

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th January 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

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

Recommendations:

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

List of Background Papers

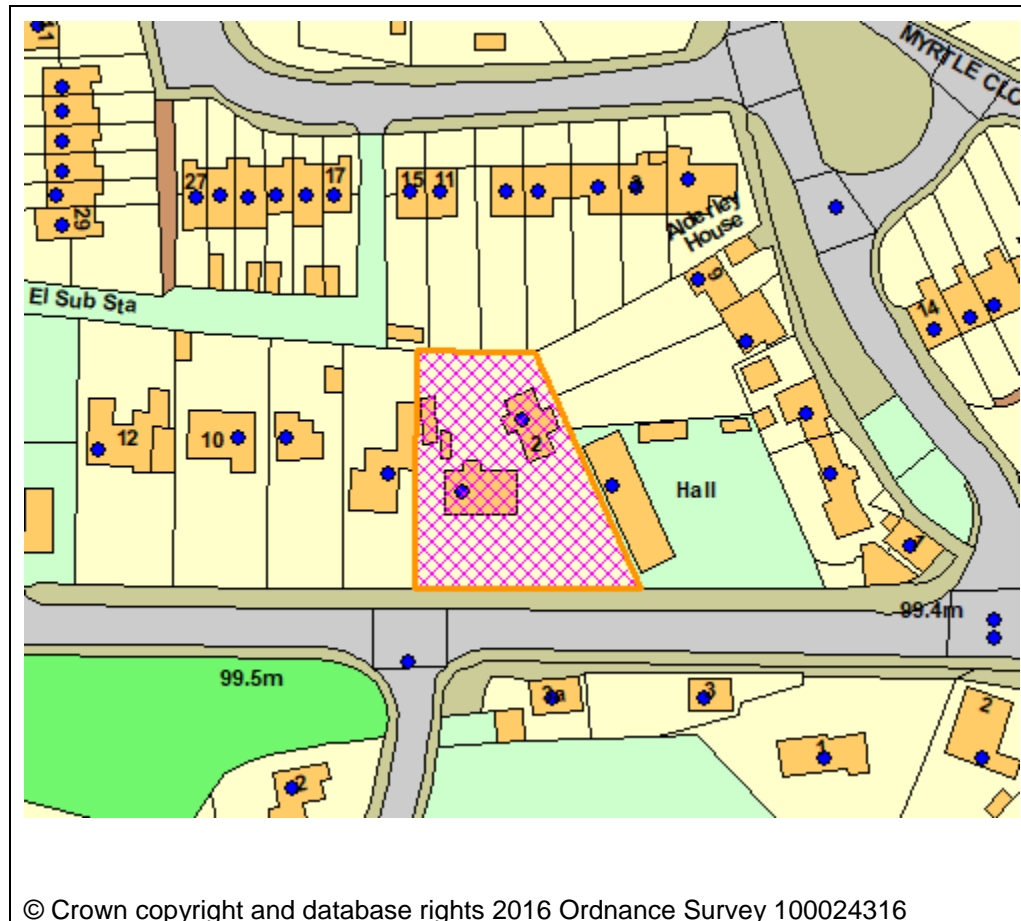
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
20/02899/FUL	2 Witney Road, Long Hanborough	2

Application Number	20/02899/FUL
Site Address	2 Witney Road Long Hanborough Witney Oxfordshire OX29 8BJ
Date	18th December 2020
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	441592 E 214229 N
Committee Date	4th January 2021

Location Map



Application Details:

Erection of 10 one bed flats together with associated works including closing two accesses, form one new vehicular and one new pedestrian access, and landscaping and biodiversity works.

