garden being enclosed by high walls.
- 5.3 The proposal is to construct a rear, single storey extension, comprising removal of the existing single storey lean-to at the end of the two storey east wing and replacement with a larger kitchen extension, which in fills the existing yard area. The proposal also includes internal renovation of the redundant outhouse rooms. This would provide an enlarged kitchen and dining area, utility room and study. The proposed design is a flat lead roof with a lantern rooflight and a double door to its northern elevation. Once the existing lean to extension is removed the proposed extension will not extend beyond the northern elevation of the existing two storey east wing. Proposed wall materials are to match the existing.
- 5.4 Other alterations include the removal of a chimney breast and the installation of a new timber sash window on the northern elevation of the two storey east wing, an existing window is to be enlarged and replaced with a sash window on the eastern elevation of the proposed utility room, an existing window is to be blocked up on the eastern elevation of the west wing. Proposed within the existing outbuilding are 2 roof lights, the installation of a log burner, an existing doorway is to be blocked up and an existing window is to be reconfigured into French doors.
- 5.5 The proposal is an amendment to a previously approved application 19/00779/HHD. The proposed extension is of a reduced scale to that approved as part of application 19/00779/HHD. The previously approved extension in filled the existing courtyard as well as extending further beyond the northern elevation of the host dwelling. However, this proposed extension is only infilling the existing courtyard and does not extend beyond the northern elevation of the two storey east wing.

- 5.6 Taking into account current 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

- 5.7 Your officers consider that the principle for the development has already been granted given it is an amendment to a previously approved scheme. The key issues are set out below:

Impact on character and appearance of the dwelling

- 5.8 The property is characterised by its traditional design. Due to the overall scale and design of the proposed extension, coupled with its materials and architectural detailing, it is considered by your officers that the scheme would be sympathetic to the character and appearance of the existing property. Whilst an area between the two existing rear wings would be in filled, given the relatively 'lightweight' design which is being proposed, it is not considered by your officers, that the traditional character of this part of the building would be significantly compromised, since the existing two storey projecting wing would remain a dominant feature visually. The single storey rear outbuilding wing would still project beyond the line of the proposed extension, so that the building's historical evolution can still be read.

Impact on character, appearance and setting of the Conservation Area and surroundings

- 5.9 Since the application site is 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.10 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.11 Eynsham Parish Council raised no objections to the proposal but raised concerns regarding the lack of detail within the design and access statement and on the proposed plans. Your officers are recommending a condition to be applied as part of the approval, requesting detailed specifications and drawings of all external windows, doors and rooflights, and details of all materials before those works are erected on site.
- 5.12 Your officers are of the opinion that there would be no significant impact to the streetscene, given that the extension would be to the rear.
- 5.13 Given the modest scale and position of the proposed extension to the rear of the host dwelling, your officers do not consider that the proposal would have a detrimental impact on the visual appearance or character of the Conservation Area.

Residential amenity

- 5.14 It is noted that no neighbour objections have been received to this application in relation to amenity aspects. Given the proposed single storey scale, the position of the extension, high boundary walls and the location of proposed openings, it is not considered by your officers that the scheme would give rise to adverse overshadowing, overbearing, or overlooking issues.

Impact on Highways

- 5.15 The current off-street parking provision would not be affected by the development and sufficient parking to meet current standards would remain. In view of no net gain of bedroom spaces resulting from the extension proposed, it is not considered that there would be an adverse impact on highway safety or loss of parking as a result of the proposed development.

Conclusion

- 5.16 In view of the above, your officers are of the opinion that the proposed development is acceptable and would not cause significant harm to the character or appearance of the host dwelling, the surrounding Conservation Area, residential amenity, or highway safety, subject to appropriate conditions to ensure a satisfactory appearance to the development.
- 5.17 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

6 CONDITIONS

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

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE:
MONDAY 13 JULY 2020

APPLICATION NUMBER 20/00188/PROW.

PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY EYNSHAM
FOOTPATH 206/30 (PART) PUBLIC PATH DIVERSION 2020

(Contact: Stuart McIver, Tel: (01993) 861663)

(The decisions on this matter will be a resolution.)

