

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

17th February 2014

**REPORT OF THE HEAD OF PLANNING
AND SUSTAINABLE COMMUNITIES**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

13/1465/P/OP Land to north of New Road Bampton	3
14/0005/P/RM Beaumont House Eynsham Road Sutton	38
14/0016/P/FP Marriotts Stadium Downs Road Curbridge	40
14/0042/P/FP 1 Chapel Cottages Chapel Lane North Leigh.....	46
14/0043/P/OP Land at Dark Lane Witney	51
14/0046/P/FP 24 High Street Witney	54
14/0071/P/FP Land adj Glebe Cottage Bampton Road Curbridge.....	57
14/0100/P/FP Westbourne Shilton	62

13/1465/P/OP Land to north of New Road Bampton	
Date	14/10/2013
Officer	Abby Fettes
Officer Recommendation	Grant subject to a legal agreement
Parish	BAMPTON
Grid Ref:	431962,203580

APPLICATION DETAILS

Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road.

APPLICANT

Richborough Estates, C/O Agent.

BACKGROUND INFORMATION

The site is an agricultural field of approximately 9.15ha on the northern edge of Bampton. It is bounded by residential development to the west, New Road to the south, Mount Owen Road to the east and agricultural land to the north. The site is not in the flood plain and it is beyond the Bampton Conservation Area.

The application seeks outline consent for a residential development of up to 160 dwellings and the creation of a new vehicular access from New Road. All other matters are reserved although an indicative layout has been submitted that shows development predominantly located in the south and west of the site with a landscape belt and SUDS system to the north and east. The application has been advertised as a departure as it does not accord with the provisions of Policy H7 of the adopted Local Plan (2006).

The applicants state that 50% of the units will be affordable houses and that commuted sums will be provided for necessary community infrastructure.

Additional plans have been received showing land to the north of the application site which is within the applicants control, and an amended plan showing retention of the hedgerow along New Road. Also additional reports have been submitted in response to consultation responses for Archaeology and Flood Risk, both have been subject to further consultation.

1 PLANNING HISTORY

- 1.1 No relevant application history.
- 1.2 The site has been subject to potential allocations over a number of local plan periods. It has been promoted by WODC and dismissed by Local Plan Inspectors for both the 1997 and 2006 District-wide Plans who agreed that any further housing development should be "small-scale and in keeping with the character of the village" and recommended against any Greenfield expansion.
- 1.3 WODC's SHLAA (Strategic Housing Land Availability Assessment) 2011 identified that land on the fringes of Bampton is generally unsuitable for new housing development; however there may be limited potential for a scheme off New Road provided the constraints on development in that area can be satisfactorily addressed.

2 CONSULTATIONS

2.1 Bampton Parish Council

“The quantity of houses per year will be substantial and the issues of short term and long term drainage along with flooding issues, construction traffic and noise and infrastructure shortcomings will adversely affect people throughout Bampton and the surrounding villages.

In addition, a further planning application deposited last month for 127 houses just up the road from this one, means that when sustainability is considered both developments must be taken into account. The total number of new houses would be 287, with close on 70-80 per annum being released over the first three years. This far exceeds proven need and equates to an increase of some 30% in total.

Development on this scale will completely change the nature of the area and is not economically or environmentally sustainable. Bampton does not have local jobs and the closest large employer (Brize) already has plans for its employees (the MoD’s agents are building their own houses for RAF Brize Norton personnel).

Local infrastructure is already under considerable pressure. The sewerage works is at capacity and Thames Water have stated that there are no plans for it to be extended. The doctor’s surgery has stated it is at full capacity and cannot be extended. The bus services are likely to reduce due to lack of funding and other services, such as the Library and Post Office, are not self-supporting.

The Council is not against growth. But it strongly believes this should be organic and at a pace to allow the community to adapt and assimilate the new residents, as well as allowing local services and infrastructure to develop in a sustainable manner. The suggestion that a large development will invigorate Bampton and provide more support for services is challenged because this was stated when the large development of Calais Dene (opposite to this proposal) was built. Since then Bampton has lost three public houses and five shops have closed. Only through community spirit has a stay of execution been put on the Post Office and Library.

There is some need for affordable housing in Bampton but this should not be in large numbers that exceed local need. A maximum of 40 houses over three years would be more suitable. The Parish Council feels that to supply a proper quality of life to residents affordable housing should not be at a higher density than private housing and in small developments on exception sites. This development, especially when it is considered together with the Gladman submission, does not fit any of these criteria.

This view also represents the feelings of the local people who attended a public meeting on 13th November and although localism is no longer in the forefront of policy, we sincerely hope that local views will not be ignored.”

2.2 Environment Agency

“We have no objections to the proposed development, providing the following condition is applied to any planning permission granted. Without this condition we would wish to object to this application. No development shall take place until a surface water drainage scheme for the site based on the agreed FRA for Richborough Estates, Lane off New Road, Bampton (Rev A, 8 October 2013) (BWB Consulting Ltd has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- 1. Reduction in surface water run-off rates to x 2.7l/s/ha.*
- 2. Demonstration that the discharge volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site, up to a 1 in 100 year storm with a suitable allowance for climate change as outlined in the FRA.*
- 3. Swales to the eastern and southern boundary of the site as outlined in the FRA.*
- 4. An attenuation pond to the eastern part of the site as outlined in the FRA.*
- 5. Clarification that the receiving watercourse will be able to manage the incoming flow and discharge it off site.*

Reason

To prevent the increased risk of flooding.

Advice to LPA on local planning policies:

The applicant has met the minimum requirements of the NPPF. The applicant should, as part of the surface water strategy, demonstrate to you that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.

Comments following addendum to FRA received 28th April.

We welcome this review of options to reduce the risk of surface water flooding in Bampton through this proposed development. We would support the inclusion of the swale and attenuation area within the development as this would help manage surface water on site and would reduce flood risk to the surrounding areas.

This initial assessment indicates levels could reach up to 800mm behind a proposed bund to the north of the village, which could pose a significant risk if the bund were to fail in the future. We agree with the recommendation of the report that this option should only be progressed if further detailed assessment shows it to be viable, and safe.”

2.3 Leisure

“Contributions

$£449 \times 160 = £71,840$ off site contribution towards Sport/Recreation/Community facilities within the catchment.

$£280.06 \times 160 = £44,809.60$ for the enhancement and maintenance of any play/recreation/leisure/social facilities within the catchment.”

2.4 Thames Valley Police

“Having undertaken a qualitative examination of the scheme and the impact of the policing the Local Police Area Commander has requested a contribution of £33,100 which is broken down as follows:

Remote IT Facilities x 2 - £9500

ANPR Camera x2 - £22,000

Bicycles x 2 (including necessary kit) - £1,60.”

2.5 Environmental Health

“The roads along the southern and eastern boundaries of the site have very low traffic levels, so resultant noise levels are not significant. Additional traffic from this development would not be expected to raise these levels markedly. No condition is considered necessary in relation to such noise.

The applicant’s noise consultants conducted a brief 24-hour noise survey on 24-25 June 2013. The report suggests acoustically lined vents in habitable rooms (so people can sleep at night with windows closed), which is sufficient. You may wish to include the issue of ‘noise mitigation works’ within the reserved matters for this application.”