Applicant Details:

Mr Luke Carter, South Lodge, Barnard Gate, Witney, OX29 6DX

I CONSULTATIONS

- I.1 Major Planning Applications Team
- OCC Highways - No objection subject to:
- S106 contribution towards improved public transport
 - Appropriate highway conditions
- OCC - LLFA - Objection - A detailed drainage strategy needs to be submitted in accordance with latest, local and national guidelines.
- I.2 WODC - Arts
- No Comment Received.
- I.3 WODC - Sports
- Off-site contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.6ha per 1,000 population.
- Based on a football pitch of 0.742ha, a provision cost of £100,000 (Sport England Facility Costs Second Quarter 2019) and a commuted maintenance cost of £250,500 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £755,795 per 1,000 population or £1,814 per dwelling (at an average occupancy of 2.4 persons per dwelling).
- Contributions
- $£1,814 \times 10 = £18,140$ off-site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2019 using the BCIS All in Tender Price Index published by RICS.
- I.4 Thames Water
- Waste Comments
- With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry

Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

I.5 Biodiversity Officer

I understand that this current application is for an amended scheme following on from a previous application (application no. 19/02902/FUL). I have previously commented on the details submitted for the subsequent 'discharge of condition' application (application no. 20/02578/CND) which has not yet been approved.

Therefore, please refer to my comments for application no. 20/02578/CND. The comments detail additional information that is still required for condition 17 (bird and bat box enhancement details) and 19 (external lighting). However, the details for condition 20 (landscaping scheme) have now been agreed and I am satisfied with the landscaping plan (drawing no. 19004.2B) as well as the associated 5-year maintenance plan.

I.6 WODC Env Health - Uplands

From a noise perspective I have No objection in principle.

But the design and build should be conditioned to afford all flats an appropriate standard of sound insulation, according to British Standard BS.8233:2014.

I.7 ERS Env. Consultation Sites

Review of the records we hold suggest that a Smithy was located approximately 50m the south east of the application site (1875-1887 and 1912 - 1923 maps). As a precaution 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.

1.8 Conservation Officer The slight lowering of the ridge and eaves of the rear block will make no significant difference to the volume or prominence. But having said that, the slight change in the eaves height is still enough to create an unwelcome visual fussiness.

1.9 Parish Council Hanborough Parish Council has already submitted comments opposing the applications for 12, 10, and 9 flats on 2-4 Witney Road and wishes to make no further comments.

However, we do not think it satisfactory that the Applicant having obtained permission for 9 flats, Application 19/02902/FUL, is now seeking to obtain a further decision by applying again for 10 flats on the site, for which his application was refused on 16 October.

2. REPRESENTATIONS

2.1 10 Letters of objection have been received summarised below. A full copy of the representations received can be viewed on the website.

- Urbanisation of the village.
- Will destroy our rural environment by squeezing in yet more "rabbit hutches" with limited amenity space.
- Previous objections not addressed relating to traffic, parking, refuse collection, loss of privacy for the residents in Abelwood Rd and 6 Witney road and now by applying for 10 flats, the privacy of the residents of 7 and 9 Millwood End will be affected.
- Over-development for a relatively small site.
- Harmful impact on surrounding properties due to loss of privacy, loss of light, daylight shading, noise pollution, light pollution, traffic congestion and safety issues with delivery vans obstructing the pedestrian crossing.
- Concerned about the silver birch trees shown to be planted all along the back of our gardens in Abelwood road due to possible loss of light and day light shading and spread of the roots.
- The additional 10th flat will make the inadequate car park even more restricted and potentially dangerous with so little turning space.

- Will dominate the Witney road and will be considerably higher than the original bungalow.
- An independent daylight & sunlight shading analysis on the windows of the affected properties either side of mid day in mid winter should be conducted hour by hour which will show that surrounding properties will suffer considerable sun light shading during the mid winter months.
- The increase would impact on services and the environment.
- Inadequate parking provision.
- Inaccurate information and plans submitted.
- Overbearing impact and significant loss of amenity
- Insecure entrances to flats.
- Shadowing of solar panels.