1. PURPOSE

- 1.1. To seek authority for Officers to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it.
- 1.2. The diversion is necessary to enable a permitted scheme for extension to an existing manufacturing and office building, two storey research and development building and two storey office building, creation of new vehicular access onto B4449 with associated gatehouse, provision of 316 car parking spaces, creation of wildflower meadow and diversion of public footpath. These works would not be compatible with the existing route of the right of way.
- 1.3. The path will remain accessible and enjoyable to the public as a consequence of the diversion.

2. RECOMMENDATION

That the Business Manager Development Management be authorised (i) to make the Order and carry out public consultation, consistent with the drafted Order attached to this report; and (ii) to confirm the Order if it is unopposed.

3. BACKGROUND

- 3.1. Planning permission, dated 4 July 2016 and 14 March 2017, for extension to an existing manufacturing and office building, two storey research and development building and two storey office building, creation of new vehicular access onto B4449 with associated gatehouse, provision of 316 car parking spaces, creation of wildflower meadow and diversion of public footpath – application references 16/02369/FUL and 17/01114/FUL.
- 3.2. As a result of the implementation of the planning permissions, it will be necessary to divert a section of footpath 206/30, as described in the [attached](#) draft order.
- 3.3. An initial application to divert the footpath was submitted in 2016, but was withdrawn following objections to the proposal. Prior to re-submission the applicant engaged with the Parish Council on the new proposal and address the primary concerns, of keeping the dismantled railway line within the path, and avoiding the path flooding alongside the Chilbrook.
- 3.4. The resulting proposed route follows the junction of flood zone 2 and 3 areas, leaving the zone 2 land available for the applicants use.
- 3.5. A consultation exercise has been completed. A summary of responses is as follows:
 - Ward Councillor: suggested a more direct route may be more sensible (from point N to a point approx. 50 metres further west from point E) rather than doubling back on the route.
 - Cadent/National Grid: no objection.
 - Eynsham Parish Council: the proposal is generally acceptable as it follows the historic railway line which is of paramount importance.

- Oxfordshire County Council Countryside Access and Countryside Records Teams: the diversion would create an inconvenient alignment between Points N and Point E compared to the existing path. However, it is recognised that the diversion options are limited and it is understood that many local walkers wish to retain the east-west walk along the old track. The Countryside Access Team and Countryside Records Team have no objection to the diversion.
- 3.7 The proposed footpath route is longer than existing and takes an indirect route, the proposal is a result of local engagement and is supported by the community for retaining access to an important local area. This is recognised and accepted by the County Council Team as referred to in their response
- 3.8 Whilst there is necessity to divert the existing route for development purposes, the proposed diversion route both navigates the flood zone areas and provides a sought after and amenable route for the length of the old railway as supported by the Local Parish.

4. FINANCIAL IMPLICATIONS

The applicant has agreed to pay the Council's costs in respect of the application and also for the cost of advertising the order and subsequent notice of confirmation. The law does not permit the Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an order is the subject of an objection.

5. ALTERNATIVES/OPTIONS

The Council may refuse to make the diversion.

6. REASONS

See section 3

7. PROCEDURAL MATTERS

- 7.1. Officers are seeking authority to make and consult on the Order and to subsequently confirm the Order if unopposed. If objections are raised, it will not be possible for the Local Planning Authority to confirm the Order. In these circumstances the Order and any objections to it will be considered by the Planning Inspectorate on behalf of the Secretary of State.
- 7.2. The Inspectorate does not consider the need for the development to which the Order relates. However, account must be taken of the effect of the Order on those entitled to the right which would be affected.

Phil Shaw
Business Manager Development Management

(Author: Stuart McIver, Tel: 01993 861663; Email: stuart.mciver@publicagroup.uk)

Date: 1 July 2020

Background Papers:

Draft Public Path Diversion Order

Planning permissions 16/02369/FUL and 17/01114/FUL

TOWN & COUNTRY PLANNING ACT 1990 SECTION 257

WEST OXFORDSHIRE DISTRICT COUNCIL

Eynsham Footpath 206/30 (Part)
PUBLIC PATH DIVERSION ORDER 2020

THIS ORDER is made by West Oxfordshire District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates to enable development to be carried out in accordance with planning permission applied for under Part III of the Town and Country Planning Act 1990 namely:

- The extension to existing manufacturing building, erection of two storey manufacturing and office building, two storey research and development building and two storey office building. Creation of new vehicular access onto B4449 with associated gatehouse. Provision of 316 car parking spaces, creation of wild flower meadow and diversion of public footpath; and
- Construction of new two storey research and development building, in connection with previously approved manufacturing campus, creation of wild flower meadow and diversion of public footpath.