2.6 Natural England

“It is noted that a survey has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect European protected species.

Natural England supports the habitat recommendations set out in the ecology report and notes that a number of trees on or adjacent to the site have been identified as having potential for roosting bats. The application indicates that these features will be retained. Should the removal of or other works to these features on site become necessary, then the applicant should be aware that further surveys should be undertaken in order to ensure compliance with the law.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.”

2.7 Housing

“An analysis of the housing waiting list as at 4 October 2013, indicates that there were 271 applicants requesting Bampton as a choice of area, with 225 of these being in housing need. In addition, there were 40 housing association tenants in housing need and requesting Bampton. The proposal to provide 80 units (i.e. 50% of total units on this site) as affordable housing would assist in meeting this need and is supported.”

2.8 WODC Drainage

- *“It should be noted that page 30 (paras 3.39 & 3.42) of the D & A statement makes reference to the risk to the site from surface water flooding. I agree with this and feel that any detailed application should show how the development will mitigate risk from surface water flows from the North/Northwest of the site.*
- *Page 42 Para 5.8 states attenuation ponds etc but only one attenuation area is shown on the plan?*
- *There is a culvert and ditch system in the area which cannot cope (even with enhanced maintenance) with storm flows. There is also a surface water flooding issue to the estate to the West of the site from land to North owned by the landowner of this site. I would hope that flood alleviation work could be carried out as part of this development. That work would be to reinstate the ditch line from behind the school and to lay a filter drain as levels dictate. That excess water could then be channelled into this development and controlled by the SUDS system.*
- *I would expect to see extensive use of porous paving (even in some adoptable highway areas) and a weighting towards open swales rather than filter drains on the site.*
- *Obviously any OP consent will need to have a LA surface water disposal approval condition attached.*
- *Please bear in mind that the SAB function, involving the LLFA (OCC) will commence from April 6th 2014.*

Comments following addendum received 28th January:

- *There is mention of a watercourse / ditch along the southern boundary of the site which peaks in height in the middle and falls in both directions (westwards and eastwards), with the eastern flow passing through a culvert under Mount Owen Road to discharge into the ditches which run eastwards from Mount Owen Road, across the fields down to the Aston ditch. However, there is no visible ditch/watercourse in New Road along the southern boundary of the site, as the watercourse finishes at the site's western boundary. The location of the culvert passing under Mount Owen Road is also not obvious, although it has been referred to as impeding flow by local residents. Can both the ditch and culvert locations be clarified on a plan please? The capacity and condition of the ditch and culvert need to be ascertained and they would also need to be cleared / upsized if necessary.*

- *It is proposed that an attenuated discharge flows from the water storage area north of the school southwards via the watercourse alongside the school, which is the natural course for it to follow. There are concerns that the school and adjacent properties would be put at risk of flooding from this - a number of properties in Pembroke Place and south of New Road were flooded in 2007. If gradients allow or can be adjusted, we would prefer to see a high level overflow pipe from the water storage area into the swale to the east instead, to convey the water away from these properties.*
- *The ditches that run from the east side of Mount Owen Road to the Aston ditch are shallow, narrow, silted up and heavily vegetated and it is critical that extensive work is carried out on them before we can allow any discharge from the site into them, otherwise there will be a problem with water backing up and flooding the new development. We have attempted to determine who the landowners are by carrying out Land searches, but the results have revealed that none of the land is registered. Despite the residents advising that John Hook owns the land to the east, he has stated to me that he does not own any of it. There needs to be a co-ordinated effort to ascertain the various ownerships so that the necessary work can be carried out on the watercourse prior to any additional water being routed into it, so that no flooding occurs as a result. The future maintenance of the ditches to ensure flow is maintained is the responsibility of the various riparian landowners.”*

2.9 Archaeology

“In accordance with the NPPF (2012), we would recommend that prior to the determination of this application the applicant should therefore be responsible for the implementation of a geophysical survey of the application area. This should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.”

2.10 Thames Water

“No objection subject to a condition requiring an on and off site drainage strategy to be approved by TW prior to commencement of development. Developer will be required to demonstrate that there is sufficient waste water capacity on and off site.”

2.11 OCC Single response

“No objections subject to conditions, legal agreement and informatives in the annexes (see appendix A for full response).”

3 REPRESENTATIONS

3.1 Two hundred and eighty three neighbours were notified of the application and several site notices were erected at various points around the site. In response to this consultation, over 100 letters of objection have been received, as well as a petition of 230 letters, and a petition of 102 signatures jointly in response to this application and application 13/1309/P/OP Aston Road, Bampton. All of the comments can be viewed in full on the application file however; officers would offer the following points as a summary of the key matters raised:

3.2 Principle/Policy

- The last local plan inspector stated that Bampton was an unsustainable settlement
- The size of development is unsustainable for Bampton
- Past local plan inspectors have commented on unsuitability of Bampton for further development
- Major new housing should centre on Witney, Carterton and Chipping Norton
- The development does not comprise infilling or rounding off

- The site is not designated in any plan
- The application will result in at least 315 new residents which will impact on local services
- A more modest scheme would allow Bampton to grow organically and sustainably
- The development would encourage sprawl
- Development should be proportionate to the village
- It would damage the towns character
- Bampton is quite large enough
- A much smaller number of houses should be negotiated
- The land bank in West Oxfordshire is sufficient for the next 7 years
- The developer has made an opportunistic application for which there is no need

3.3 Surface Water Flooding

- Bampton could be overwhelmed with even greater flooding than in 2007
- Will increase run off in an area already badly affected by surface water flooding
- There could be parallels with Shilton Park that caused greater flooding in surrounding areas
- Insurance is difficult to come by because of flooding
- I am pleased to see the developer proposes a system of swales and attenuation ponds but can see no reference to the capacity of the pond
- How do they plan to build the pond, calculate its capacity and exit flow rate?

3.4 Economic

- The NPPF supports only sustainable economic growth
- There are no new jobs in Bampton so new residents will have to commute to Oxford, Swindon, London
- There are no local industries
- The bus service is poor so new residents will travel by car
- The new houses will bring little economic benefit to the village

3.5 Social

- Bampton is a very pleasant place to live, with an inclusive and homogeneous core which risks being ruined by two new estates being plonked down
- It will negatively affect community spirit
- The surgery is at capacity and there is no where for the building to expand
- Residents will have to sign up at this surgery as they are not allowed to register to surgeries outside of the parish
- The primary school is at capacity and children would have to be bussed to other locations affecting community cohesiveness
- The primary school needs an extension to cope with existing intake
- The bus service to secondary schools is under threat
- Such a large development would change the unique character and charm of Bampton forever
- It will do nothing for the elderly who will not want to be so remote from facilities

3.6 Housing Need

- There is a need for housing for the elderly and young people, bungalows and cheap housed
- There are too many affordable houses being provided, only 29 families qualify for affordable housing in Bampton
- The MOD are building in Carterton so their personnel won't need to live here
- Plenty of brownfield sites in Carterton

3.7 Transport

- New Road and Coalpit Road are already very busy roads in rush hour, development could cause an accident hotspot
- The site is close to a very busy section of road because of the school. Additional cars would make the situation worse
- Children will be in danger from increased traffic
- There would be an enormous increase of traffic on Bampton Roads
- Access to the town would be car dependant leading to further congestion
- There are no public transport services serving the site.
- We have no cycle paths
- Parking for residents and visitors is already a great problem
- Will increase traffic on A40, A420 and other routes
- Adequacy of proposed parking is unclear

3.8 Ecology

- The site provides habitat for many birds, reptiles, deer, bats, owls.
- Removal of the hedge will result in loss of habitat for birds

3.9 Other

- The sewage plant is at capacity and only just coping with present populations needs
- Development would result in loss of views due to the development.
- The development would form a precedent for other development.
- The development is described as rapacious by Tory MP Nadhim Zabawi (Sunday Times 3/11/13)
- The Government want to do the right thing, this emphatically would be the wrong thing.
- Development on greenfields reduces our ability to feed our population.
- Bungalows should be provided.