3. APPLICANT'S CASE

- 3.1 Further to the recent refusal for 10 flats, we address the issues in this revised application as follows:
- 3.2 Impact of the rear western corner of the proposed development - Our modification shows the reduced skyline impact of this part of the proposal. It is set some 30 metres and more back from the street, and the ridge reduced by a further 200mm - with this distance, height reduction and landscaping, being set behind a stone wall and 15 metres back from the frontage section, it will have less impact than it appears on our 2 dimensional drawing. Please see the three dimensional street scene and area picture for further confirmation.
- 3.3 Please note the proposal has more space to front, back and sides than the one bed flats at 39 Witney Road, or the new houses just west of the Suzuki garage at 16 Witney Road - all are in similar density surroundings.
- 3.4 Overlooking and Loss of Privacy of 7 Millwood End - The revised scheme has removed any overlooking and loss of privacy.
- 3.5 Signing an agreement to pay a contribution towards sports and recreation facilities- Mr Carter has confirmed that subject to permission being granted, he is willing to sign the agreement, and pay this additional levy.
- 3.6 We respectfully request your council's support.
- 3.7 We urge you to place the case before the Planning Committee.
- 3.8 In two recent cases (7 one bed flats at 39 Witney Road, Long Hanborough and 8 one and two bed flats at 107 Hailey Road Witney) the members expressed enthusiasm for the schemes and voted almost unanimously in favour. Both of these are at a far higher density of development than this revised scheme for 2&4 Witney Road.
- 3.9 There has never been a one bed flats scheme in this District at such a low overall density. Please check. I am unaware of any one bed flats scheme that is lower in ridge height to its two storey neighbours, than this one. Distances to neighbours compares favourably with all other one bed flats schemes built locally too.

- 3.10 Since 1994 my planning work has mostly been in this District. I have viewed every town and village before and during this time. I have gained approval for several one and two bed schemes that have a much higher density and less landscaping, in this District, than we propose here. Though complaints and constraints have increased the build to plot density, it still remains at a lower density than many of the neighbouring dwellings, for example the immediate neighbouring dwelling, No. 6 Witney Road.
- 3.11 With your help we wish to complete a scheme that can accommodate people in need of homes of this scale. We urge you to think again and to grant permission subject to all appropriate planning conditions.

4 PLANNING POLICIES

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
H2NEW Delivery of new homes
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH3 Biodiversity and Geodiversity
EH9 Historic environment
EH10 Conservation Areas
EW10 Eynsham- Woodstock sub area
NPPF 2019
NATDES National Design Guide
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of 10 flats together with associated works including closing two accesses, forming one new vehicular access and one new pedestrian access and associated works.
- 5.2 Planning permission was granted in July 2020 (19/02902/FUL) for a scheme for 9 flats on the site which replaced two bungalows. This scheme was approved following extensive negotiations to reduce the original scheme for 12 flats (19/01081/FUL) and a revised scheme for 10 flats to 9 flat units.
- 5.3 A further application for 10 flats (20/01954/FUL) was refused permission in October 2020 on the grounds detailed below and this refused application is currently subject of an appeal.
- i) The proposed scale, massing and bulk of the proposed development would be harmful to the appearance and character of the area and would appear incongruous in the street

scene. The proposed development would also result in overlooking and loss of privacy to an adjoining residential property (No 7 Millwood End). As such the proposed development would conflict with policies OS2, OS4 and H2 of the West Oxfordshire Local Plan 2031 and guidance in the NPPF, National Design Guide and West Oxfordshire Design Guide.

- ii) The applicant has not entered into a legal agreement to secure a contribution towards sports and recreation facilities required to offset the burden on local infrastructure that would otherwise from the proposed development. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy OS5 and the NPPF.
- 5.4 An application for the variation of condition 2 of 19/02902/FUL to modify the approved plans to change doorways and fenestration has also been submitted.
- 5.5 This application has been reported to Committee at the request of Cllrs Davies and Bishop in order to consider the issues and previous reasons for refusal.
- 5.6 The site lies within the settlement of Long Hanborough on the northern side of Witney Road. Two dwellings units (Nos 2 and 4 Witney Road) which originally existed on the site were recently demolished. The village Hall adjoins the site to the east and the site is surrounded on other sides by residential units with the rear gardens of properties fronting onto Millwood End abutting the north eastern boundary. The site lies close to the Long Hanborough Conservation Area (part of the eastern boundary abuts onto the conservation area) and a terrace of listed buildings are located to the east of the site fronting onto Millwood End.
- 5.7 As the principle of redeveloping this site for flat units has already been agreed under the previous application 19/02902/FUL, the main considerations in this case are considered to be how the changes will impact on the appearance and character of the area, highway safety considerations and impact on the amenity of neighbouring properties.