BY THIS ORDER:

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be diverted as provided below.
- 2 There shall be created to the reasonable satisfaction of Oxfordshire County Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The diversion of the footpath shall have effect on the date on which Oxfordshire County Council certify that the terms of Article 2 have been complied with.
- 4 Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

The entire width of that length of Eynsham Footpath 206/30 running from OS Grid Ref SP 44282 20888 (Point A) in a southerly direction for approximately 36m to SP 44282 20885 (Point B) then in a westerly direction for approximately 102m to SP 44272 20885 (Point C) continuing in a southerly direction for approximately 13m to SP 44272 20884 (Point D) then in a westerly direction for approximately 24m to SP 44266 20884 (Point E) as shown between Points A – B – C - D - E on the plan attached to this Order.

PART 2

A new footpath running from OS Grid Ref SP 44282 20888 (Point A) in a westerly direction for approximately 2m to Point H then in a general north-westerly direction for approximately 14m to SP 44281 20890 (Point I) continuing in a general westerly for approximately 18m to SP 44279 20890 (Point J) continuing in a general north-westerly direction through SP 44275 20894 (Point K) for approximately 122m to SP 44268 20895 (Point L) continuing westerly for approximately 86m to SP 44260 20895 (Point M) then in a general south westerly direction for approximately 27m to 44258 20893 (Point N) before returning in a south east direction for approximately 129m to SP 44266 20884 (Point E) re-joining the footpath numbered 206/30 on the Definitive Map for the Parish of Eynsham shown on the Order Plan annexed hereto and shown by a bold dashed line between points A - H – I – J - K – L – M – N - E.

The width of the new footpath is 2.5m between Point A and Point E

MAKING OF ORDER

DATED DAY OF 20

THE SEAL OF WEST OXFORDSHIRE)
DISTRICT COUNCIL WAS HEREUNTO)
AFFIXED IN THE PRESENCE OF)

Chairman

Authorised Officer

Date Made:

20

WEST OXFORDSHIRE DISTRICT COUNCIL

EYNHAM FOOTPATH 206/30 (PART)