3.10 Furthermore, a planning appraisal and Transportation, Flood Risk and Infrastructure Matters report have been submitted on behalf of Save Bamptons Future group on the potential impacts of this site and the site considered under application no. 13/1309/P/FP and is summarised as follows:

- Both applications in spite of their respective developer's various claims to the contrary should be rejected on grounds of sustainability
- Neither application is transport sustainable and the evidence suggests the lack of transport outweighs other benefits
- The most recent planning inquiry concluded that Bampton is not a suitable sustainable location for any housing allocation because it is remote, has no secondary school, employment opportunities are limited and it is not a key service centre; new development should be located in more sustainable settlements; the issue of scale in relation to the settlement is even more acute in Bampton. Since this enquiry there has been no material change in Bampton and as a consequence there is no plausible reason why Bampton is more suitable now for large scale development
- The above mentioned considerations are relevant to both applications and it is not possible to justify the approval of one on the basis of rejection of another

4 **APPLICANT'S CASE**

4.1 A suite of documents have been submitted by the applicant supporting their application. The documents have been summarised below and can be viewed in full either online or on the file.

Planning statement

- 4.2 The site lies on the edge of Bampton and is in an area where the policies of the adopted local plan would normally preclude new housing development. However, relevant housing policies of the Local Plan are considered to be out of date due to there not being a deliverable 5 year land supply in the district. In the circumstances the proposals need to be considered in the light of other material considerations.
- 4.3 Para 14 of the NPPF sets out a presumption in favour of sustainable development and calls for decision takers to approve development proposals that accord with the development plan without delay. It goes on to state that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.
- 4.4 It is considered that the application proposals comprise sustainable development in accordance with the definition set out in the NPPF.
- 4.5 The site is clearly deliverable in accordance with Footnote 11 of paragraph 47 of the NPPF as it is available now, is in a sustainable location and can be developed immediately and delivered in a 0-5 year period, therefore helping to meet the housing shortfall.
- 4.6 There are no considerations or adverse impacts which demonstrably outweigh the benefits which flow from the development. Planning permission should therefore be granted without delay as instructed by the NPPF.

Geology Desk Study

- 4.7 Based on the qualitative risk assessment the critical receptors are considered to be human health (female child for a residential development) and groundwater hydraulically down gradient of the site (controlled waters). Due to the likely presence of contamination, the potential risk to the identified receptors is considered to be very low. Any residual risk is likely to be mitigated by the use of physical barriers.
- 4.8 It is recommended that an asbestos survey is completed in the vicinity of the barn located centrally in the south of the site.
- 4.9 Ground gas monitoring is recommended, particularly in the vicinity of Made Ground in the south of the site.
- 4.10 It is recommended that an intrusive ground investigation is required ahead of any development works to determine the founding properties of the underlying ground conditions and to determine the actual contaminative status of the site.

Noise Impact Assessment

- 4.11 This Noise Impact Assessment has been undertaken to identify the key sources of noise in the vicinity of the site which may have the potential to impact upon the proposed noise sensitive elements of the development.
- 4.12 It was determined that overhead aircraft noise should be considered as the primary noise source impacting upon the site. This assessment has shown that noise levels generated by the existing noise environment can be controlled to satisfactory levels in both external and internal habitable areas.

- 4.13 It is therefore considered that in principle the site is generally suitable for the promotion of residential development.

Ecological Assessment

- 4.14 Because of the possible presence of breeding birds it is recommended that any necessary removal of vegetation takes place outside of bird breeding season.
- 4.15 The mature trees in the large garden bordering the south west corner of the arable field have low to medium potential for roosting bats and should not be disturbed. No badger setts were observed on site. The site offers low potential for reptiles. If the proposed development has the potential to impact the areas mentioned above, it is recommended that a method statement be prepared that detailed the actions required to reduce the risk of reptiles being injured as a result of the works.

Archaeological desk assessment

- 4.16 In conclusion, it is felt that evidence is not in favour of extensive remains on the current New Road application site, although it does not militate against any at all, since there have been neighbouring remains locally, now lost. From the aerial photos it may be suggested that peripheral enclosures and related features might extend into the site from the south across New Road but it would be unwise to suggest any greater concentration than this.

Economic Benefits Statement

- 4.17 The benefits associated with the approval and delivery of the proposed scheme are clearly significant and will contribute not only to meeting local housing need and demand, but will also make a valuable contribution to the local viability and vitality of Bampton as a sustainable and balanced community, as well as the wider district of West Oxfordshire.

Arboricultural survey

- 4.18 In practice there is little by way of arboricultural constraints on this site: there are few trees and those that are present are of low quality and located on the site boundaries. Trees on third party property typically have to be retained and respected irrespective of quality unless agreement can be reached with the tree owner. Aside from this issue I see little of concern in development terms and I consider even the felling of all trees on the site could be considered arboriculturally acceptable provided the site landscaping scheme includes trees in at least equivalent numbers and appropriate to the locality.

Transport Assessment

- 4.19 Advice in the NPPF suggests that development should only be refused on transport grounds if the residual impact of development is severe. The residual transport impacts of this development are likely to be minimal and, on that basis, we recommend this development proposal for approval in terms of transport considerations.

Travel Plan

- 4.20 The action plan includes provision of on plot cycle storage, discount for walking clothes, discount for bus travel and publicity for alternative methods of transport.

Foul Water and Utilities

- 4.21 The existing site surrounds appear to be well served by the main utility services
From the information readily available at the time of preparing this report, the provision of new supplies to serve the proposed development should not be problematical, however further investigations are required to finalise proposals with regard to foul water and electricity supply
Some diversionary/protection works may be required to accommodate the proposed development site and access subject to the final detailed layout
It is recommended that further consultation with the relevant companies is undertaken closer to the time when works on the relevant parts of the development are due to commence and the proposals are reasonably fixed in order to confirm the availability and cost of strategic services supplies. However, the developer (s) should be mindful of the lead-in times in procuring these works – typically around 12 weeks.

Design and Access Statement

- 4.22 It is concluded that within the context of policy compliance and design quality, the proposed development warrants the support of the West Oxfordshire District Council and should be granted outline planning consent.