Siting, Design and Scale

- 5.8 Paragraph 127 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflects this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the recently published National Design Guide.
- 5.9 The approved scheme for 9 flat units was approved following extensive negotiations. This scheme now proposes to increase the number of flat units to 10 which principally involves adding a storey over the single story element to the rear of the site. In an attempt to address the previous reason for refusal of the 10 flat scheme, as detailed above, this application proposes to reduce the height of this rear element by 200mm. The eaves level has also been lowered. This minimal change however, is not considered sufficient to address the principal concern relating to the overall increased massing and bulk of the building which would be

harmful to the character of the area and street scene. Whilst the agent makes reference to two storey neighbouring development, this site has single storey buildings on either side and the new development would be read in this context and would still read as a larger bulky element when viewed from Witney Road. It is considered that the overall bulk and massing of this building would be out of character with the area and would appear incongruous in the street scene. The increased number of flat units would also intensify the overall use of the site which already has limited amenity space at the rear to serve the new flat units.

Impact on Heritage Assets

- 5.10 The site lies close to the Long Hanborough Conservation Area (part of the eastern boundary abuts onto the conservation area) and a terrace of listed buildings are located to the east of the site fronting onto Millwood End. 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 while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas which includes its setting. Policies EH9, EH10 and EH11 of the Local plan reflect these duties.
- 5.11 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. For the latter, which applies here, the test is that the harm should be weighed against public benefits.
- 5.12 The Design and Conservation Architect has commented the slight lowering of the ridge and eaves of the rear block will make no significant difference to the volume or prominence but the slight change in the eaves height is still enough to create an unwelcome visual fussiness. Whilst it is a retrograde proposal, given that the application site does not feature that greatly in views into, or from, the Conservation Area, it is considered that there would be limited impact from this development on the setting of the Conservation Area and this impact would be outweighed by the economic and social public benefits of the proposal.

Neighbouring Amenity

- 5.13 The site is surrounded by neighbouring properties and the village hall adjoins the site to the east. The immediate neighbour to the west is No 6 a detached bungalow. Two storey houses fronting onto Abelwood Road back onto the site.
- 5.14 Concerns have again been raised by neighbouring residents in respect of overlooking, loss of light and overshadowing resulting from the proposed development. Given that permission has already been granted for a 9 unit flatted development on this site, this analysis will concentrate on the proposed changes to the scheme and likely impact on the amenity of neighbouring properties.
- 5.15 In terms of the proposed changes these relate to the addition on a further story over the approved single storey element to the rear of the site and some changes to the fenestration and doorways including changes to the rooflights. A daylight, sunlight and shading analysis for the revised scheme for 10 flats has again been submitted. The analysis is based upon the Building Research Establishment (BRE) guidelines, which provides the criteria and methodology for

calculation in connection to daylight and sunlight. The analysis concludes that the proposed development would not cause an unacceptable loss of daylight and sunlight to neighbouring buildings and their back gardens. Additionally, the shading analysis showed minimum effects on the neighbouring back gardens' hours of sunlight where the impact does not exceed the allowable 20% reduction.