PUBLIC PATH DIVERSION ORDER 2020

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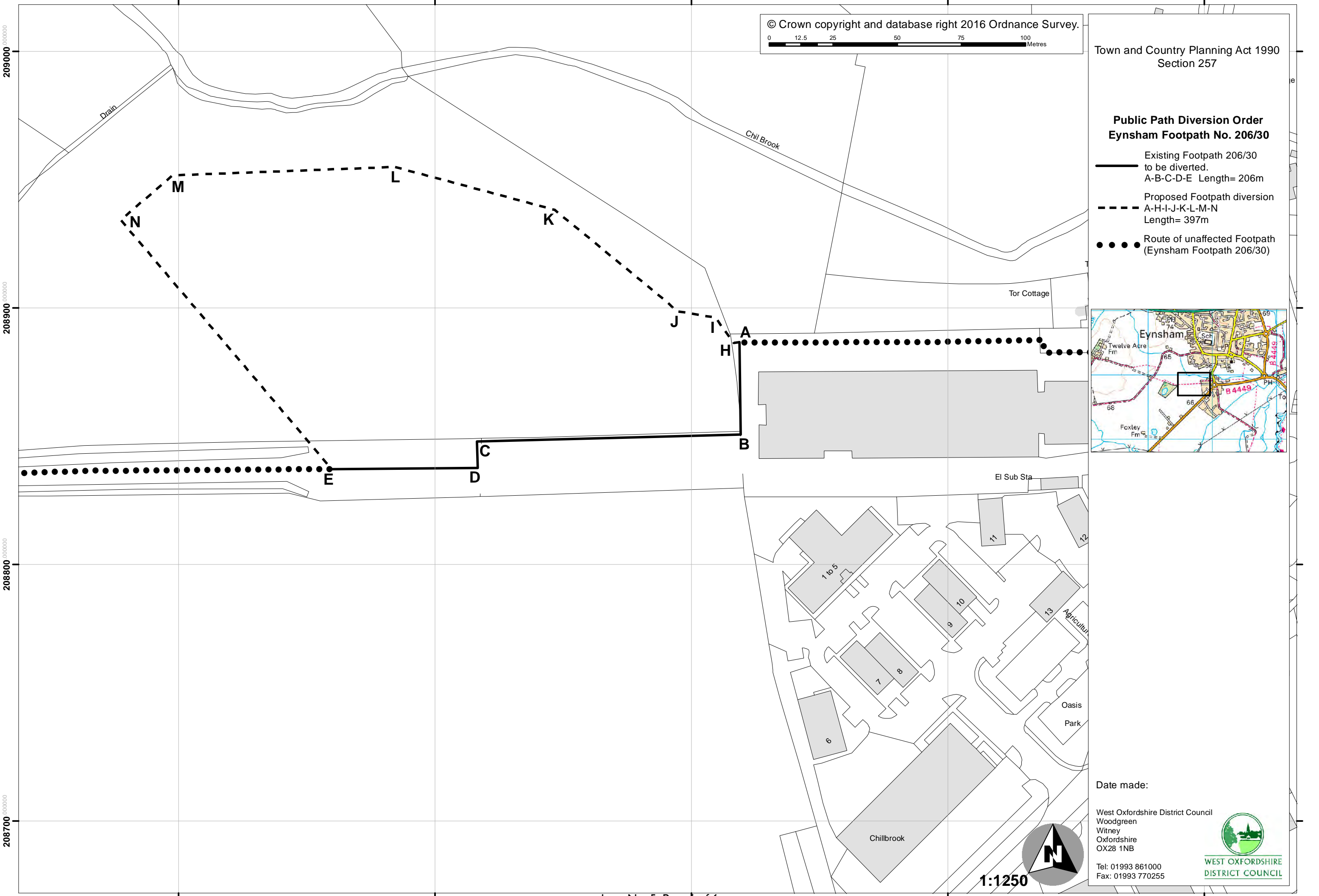
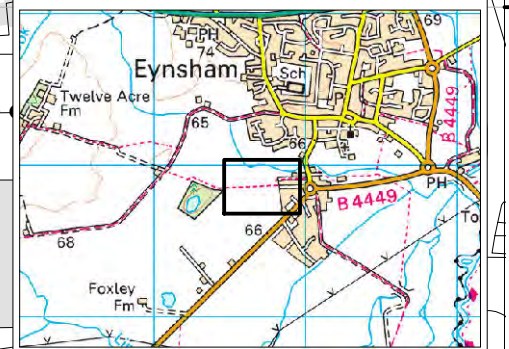
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Town and Country Planning Act 1990
Section 257

**Public Path Diversion Order
Eynsham Footpath No. 206/30**

- Existing Footpath 206/30 to be diverted.
A-B-C-D-E Length= 206m
- Proposed Footpath diversion
A-H-I-J-K-L-M-N Length= 397m
- Route of unaffected Footpath (Eynsham Footpath 206/30)



Date made:

West Oxfordshire District Council
Woodgreen
Witney
Oxfordshire
OX28 1NB

Tel: 01993 861000
Fax: 01993 770255



**WEST OXFORDSHIRE
DISTRICT COUNCIL**



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Application Types Key

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

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

West Oxfordshire District Council – DELEGATED ITEMS
Week Ending 11th June 2020

Application Number.	Ward.	Decision.
I. 20/00087/HHD	Standlake, Aston & Stanton Harcourt	APP
Replacement outbuilding Lakeside Standlake Witney Mr Robert Keith Stagner		