Landscape Visual Impact Assessment

- 4.23 The assessment site and the surrounding area do not fall within any national or local landscape designations and therefore there would be no impact on a designated landscape. The existing Landscape Character Assessment produced by WODC identified that the Assessment falls within an area of “weaker landscape structure”, this appraisal has assessed the area and agrees with these findings.
- 4.24 The LVIA considers the features of the Assessment Site and its surroundings. Only moderate and moderate to minor adverse impacts are predicted to remain following the implementation of the proposed development.
- 4.25 The landscape design response will pay due regard to the careful retention and enhancement of the existing characteristic landscape elements, including the hedgerows. This will benefit the area and help to ensure that the proposed development relate to and integrates with the current surroundings, provides a mature landscape setting and reduces the effect on the identified receptors visual amenity.

5 POLICY

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In West Oxfordshire the statutory development plan is the West Oxfordshire Local Plan 2011 which was adopted in 2006. The majority of non housing policies have been formally ‘saved’ under transitional arrangements and therefore carry significant weight where they are consistent with the NPPF. In your officers opinion the key saved policies of the West Oxfordshire Local Plan 2011 are policies:

BE2 (General Residential Development),
BE3 (Provision for Movement and Parking),
NE13 (Biodiversity Conservation),
NE15 (Protected Species),
H2 (General Residential Development Standards),
H4 (New Dwellings in the Countryside and Small Villages),
H7 (Service Centres), and

H11 (Affordable Housing).

- 5.2 The Council is currently in the process of preparing a new Local Plan, a draft of which was published for consultation in November 2012. Given the stage it has reached, the plan can only be afforded limited weight at the present time but is of some relevance.
- 5.3 In addition to the above the National Planning Policy Framework is an important material consideration, in particular sections 4 (Promoting Sustainable Transport) 6 (Delivering a Wide Choice of High Quality Homes) and 11 (Conserving and Enhancing the Natural Environment).
- 5.4 The West Oxfordshire Design Guide (2006) and West Oxfordshire Landscape Assessment (1998) are both material considerations.
- 5.5 In relation to housing land supply the Council's Housing Position Statement 2013, and the CLG Interim Household Projections to 2021 are all material considerations as is the recent court of appeal decision involving St Albans District Council and Hunston properties Ltd.

6 PLANNING ASSESSMENT

6.1 Taking into account planning policy, material considerations and the representations of the interested parties your officers consider that the principal issues are:

- Principle of development
- Housing land supply
- Surface water flooding
- Affordable Housing Provision
- Impact on existing infrastructure
- Sustainability
- Highway Safety
- Economic impact
- Landscape impact
- Impact on Archaeology
- Design
- Ecology
- S106 heads of terms

Principle of development

6.2 In terms of the principle of residential development in this location, the most relevant policy is Policy H7 of the adopted West Oxfordshire Local Plan 2011 which allows for new dwellings in the towns and villages set out in Group C (Service Centres – Bampton is included in this group as an “Other centre”) in the following circumstances:

- Infilling;
- Rounding off within the existing built up area;
- The conversion of appropriate existing buildings; and
- On sites specifically allocated for residential development in this plan.

6.3 The site is greenfield agricultural land outside of the built up part of Bampton and it has not been identified for development in either the adopted or emerging local plan. Officers do not consider that the provision of residential development on the site would be considered to be within the village and as such the development would be contrary to Policy H7 of the West Oxfordshire Local Plan 2011.

- 6.4 The applicant's case argues that the Council does not have an adequate 5-year housing land supply and as such, the housing policies of the local plan are out of date and paragraphs 14 and 49 of the NPPF should be applied.
- 6.5 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.6 For decision-taking this means¹
- Approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted².
- 6.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.8 The key issue therefore is whether the Council has an adequate 5-year supply of deliverable housing land. If this cannot be demonstrated, the provisions of Paragraph 14 and 49 of the NPPF are engaged and less weight may be afforded to Policy H7 of the adopted Local Plan. This issue is addressed in detail below.

Housing Land Supply

- 6.9 The National Planning Policy Framework at paragraph 47 sets out that Local Planning Authorities should identify, annually, a supply of deliverable sites to provide five years' worth of housing with an additional 5% buffer (moved forward from later in the plan period) to ensure choice and competition in the market. It also states that where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.9 Members should note that given the high rates of housing delivery in the District (average 570 dwellings per annum in the period 2006/7 – 2011/12) the 5% buffer is considered to apply in the case of West Oxfordshire.
- 6.10 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The applicants in their submission have not tried to argue compliance with Policy H7 of the Local Plan but have sought to demonstrate that the policy should

¹ Unless material considerations indicate otherwise

² For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

be set aside and that instead there should be a presumption in favour of the development in line with the National Planning Policy Framework (NPPF).

Applicant's Position

- 6.11 The applicant's position in relation to housing land supply focuses on two issues; the anticipated supply of new housing which they consider has been over-estimated by the Council and the need for new housing, which they consider has been underestimated.
- 6.12 With regard to housing land supply, the applicant draws attention to the Council's assumptions regarding development at West Witney and questions the extent to which it is likely to deliver 600 new homes within a 5-year period.
- 6.13 With regard to the need for new housing the applicant argues that the Council's draft housing requirement of 5,500 homes in the period 2011 – 2029 (306 per year) has been formulated in the absence of an up-to-date assessment of housing needs and that the new Oxfordshire Strategic Housing Market Assessment (SHMA) is likely to identify a significantly higher housing requirement, thereby further exacerbating the 5-year housing land supply position.

Council's Position on Housing Land Supply

- 6.14 In terms of housing land supply the Council's current position is set out in its Housing Position Statement (2013) which identifies the expected housing land supply for the five year period 1st April 2014 – 31st March 2019. This identifies that during this period, a total of 2,173 homes are expected to be delivered including 600 at West Witney.
- 6.15 When this level of supply is assessed against the requirements of the South East Plan (1,449 including 5% buffer) the Council is able to demonstrate that it has an adequate five year housing land supply.
- 6.16 Whilst the applicant has questioned the ability of the scheme at West Witney to deliver 600 homes within the 5-year period, Officers remain confident that this is not an unreasonable expectation. Furthermore, even if none of these 600 homes were to be built within the five year period, the housing land supply at 1,573 would still exceed the South East Plan requirement (1,449).
- 6.17 In terms of the housing requirement, as outlined above, the Council's current position has been calculated on the basis of the South East Plan (2009).
- 6.18 However, the Council is aware of a recent court of appeal decision (December 2013) involving St. Alban's District Council and Hunston Properties Limited which has a direct bearing on whether West Oxfordshire District Council should continue to use the South East Plan to calculate its 5-year housing land supply position.
- 6.19 The St. Alban's case relates to a Section 78 planning appeal at which one of the key considerations was whether or not the Council was able to demonstrate that it had an adequate 5-year housing land supply.
- 6.20 The Planning Inspector concluded that the Council was able to demonstrate a 5-year supply using the housing requirement of the East of England Regional Plan and subsequently dismissed the appeal.
- 6.21 However, the recent court of appeal decision confirmed that the Inspector erred in law in the approach she adopted to calculating the housing land requirement, because it was based on a

'constrained' or 'quantified' figure taken from the regional plan and she was instead obliged (in the absence of a local plan figure) to find that there was a shortfall in housing land supply when assessed against national household projections.