- 5.16 In terms of potential overlooking, the adjoining property to the west (No 6 Witney Road), is a bungalow with several ground floor windows along the east elevation including some velux roof lights. There is an existing 2m fence along the boundary close to this elevation. The siting of the building remains unchanged. This proposal will result in a taller end gable wall element facing onto No 6 but it will still be just under 5m from the boundary and no windows are proposed at upper floor level on the side (West) elevation. Concerns have been raised in respect of overlooking from the dormer windows of Flat 10 on the south elevation but these will directly outlook onto the application site and would only have a limited angled view of the side of the adjoining property, As such it is not considered that this amended scheme will result in any significant overlooking to No 6. The residents of No 6 Witney Road has again raised concerns that the proposed development would overshadow solar panels on the east facing roof of their bungalow which would affect their efficiency. In this case the solar panels are already affected to some degree by the existing 6m building on site. The permitted scheme permits the erection of a taller 7.4m building which will be sited slightly further forward on the plot. The main change to this application involves the addition of a first floor element at the rear and given the impact of the existing development, orientation, scale and proposed changes, it is not considered that the proposed development would result in a significant additional amount of overshadowing to the solar panels to warrant refusal.
- 5.17 In respect of the properties fronting onto Abelwood Road that back onto the site, the only windows on the rear wing element facing these properties has only two small rooflights. As such there will be no overlooking issues. Whilst the height of this wing element has now been raised, given its distance from the boundary (7.8m away), it is not considered that there would be an additional significant overbearing impact resulting from the proposed changes to warrant refusal on those grounds.
- 5.18 In terms of the East elevation, this amended scheme omits an additional dormer window on this elevation which addresses the concerns relating to potential overlooking and loss of privacy to the occupants of No 7 Millwood End.
- 5.19 In conclusion, it is not considered that the scheme, as amended, will have a significant adverse impact of the amenity of neighbouring residential properties.

Highway safety

- 5.20 The application is similar to that already approved which seeks to close off the two existing accesses and create a new vehicular access onto Witney Road at the eastern end of the site and a new pedestrian access. This scheme proposes 12 parking spaces which accords with OCC parking standards (1.2 spaces per 1 bed unit). 2 of the spaces would be for disabled use.
- 5.21 OCC Highways has raised no objection to the application subject to a contribution towards improved public transport in the area and the imposition of conditions relating to the means of access, parking and turning provision, cycle parking, Construction Traffic Management Plan and Residential Travel Information Pack. It has also been advised that there needs to be a Bin

Collection Point where the bins can be placed conveniently for collection, as they cannot be left on the footway.

Biodiversity

- 5.22 Following ecology and bat surveys undertaken on the site, a Precautionary Working Method Statement for careful working with regard to bats, and other species has been submitted. Habitats are considered to be unsuitable for reptiles and amphibians.
- 5.23 The Council's Biodiversity Officer raises no objection to the application subject to biodiversity conditions being attached to any permission granted.

Infrastructure/Developer Contributions

- 5.24 Policy OS5 of the Local Plan requires that new development will be required to deliver, or contribute towards timely provision of essential supporting infrastructure either directly as part of the development or through an appropriate financial contribution.
- 5.25 An off-site contribution of £18,140 is required for sport/recreation facilities within the catchment area and OCC Highways has requested a contribution of £10,370 towards improved public transport in the area.
- 5.26 Whilst the applicant has agreed to the payment of the sport/recreation contribution, there is not a completed S106 making provision for the required contributions and therefore the proposal conflicts with Policies OS5 and T3 of the Local Plan.

Drainage

- 5.27 The LLFA has raised an objection to the application on the grounds that the applicant has not provided a detailed surface water management drainage strategy. Therefore, there is insufficient information to enable the LLFA to undertake a technical assessment of the proposal. A surface water drainage scheme has however been agreed for the 9 flat unit scheme and it is considered that this issue can be addressed through a condition requiring the submission and approval of a surface water drainage strategy.

Conclusion

- 5.28 The increased scale and massing of this development is considered to be unacceptable and would be harmful to the appearance and character of the area and would appear incongruous in the street scene. In addition, no S106 has been agreed to secure a contribution towards sports and recreation facilities and improved public transport. As such the proposed development would conflict with policies OS2, OS4, OS5 and H2 and T3 of the local plan 2031. The application is thus recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposed scale, massing and bulk of the proposed development would be harmful to the appearance and character of the area and would appear incongruous in the street scene. As such the proposed development would conflict with policies OS2, OS4 and H2 of the West

Oxfordshire Local Plan 2031 and guidance in the NPPF, National Design Guide and West Oxfordshire Design Guide.

2. The applicant has not entered into a legal agreement to secure a contribution towards sports and recreation facilities and improved public transport required to offset the burden on local infrastructure that would otherwise result from the proposed development. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with Policies OS5 and T3 of the West Oxfordshire Local Plan 2031 and the NPPF.