2. **20/00134/HHD** Alvescot and Filkins APP
Affecting a Conservation Area
- Erection of single storey extension to create orangery, scullery and hallway. Construction of new rear entrance porch.
Kencot House Kencot Lechlade
Mr And Mrs Gardner
3. **20/00135/LBC** Alvescot and Filkins APP
Affecting a Conservation Area
- Internal and external alterations to erect single storey extension to create orangery, scullery and hallway with alterations to existing outbuilding to provide plant room, wc and create laundry room/kitchen with the construction of new entrance porch and new doorway through to existing guest annexe.
Kencot House Kencot Lechlade
Mr And Mrs Gardner
4. **20/00279/S73** Witney North APP
Affecting a Conservation Area
- Non-compliance of conditions 2 and 3 of planning permissions 18/01716/HHD and 18/01720/HHD to allow one bay of the approved garaging to be enclosed to create a dining room and utilise roofspace above to form a bedroom and en-suite with opening through to main dwelling. (Retrospective).
9A West End Witney Oxfordshire
Mr David Gouldin
5. **20/00277/HHD** Bampton and Clanfield APP
Affecting a Conservation Area
- Demolition of existing single storey rear extensions and erection of two storey replacement extension
Clovelly 4 Broad Street Bampton
Mr Lunn
6. **20/00487/FUL** Hailey, Minster Lovell & Leaffield APP
Affecting a Conservation Area
- Demolition of the existing house and garage. Construction of a replacement four bedroom detached dwelling with associated landscaping. Construction of basement storey with garage, gym and granny annexe.
North Hill House School Lane Little Minster
Mr And Mrs Cooper

7. **20/00488/HHD** North Leigh APP
 Erection of detached garage.
Chalfont East End North Leigh
 Mr Andy Church
8. **20/00495/CND** Bampton and Clanfield APP
 Discharge of conditions 3 (materials) and 8 (surface water drainage) of permission
 17/00489/FUL
42A Bushey Row Bampton Oxfordshire
 Mr T Allinson
9. **20/00644/S73** Carterton North East APP
 Non compliance with condition 2 of planning permission 18/03669/FUL to allow changes to
 materials and fenestration and revised proposals for the communal bin and cycle stores.
Carterton Petrol Station Upavon Way Carterton
 Cottsway Housing Association
10. **20/00673/LBC** Alvescot and Filkins APP
 Affecting a Conservation Area
 Replacement windows and doors from UpVC to timber single-glazed (amended)
 (Retrospective)
Wychwood Kencot Lechlade
 Mrs Leonie Caldecott
11. **20/00698/RES** Brize Norton and Shilton APP
 Reserved Matters application for the provision of a footpath link between Garratt Place and
 Archer Place, otherwise known as Phases IB and IC at Land East Of Monahan Way,
 Carterton, Oxfordshire.
Land East Of Monahan Way Carterton
 Mr Jon Bryan
12. **20/00720/HHD** Bampton and Clanfield APP
 Affecting a Conservation Area
 Alterations to approved application 16/02413/HHD to allow single storey rear and two storey
 side extensions, conversion of roof space, erection of detached garage and associated works,
 changes to fenestration and vehicular access.
Weald Manor Farm Weald Street Weald
 Mrs Rosemary Pelham

13. **20/00768/LBC** Bampton and Clanfield APP
 Replacement of various windows and French doors in the rear and side elevations.
Forge Cottage 1 Manor Lane Clanfield
 Mr Jonathan Mettrick
14. **20/00803/FUL** Witney East APP
 Affecting a Conservation Area
 Erection of ground floor extension to restaurant and first floor extension to living accommodation.
The Carpenters Arms 132 Newland Witney
 Mr And Mrs Sue
15. **20/00825/HHD** Bampton and Clanfield APP
 Affecting a Conservation Area
 Alterations and replacement of flat roofed dormer to front elevation with 2 pitched roof dormers and 1 velux rooflight.
Firtrees Bridge Street Bampton
 Mrs P Smith
16. **20/00841/FUL** Standlake, Aston & Stanton APP
 Harcourt
 Affecting a Conservation Area
 Demolition of existing dwelling and garage and replacement with low-energy home.
Old Farm Cottage 47 Chapel Lane Northmoor
 Mrs Emma Hare
17. **20/00857/HHD** Bampton and Clanfield APP
 Single story extension to create carport and workshop
Spinners Way 8 Mill Lane Clanfield
 Mr Adrian Noble
18. **20/00896/HHD** Alvescot and Filkins APP
 Affecting a Conservation Area
 Alterations and erection of two storey side extension and single storey front and rear extension.
2 Pemscott Close Alvescot Bampton
 Mr Peter Wright

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| 19. | 20/00868/HHD | Witney Central | APP |
| | Widen access and erection of new gates.
80 Moorland Road Witney Oxfordshire
Ian Grant | | |
| 20. | 20/00875/HHD | Bampton and Clanfield | APP |
| | Affecting a Conservation Area