- 6.22 The inspector's original decision was therefore quashed and the appeal will need to be re-determined.
- 6.23 Given the outcome of this recent appeal court decision, it is not considered appropriate for the Council to continue to calculate its housing land supply position using the South East Plan or Draft Local Plan (which is based primarily on the South East Plan).
- 6.24 The question then arises of which 'housing requirement' should be used to calculate the Council's housing supply position.
- 6.25 Members will be aware that a new Strategic Housing Market Assessment (SHMA) for Oxfordshire is currently being prepared and will provide an objective assessment of the number of new homes (market and affordable) needed in West Oxfordshire in the period 2011 – 2031.
- 6.26 The recommendations of the new SHMA are not yet known and as such its findings should not be prejudged. Furthermore, once the SHMA has been published it may be subject to outstanding objections thereby limiting the amount of weight that may be afforded to it.
- 6.27 It is also relevant to note that upon receipt of the SHMA, the Council will not be obliged to use it immediately for the purposes of calculating its five year housing land supply. Rather, the Council will need to determine through appropriate evidence and analysis the extent to which the recommendations of the SHMA can be met and taken forward through the emerging Local Plan.
- 6.28 As this is likely to take several months, in the interim period it is considered appropriate to calculate the Council's housing land supply position using the Government's interim household projections (2011 – 2021) which for West Oxfordshire suggest an increase to 527 households per year.
- 6.29 Applying an appropriate upward adjustment of 5.2% (taken from the 2011 Census) for vacancies and second home ownership and adding a 5% buffer in line with national policy, the annual dwelling requirement would be 582 per year or 2,909 over a 5-year period.
- 6.30 On this basis the Council is unable to demonstrate that it has a full five-year housing land supply (approximately 4 years) and as such, your Officers consider that it would be appropriate to apply Policy H7 of the adopted Local Plan with a greater degree of flexibility than would otherwise be the case.
- 6.31 In accordance with paragraph 14 of the NPPF, consideration must then be given as to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework (the NPPF) taken as a whole, or whether specific policies in this Framework (the NPPF) indicate development should be restricted. The relevant issues are explored below.

Surface water flooding

- 6.32 The site is within Flood Zone 1, however historically it has been subject to some surface water run off/accumulation of water during heavy periods of rain which may have resulted in the flooding of some properties down hill of the site. Therefore the application was accompanied by a Flood Risk Assessment. This document has been considered by the Environment Agency (EA) who have raised no objection subject to conditions, and by WODC Engineers who have raised no formal objection

but highlighted that the scheme would benefit from some improvements beyond the redline application area (on land within the applicants control). Therefore an addendum to the original assessment was submitted on the 20th December showing additional works for betterment.

6.33 The addendum has now been considered by the WODC engineers and the Environment Agency.

6.34 The EA's revised comments are as follows:

We welcome this review of options to reduce the risk of surface water flooding in Bampton through this proposed development. We would support the inclusion of the swale and attenuation area within the development as this would help manage surface water on site and would reduce flood risk to the surrounding areas.

This initial assessment indicates levels could reach up to 800mm behind a proposed bund to the north of the village, which could pose a significant risk if the bund were to fail in the future. We agree with the recommendation of the report that this option should only be progressed if further detailed assessment shows it to be viable, and safe.

6.35 WODC engineers have indicated that the outline application has a drainage strategy that is now broadly acceptable and are content that the detailed design will provide a robust level of protection for the new development, the school and New Road areas. A further document was received from the applicant on 3rd February the summary of which is as follows:

"The FRA for the proposed development has been assessed by the EA and WODC and deemed satisfactorily with respect surface water drainage. The FRA also includes proposals to deliver betterment via a Flood Alleviation Scheme, also identified as being required through consultation with the EA and local Drainage Officers. The details of the Flood Alleviation Scheme remain subject to further detailed assessment and design activity. Such detailed assessment and design could readily be delivered as part of an appropriately worded condition to any planning approval. Overall the FRA demonstrates the applicant and landowner's intentions to bring forward positive benefits to the village, in line with the requirements of the NPPF. As such, the development represents a unique opportunity to offer these benefits to the community and this should be seen as an important and positive planning consideration."

6.36 The issue of drainage and adequacy of advice received from the EA and WODC engineers is, at the time of agenda preparation, the subject of third party comment. It had originally been intended that the detailed objections and technical responses would be reported in full as an appendix to this report. However as the objections are ongoing it has not been possible to finalise this appendix. If any material changes are made to the no objection responses these will be reported in the additional representation document or verbally at committee.

6.37 The proposal incorporates a scheme for a Sustainable Urban Drainage System which will be integrated into the landscaping buffer, and will be conditioned. You officers consider that the proposal is in accordance with the NPPF.

Affordable Housing Provision

6.38 The application proposes 50% on site affordable housing which is in accordance with policy H11 of the Adopted Local Plan. There is a considerable housing need in Bampton, the councils waiting list indicates that there were 271 applicants requesting Bampton as a choice of area, with 225 of these being in housing need. In addition, there were 40 housing association tenants in housing need and requesting Bampton. Therefore an additional 80 houses in this location would go a significant way to addressing the housing need in the locality.

6.39 The proposed tenure split of the 80 units is 65% Affordable Rent (52 units) and 35% shared ownership (28 units). This tenure mix will help to cater for a wide variety of people in housing need, as will the variety of dwelling types. Bampton has a high proportion of need for 1 bed units as well as family homes so the applicants have reflected this in the indicative scheme mix.

6.40 Officers consider the proposal is in accordance with policy H11 of the Local Plan.

Impact on existing infrastructure

6.41 Policy H7 of the adopted West Oxfordshire Local Plan 2011 defines Bampton as a Service Centre, in recognition of its place in settlement hierarchy. The village of 2564 residents (2011 census) supports a primary school, a doctors surgery with pharmacy, a library, a small supermarket, a butcher, local shops, and an hourly bus service that runs between 7am-7pm from Carterton to Oxford via Witney from Monday to Saturday. There are also several sports clubs and societies.

6.42 Officers acknowledge that the proposal has the potential to have a positive economic impact both at an immediate level and at district level. Although there is very little employment opportunity within the village there is in Witney and Carterton within the district and in Oxford and Swindon beyond West Oxfordshire. The Highway Authority have acknowledged that there will be an increase in the use of the local road network but that there is sufficient capacity to accommodate those vehicular movements. The increase in population will result in more people using local shops and services which will improve the local economy.

6.43 The County Council have indicated that the primary school would need extending to accommodate the increase in pupils likely to be generated by the proposed development. There is sufficient space on site for a classroom extension and this has already been explored by the school.

6.44 The doctors surgery have expressed concerns regarding an increase in prospective patients. Officers have raised this assertion with the NHS Area Manager, and they consider that an increase of 350-400 patients would equate to around one fifth of a GP and that there is sufficient capacity to absorb that increase in the existing practice.

6.45 The applicants have indicated that the proposal site would be built out over a number of years so the impact on all services would be incremental. They anticipate a rate of 30 units per year so given that a reserved matters application is required before any houses can be built it is likely to take until at least 2021 to complete the development. This rate of development could be controlled through the phasing of the delivery of infrastructure in the S106. The infrastructure associated with the proposal would be delivered incrementally alongside the dwellings.

6.46 Officers consider that although there may be minor disruption to the existing infrastructure, the proposal will not have a long term negative impact and will go some way to improving certain services and ensuring the longevity of others, both through the increased population supporting services and through commuted sums maintaining services.

Sustainability

6.47 One of the key issues raised by local respondents is whether Bampton is a sustainable location for this level of housing growth. There is a fear that whilst organic rates of growth would be welcomed and assimilated, helping to underpin the retention/provision of services in the settlement, that large scale additions over a short time period will swamp the rural character and nature of the village. In support of this argument they cite the last Local Plan Inspectors report (June 2005) where in the context of a discussion regarding the overall settlement hierarchy of the Plan the Inspector opined as part of his decision not to classify Bampton in the same category as Witney, Carterton and Chipping Norton, that the proposed categorisation of the settlement “flies

in the face of all of the evidence presented to the inquiry about the sustainability of Bampton. Simply because the village was considered suitable for an affordable housing development would not change its status. It is clearly not in the same league as the other named settlements for service provision and should be dealt with differently.....”

- 6.48 The Inspector went on to state that Bampton is “....clearly a good deal smaller with a limited range of facilities than the key service centres of Carterton, Chipping Norton and Woodstock together with Witney.....Bampton is relatively remote, there is no secondary school and employment opportunities are limited. Although bus services have improved the hourly services to Witney and Oxford are unlikely to encourage travel to work other than by the private car.....” and that “The issues of scale in relation to the settlement and the appropriateness of the open market housing element are even more acute in Bampton. Consequently I consider that (the proposed allocation) is contrary to the national policies on the location of new housing and should not be pursued as a matter of principle.”
- 6.49 The argument being made is that as a smaller allocation was rejected as part of the last local plan process it cannot now logically be considered sustainable development in the context of the NPPF. If the development is not sustainable then the presumption in favour of sustainable development could not apply and as such, notwithstanding the other arguments, development could not be supported. It is also argued that travel patterns and car usage in the village are worse in sustainability terms than the average for the District and that this adds weight to the “unsustainability“ of the proposed development. Of relevance in this context is paragraph 34 of the NPPF and Policy T1 of the Local Plan which state respectively that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and look to resist development in locations where travel by means other than the private car is not a realistic alternative.
- 6.50 As a matter of fact the settlement was found by the last Local Plan Inspector to be less sustainable than the larger settlements in the District. However, that decision pre-dates the NPPF and must be viewed in the context of the general thrust of the NPPF to significantly boost the supply of housing land and the distinction drawn in the NPPF between sustainable transport solutions in urban and rural areas. The Local Plan Inspector’s comments were also expressed in comparative terms relative to the larger service centres. It would not be a credible strategy to say that all development should or could be accommodated only in the larger settlements and none should be accommodated in smaller service centres like Bampton. Indeed the draft Local Plan (2012) clearly identifies the need to provide new homes in the more rural parts of the District albeit at a more modest level than in the three main towns.
- 6.51 On balance and having regard to the five-year housing land supply position outlined previously, it is considered that any harm arising from Bampton’s perceived lack of sustainability is demonstrably outweighed by the need to boost the supply of new housing in the District.

Highway Safety

- 6.52 Access is the only matter to be determined at this stage. However, it is the opinion of the Highway Authority that the proposed development would not have any significant impact upon the operation or space capacity of the local highway network, subject to conditions regarding vehicular access, off site works, travel plan and construction travel plan.
- 6.53 Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. The proposal is considered to accord with policy BE3 and T1 of the Local Plan.

Landscape Impact

- 6.54 The proposal site is defined in the West Oxfordshire Landscape Assessment as open rolling vale farmland, and is not subject to any statutory landscape designations. It is considered to be a “weaker landscape structure”. The site is a rectangular agricultural field where the land rises from New Road to the north and continues to rise beyond the site boundary. There is residential development and the primary school to the west, and hedgerow screening the site from Station Road. There are long distance views into the site when travelling south on the Mount Owen Road but on the whole it is fairly well contained in the wider landscape.
- 6.55 The existing village edge around Chandler Close and Colville Close is very hard when viewed from the North. The proposal seeks to form a landscape buffer between the proposed dwellings and the northern and eastern boundaries to soften this northern edge and mitigate the impact of the development. This buffer could potentially increase the landscape value in this area by providing a more substantial planting belt which would have benefits to the views towards Bampton, and for ecological reasons.
- 6.56 Officers therefore consider that the proposal is in accordance with policies NE3 and NE6 of the Local Plan.

Ecology

- 6.57 An ecology report has been submitted in support of the application which notes that other than the hedgerow the proposed site is of relatively low ecological value. On the basis of the submitted information officers are of the opinion that the proposed development would not be of harm to protected species. On this basis the development is considered to be in accordance with policy NE15 of the West Oxfordshire Local Plan 2011.
- 6.58 Additionally the application offers the ability to secure environmental enhancements/ mitigation measures by way of conditions and management plans etc. In your officer’s opinion, with these measures provided, the proposed development could lead to a small enhancement in terms of local ecology/biodiversity and as such, the development would accord with policy NE13 of the West Oxfordshire Local Plan 2011.

Archaeology

- 6.59 The applicants undertook a desk based assessment and concluded that whilst the site has some potential that this could be addressed by imposing conditions. The advice of the County Archaeologist was that whilst recognising that the site has the same potential for important Romano British/Iron Age and Saxon finds he indicated that the decision should be withheld until it was informed by a dig prior to determination.
- 6.60 The applicants have subsequently submitted a geophysical report of the whole site and the County Archaeologist is now satisfied that there will be no harm to archaeological artefacts.
- 6.61 The proposal is considered to accord with policy BE13 of the West Oxfordshire Local Plan.

S106 Heads of Terms

- 6.62 At this stage the applicant has indicated that they would be prepared to enter into a legal agreement to secure the following obligations to help mitigate the development into the community by protecting and enhancing the facilities that will be directly affected by an increase in population:

50% affordable housing
 Primary school extension (not yet agreed by OCC who want contribution)
 Contributions towards OCC requests for special needs education, libraries, day care, adult education and waste
 Contributions towards OCC public transport network, bus stops, highway improvements,
 Contributions towards WODC requests for public art, leisure
 Contributions towards the local community (through the Parish Council) towards improved
 Broadband, Footpath link to school
 Strategic landscape buffer
 SUDs
 4 week bus passes to new residents
 Contribution to TVP towards bicycles and mobile information technology

Conclusions

- 6.63 In terms of the principle of development, the key issue is whether the Council is able to demonstrate that it has an adequate five-year supply of deliverable housing land in accordance with the NPPF. If the Council were able to demonstrate that it has an adequate five-year supply, it would be reasonable to apply full weight to Policy H7 of the adopted Local Plan which does not support the principle of residential development in this location because it does not comprise 'infill' or 'rounding off'.
- 6.64 However, for the reasons set out previously, the Council considers that it is no longer appropriate to continue to calculate its housing land supply position using the South East Plan and that instead, as an interim measure, prior to a new local plan housing requirement being identified following publication of the emerging Oxfordshire Strategic Housing Market Assessment (SHMA), the Government's interim household projections should be used to calculate the housing land supply position.
- 6.65 Using this interim measure the Council is unable to demonstrate a full five-year housing land supply and as such the provisions of Paragraph 49 and 14 of the NPPF are engaged. This means that limited weight can be afforded to Policy H7 of the adopted Local Plan.
- 6.66 It then becomes necessary to consider whether the granting of permission would have any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, or whether specific policies within the NPPF indicate that development should be restricted.
- 6.67 Having considered all relevant issues, Officers are of the opinion that the proposed development would have a number of benefits including in relation to housing land supply and that there are no adverse impacts that would significantly and demonstrably outweigh those benefits. Furthermore, there are no specific policies within the NPPF that indicate that permission should not be granted.
- 6.68 In contrast to other sites that have been recently promoted this site does not have the same adverse impacts in terms of flood risk, impact on heritage assets landscape impact etc and the heads of terms for a S106 have been agreed in principle.
- 6.69 This site has additionally been considered on a number of previous occasions for housing purposes and notwithstanding that it was not formally allocated many of the reasons that lead to it being considered still apply and with the changed context arising from the introduction of the NPPF, the pressure on the five year land supply and a different planning policy framework your officers now no longer consider that the harms arising from the development are sufficient to outweigh the presumption in favour of sustainable development. It is therefore recommended that conditional approval subject to a legal agreement to secure the heads of terms set out above be given.