Demolition of lean-to and erection of garden building
Manor Cottage Landells Bampton
Mr Rupert Batho | | |
| 21. | 20/00876/LBC | Bampton and Clanfield | APP |
| | Affecting a Conservation Area

Alterations to include demolition of lean-to and erection of garden building
Manor Cottage Landells Bampton
Mr Rupert Batho | | |
| 22. | 20/00877/HHD | Standlake, Aston & Stanton
Harcourt | APP |
| | Affecting a Conservation Area

Single storey extension
Bull House Bull Lane Aston
Mrs And Mrs James And Sarah Cooper | | |
| 23. | 20/00894/FUL | Bampton and Clanfield | APP |
| | Installation of a new monopole headframe to accommodate 3No existing antennas and 3No additional new antennas; 6no Remote Radio Units (RRUs) and ancillary development.
Telecommunication Mast West Of The Woodyard Elmwood Farm Burford Road
EE (UK) Ltd | | |
| 24. | 20/00901/HHD | Brize Norton and Shilton | APP |
| | Affecting a Conservation Area

Erection of orangery to rear
Long Cottage Church Lane Shilton
Mr P Honor | | |

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| 25. | 20/00937/HHD | Eynsham and Cassington | REF |
| | <p>Replace garage with single storey front extension. Removal and replacement of outbuildings with games room and ancillary accommodation.
 Shuttles Cottage Chapel Road South Leigh
 Mr Baish</p> | | |
| 26. | 20/00903/ADV | North Leigh | APP |
| | <p>Erection of sign (amended)
 North Leigh Football Club Eynsham Park North Leigh
 Mr Mark Bosley</p> | | |
| 27. | 20/00983/HHD | Standlake, Aston & Stanton
Harcourt | APP |
| | <p>Affecting a Conservation Area</p> <p>Single storey side extension
 Farm View Back Lane Aston
 Mr Jeremy Tucker</p> | | |
| 28. | 20/00907/HHD | Brize Norton and Shilton | APP |
| | <p>Affecting a Conservation Area</p> <p>First floor extension over existing garage to form new home office and ancillary accommodation
 Headford House Shilton Burford
 Mrs T Back</p> | | |
| 29. | 20/00911/ADV | Ducklington | APP |
| | <p>Erection of various illuminated and non illuminated signs. (Amended Plans)
 COSTA Eastnor Place Ducklington Lane
 Costa Coffee</p> | | |
| 30. | 20/00915/HHD | Carterton South | APP |
| | <p>Erection of a single storey rear extension and construction of porch canopy to front elevation
 64 Ashfield Road Carterton Oxfordshire
 Mr And Mrs Brian Kearsy</p> | | |
| 31. | 20/00948/HHD | Witney Central | APP |
| | <p>Removal of detached garage. Erection of two storey side extension.
 1 Davenport Road Witney Oxfordshire
 Mr And Mrs Towlson</p> | | |

32. **20/00949/HHD** Witney Central APP
 Single storey rear extension
48 Apley Way Witney Oxfordshire
 Mr And Mrs Renad
33. **20/00955/HHD** Witney South APP
 Formation of new vehicular access.
1 Curbridge Road Witney Oxfordshire
 Mr Ryan Lewis
34. **20/00969/HHD** Ducklington REF
 Affecting a Conservation Area
 Proposed installation of solar panels to rear and side elevation
8 Tristram Road Ducklington Witney
 Mr And Mrs Godwin
35. **20/00970/LBC** Ducklington REF
 Affecting a Conservation Area
 Proposed installation of solar panels to rear and side elevation
8 Tristram Road Ducklington Witney
 Mr And Mrs Godwin
36. **20/00986/ADV** Witney South APP
 The installation of 5 digital freestanding signs and 1 digital booth screen, all internally illuminated.
McDonalds Ducklington Lane Witney
 McDonalds Restaurants Ltd
37. **20/01005/HHD** Witney West APP
 Erection of conservatory to rear of property.
106 Centenary Way Witney Oxfordshire
 Mr And Mrs Learner
38. **20/01008/FUL** Standlake, Aston & Stanton APP
 Harcourt
 Affecting a Conservation Area
 Erection of replacement dwelling with linked garaging and associated works.
The Bungalow New Road Sutton
 Mr D Lancaster