RECOMMENDATION

Grant subject to a legal agreement and appropriate conditions further details of which will be made available at the meeting but which should generally cover the aspects listed below:

Conditions to cover:

Time limits
Drainage
Landscape phasing
Reserved matters following design and access statement
Ecology
Sustainability
Access
Waste



OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

This report sets out Oxfordshire County Council's view on the proposal.

Annexes to the report contain officer advice and the comments of local members.

Overall view of Oxfordshire County Council:-

- No objection subject to the conditions, legal agreement and informatives in the annexes

Comments:

Officer's Name: Lisa Michelson

Officer's Title: Locality Manager

Date: 22 November 2013



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

TRANSPORT & PLANNING STRATEGY

Recommendation

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

- A public transport contribution is requested.

Detailed Comments:

Local Plan policy

Bampton is classed as a 'Rural Service Centre' in West Oxfordshire District Council's Draft Local Plan 2012, described at paragraph 4.11 as:

"Outside of the three main towns, the focus of development will be the six rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough and Woodstock."

Core Policy 2 in the same document goes on to say:

"Sites may be specifically identified within or on the edge of some of these service centres, including through Neighbourhood Plans."

Transport Policy: Public Transport

The Council has policies supporting and promoting the use of public transport as an alternative to using the car.

It is likely that the residents of this development will look towards Witney and Oxford for travel to work purposes.. It is important that many of these trips can be made by public transport as the only realistic alternative, to reduce the impact on the road network. The frequency of the current bus services through Bampton is generally hourly, which is sub-optimal for journey to work purposes. Paragraph 3.21 of the Design & Access statement acknowledges this frequency.

There was a very similar application recently for 37 houses in Aston, where £30,000 was requested as a contribution to developing bus services passing through the village, plus £8,000 towards new bus stop infrastructure

It is desirable that selected West Oxfordshire bus services are improved, especially along the Bampton-Aston-Ducklington-Witney route. The sum of £100,000 (equivalent to roughly £625 per house) is requested towards improvements to the public transport network serving Bampton, which is equivalent to the £30,000 requested at Aston.

The developer should discuss the provision of additional bus stop infrastructure with Bampton Parish Council. Ideally, an Oxford-bound bus stop (consisting of hard-standing area, pole, flag and information case) should be provided on the north side of Aston Road, to facilitate and encourage use of the number 18 bus service to Oxford. If agreed with the Parish Council, then the developer should provide a suitable hard-standing area through their section 278 works and also provide £1,000 as a section 106 contribution to the provision of a pole, flag and information case.

Pedestrian access

The developer needs to ensure that safe, clear and legible pedestrian access to the village centre and the bus stops is provided.

The continuation of a footpath on the northern side of New Road (to match that on the southern side) is welcomed, to link to village facilities.

Officer's Name: Melissa Goodacre

Officer's Title: Senior Transport Planner

Date: 07 November 2013



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

TRANSPORT DEVELOPMENT CONTROL

Recommendation

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

- Access

Legal Agreement required to secure:

- Section 278 Highways Act – works in the highway

Conditions:

- Vehicular Access – detailed submission and construction
- Off-Site Works - detailed submission and construction
- Travel Plan
- Construction Phase Traffic Management Plan

Detailed Comments:

The traffic generated by the proposed development would not have any significant impact upon the operation or spare capacity of the local highway network. The proposed vehicular and pedestrian accesses do not raise any concerns with regard to highway

safety or convenience; although detailed plans are required and should include pedestrian crossing provision in the form of dropped kerbs and appropriate tactile surfaces. Necessary improvements to the junction of New Road and Mount Owen Road have been proposed and should be secured either via condition or obligation. A footway is proposed along the front of the site to New Road, where this terminates to the East a dropped kerb and appropriate tactiles will be required to both the north and south sides of the carriageway.

The submitted illustrative layout, a reserved matter, is acceptable in principle; however, the applicant may wish to consider houses fronting directly onto New Road as this increased 'activity' can reduce passing vehicular speeds.

The following conditions are recommended on any planning permission that may be granted:-

1. Standard condition G18, NB to include provision for pedestrians.
2. Development shall not begin until details of footway provision, including appropriate crossing facilities, along New Road have been submitted and approved by the Local Planning Authority and no building shall be occupied until the aforementioned provision has been constructed in accordance with the approved plan. *Reason: Interests of highway safety and in accordance with Policy BE3 WOLP.*
3. Development shall not begin until detailed plans of the improvements to the junction of New Road and Mount Owen Road have been submitted and approved by the Local Planning Authority and no building shall be occupied until those improvements have been constructed in accordance with the approved plan. *Reason: Interests of highway safety and in accordance with Policy BE3 WOLP.*
4. A travel plan shall be implemented in accordance with submitted details.
5. Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction. *Reason: Interests of highway safety and in accordance with Policy BE3 WOLP.*

Officer's Name: Geoffrey Arnold

Officer's Title: Senior Engineer & Transport Planner **Date:** 08 November 2013



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

RIGHTS OF WAY

Recommendation

- No objection

Key issues:

- The development is likely to affect existing rights of way and farmland in the proximity of the site due to the desire to access the countryside from the site
- The development could provide the means to contribute to the improvement these rights of way and farmland to make them more connected and more convenient for year round commuting and recreational use

Legal Agreement required to secure:

- Contribution of £20,000 requested to enable the County Council to try and negotiate and implement a link from the south east corner of the site to provide a walking or riding connection to and beyond Bampton Bridleway 2 – which is currently a dead-end route; and undertake access improvements on existing public rights of way

Officer's Name: Paul Harris

Officer's Title: Countryside Access & Information Officer **Date:** 23 October 2013



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

DRAINAGE

Recommendation

- Support subject to the following conditions, legal agreement and informatives

Key issues:

- The flood risk assessment has not acknowledged the presence of a water course on the south west boundary of the site. This could significantly affect the calculations for the site.
- Any change to the drainage of the site could adversely affect the properties downstream of the site, as these properties have already suffered flooding.

Conditions:

- Prior to the commencement of the development, a scheme for the drainage (both surface water and sewage) of the development shall be submitted to, and approved in writing by the District Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling to which the scheme relates
Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan).