39. **20/01028/HHD** Hailey, Minster Lovell & Leaffield APP
 Single storey rear extension
23 Cotswold Close Minster Lovell Witney
 Mr and Mrs Marsh
40. **20/01029/S73** Witney East APP
 Affecting a Conservation Area
 Temporary variation of condition 4 of planning permission 13/0046/P/FP to allow 10 concerts and plays, 35 weddings and ceremonies and 10 markets per calendar year for the years 2021 and 2022.
Cogges Manor Farm Church Lane Witney
 Mr Colin Shone
41. **20/01030/HHD** Ducklington APP
 Erection of single storey rear extension.
12 Moors Close Ducklington Witney
 Mr Ian Halfpenny
42. **20/01138/PN42** Carterton South P2NRQ
 Erection of single storey rear extension (5m x 2.45m, height to eaves/3.6m, max height).
33 Ashfield Road Carterton Oxfordshire
 Mr And Mrs L Stapleton
43. **20/01063/HHD** Witney East APP
 Erection of single storey rear extension and conversion of existing main loft space to living accommodation with the addition of three rear dormers.
275 Manor Road Witney Oxfordshire
 Mr William Hicks
44. **20/01070/HHD** Witney South APP
 Affecting a Conservation Area
 Alterations and erection of two storey and single storey rear extensions. (Amended)
22 Lowell Place Witney Oxfordshire
 Mr Chris Brosnan

45. **20/01142/HHD** Witney Central APP
Demolition of existing garage and erection of single storey side and rear extension.
33 Dene Rise Witney Oxfordshire
Mrs L Peachey
46. **20/01087/HHD** Carterton North West APP
Alterations and erection of single storey side and rear extension.
3 Wychwood Close Carterton Oxfordshire
Mr Hedworth
47. **20/01088/HHD** Ducklington APP
Single storey extension to side and rear
9A Tristram Road Ducklington Witney
Mrs Paula Taylor
48. **20/01096/NMA** Bampton and Clanfield APP
Affecting a Conservation Area
Erection of single storey rear extension (non-material amendment to allow smaller extension than previously approved).
Church Bell Cottage Church View Bampton
Mrs Debbie Landray
49. **20/01107/CLP** Standlake, Aston & Stanton APP
Harcourt
Proposed Loft Conversion
31 Woodlands Standlake Witney
Mr And Mrs Hardy
50. **20/01162/PN42** Standlake, Aston & Stanton P2NRQ
Harcourt
Erection of single storey rear extension (3.6m x 2.66m, height to eaves/3.77m, max height).
31 Woodlands Standlake Witney
Mr And Mrs Hardy

51. **20/01108/NMA** Bampton and Clanfield APP
 Non-material amendment to 19/02719/RES, to allow plots 18 and 37 to be handed, alterations to rear elevation of NB31 house type and changes to site layout to incorporate an additional parking space for flats, changes to block paving and surface materials and removal of bin stores for plots 56-59, 67, 72 and 92.
Land East Of Mount Owen Road Bampton
 Ms Lorna Juarez
52. **20/01127/NMA** Standlake, Aston & Stanton APP
 Harcourt
 Affecting a Conservation Area
 Erection of a two storey rear extension and single storey rear and side extensions. Remove existing and construct new entrance porch in revised position. Close existing and formation of new vehicular access together with provision of car parking. (Amended). (Non-material amendment to allow the use of Cardinal roof slates).
No 2 Cottage Hardwick Witney
 Ms Sophie Holder
53. **20/01172/LBC** Brize Norton and Shilton APP
 Affecting a Conservation Area
 Replacement of front entrance door (SW elevation) and pub garden door (SE elevation).
Rose And Crown Shilton Burford
 Mr Martin Coldicott
54. **20/01360/PN42** Carterton South P2NRQ
 Erection of single storey rear extension and installation of roof lantern in flat roof over existing kitchen.
38 Foxcroft Drive Carterton Oxfordshire
 Mr And Mrs Hazell
55. **20/01553/NMA** Bampton and Clanfield APP
 Reserved Matters application for the construction of 160 dwellings and provision of public open space with associated infrastructure and earthworks, pursuant to outline planning permission 16/03415/OUT (non-material amendment to allow changes to the roof design of the substation and the relocation of some trees).
Land East Of Mount Owen Road Bampton
 Mrs Lorna Juarez