Officer's Name: W. Barker
Officer's Title: Senior Engineer
 November 2013

Date: 07



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

ARCHAEOLOGY

Recommendation

- Holding objection pending the receipt of further information from the applicant

Key issues:

- Potential presence of archaeological features.

Detailed Comments:

The application area contains no heritage assets. Directly to the south are a series of cropmarks. Cropmarks are visible, often from the air as marks in some types of growing or mature crops and in pasture when conditions are suitable. They are essentially the result of differential growth in vegetation due to the presence of archaeological features and outlines of them are visible within the crop. These include some linear features and possible enclosures that probably formed part of an Iron Age/Romano British field system, a concentration of pits and a circular enclosure, possibly a barrow. Evidence a small Anglo Saxon cemetery was also found. Although no cropmarks are visible within the application area it is possible that related features extend into it.

In accordance with the NPPF (2012), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of a geophysical survey of the application area. This should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Officer's Name: Hugh Coddington
Officer's Title: Principal Archaeologist
2013

Date: 30 October



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

ECONOMY, SKILLS & TRAINING

Recommendation

- No objection

Detailed Comments:

None

Officer's Name: Dawn Pettis

Officer's Title: Economic Development Strategy Officer

Date: 07 November 2013



RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no: 13/1465/P/OP

Proposal: 160 dwellings

Location: Land N of New Road Bampton

EDUCATION

Recommendation

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

- The proposed development is projected to generate a demand for 62 primary school places (age 4-10), 42 secondary school places (age 11-15) and 6 sixth form places (age 16-19).
- This development lies within the school planning area of Burford, and within the current designated areas of Bampton CE Primary School and Burford School which is a secondary academy.
- Expansion of permanent primary school capacity in the area would be necessary as a direct result of this housing development.
- **The scale of expansion considered possible at the local school would not be sufficient to cater for this development as well as other significant proposed developments. If a significant number of constructions are approved ahead of this application, then on Education grounds we would be likely to recommend refusal of this application. Likewise, if this application is approved first, on Education grounds we would probably need to recommend refusal of other significant applications.**
- Expansion of permanent secondary school capacity in the area would not currently be necessary as a direct result of this housing development.
- The development would be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of permanent school capacity would be necessary as a direct result of this housing development. 1.11% of children across Oxfordshire are educated in SEN schools.

Legal Agreement required to secure:

- Developer contributions towards the expansion of permanent primary school capacity serving the area by a total of 62 pupil places. If expansion of existing school(s) is a feasible solution, providing effective and efficient provision of education, contributions will be sought based on Department for Education (DfE)

advice for primary school extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £11,582 per pupil place at 1st Quarter 2012 price base. We would therefore require a contribution of £718,084 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes. If instead a new school is required to serve the growth in this area, a contribution would be required towards the new build costs of this, at a rate reasonably related to the scale of this development.

- Developer contributions towards the expansion of permanent SEN school capacity by a total of 1.3 pupil places. We are advised to allow £30,656 per pupil place at 1st Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of £39,853 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

Conditions:

- Planning permission to be dependent on a satisfactory agreement to secure the resources required for expansion of education provision.

Detailed Comments:

- Bampton CE Primary School only has 150 places available in permanent accommodation, and as of October 2013 has 140 children on roll. It is therefore effectively operating at its permanent accommodation capacity, and needs additional permanent accommodation to be able to accommodate more children in a sustainable manner. Additional accommodation would allow the school to expand to an intake of 30 (compared to its current published admission number of 20). Developer contributions are therefore sought towards additional permanent accommodation at the school, both to replace the existing temporary accommodation and to allow the school to expand further.
- On the basis of the estimated population generation above, this development would be expected to almost fill the potential expansion of capacity possible at this school. If there were to be other developments in addition, the school would not be able to accommodate all the local children. This development therefore needs to be assessed in the light of other development pressures in the area.
- This area feeds to Burford School (a secondary academy), which is expected to have sufficient capacity to accommodate the likely level of local housing growth. No developer contributions are currently sought.

Officer's Name: Diane Cameron
Officer's Title: School Organisation Officer **Date:** 14/11/13

RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

PROPERTY

Recommendation

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

- The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.
- The following development mix has been used
 - 15 No. x One Bed Dwellings
 - 29 No. x Two Bed Dwellings
 - 49 No. x Three Bed Dwellings
 - 67 No. x Four / + Bed Dwellings

It is calculated that this development would generate a net increase of:

- **473 additional residents *including*:**
- 27 resident/s aged 65+
- 297 resident/s aged 20 or over +

Legal Agreement required to secure:

• Adult Learning	£	4,752
• Waste Management	£	30,272
• Libraries	£	40,205
• Museum Resource Centre	£	2,365
• Day care	£	29,700
• Total*	£	107,294

*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

- Administration & Monitoring £ 8,710

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Conditions:

- The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

- Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Detailed Comments:

Libraries

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m². We are looking to improve the library provision currently operating in West Oxfordshire. Options being considered include upgrading facilities and/or colocation with other local services to improve accessibility and technologies to support delivery and demand. Costs are based upon the costs of extending a library is £2,370 per m² at 1st Quarter 2012 price base.

The development proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{\pounds 85 \times 473 \text{ (the forecast number of new residents)} = \pounds 40,205}$$

Strategic Waste Management

Under Section 51 of the County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base

$$\mathbf{£64 \times 473 \text{ (the forecast number of new residents)} = £30,272}$$

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility. An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

$$\mathbf{£5 \times 473 \text{ (the forecast number of new residents)} = £2,365}$$

Social & Health Care - Day Care Facilities

To meet the additional pressures on day care provision the County Council is looking to expand and/or improve day care facilities across Oxfordshire including the facility at Witney Day Centre.

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1st Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

$$\mathbf{£1,100 \times 27 \text{ (the forecast number of new residents aged 65+)} = £29,700}$$

Adult Learning

The County Council is looking to improve and provide more sustainable Adult Learning facilities across Oxfordshire.

A new 2 classroom facility costs £440,000 at 1st Quarter 2012 price base. This facility will provide for 1,350 learners per annum; this equates to £326 per learner. At least 5% of the adult population are likely to take up adult learning; this equates to £16 per person.

£16 x 297 (the forecast number of new residents aged 20+) = £ 4,752

Administration

Oxfordshire County Council require an administrative payment of £8,710 for the purposes of administration and monitoring of the proposed S106 agreement.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

Officer's Name: Oliver Spratley
Officer's Title: Asset Strategy Support officer
Date: 05 November 2013

RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

MINERALS & WASTE POLICY**Recommendation**

- No comment

Officer's Name: Peter Day

Officer's Title: Minerals & Waste Policy Team Leader **Date:** 30 October 2013

RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: West Oxfordshire

Application no:13/1465/P/OP

Proposal: Erection of residential development of up to 160 dwellings and creation of vehicular access from New Road

Location: Land West of New Road Bampton

ECOLOGY**Recommendation**

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

- Detailed information on planting scheme & ecological enhancements required

Legal Agreement required to secure:

Conditions:

- Prior to the commencement of the development hereby permitted, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. This is to include details of the planting scheme and the subsequent management of any ecological features. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Informatives

Detailed Comments:

Generally the site is of low ecological value. The hedgerows are species-poor but still represent a UK and Oxfordshire priority BAP habitat and should be retained and enhanced with new planting wherever possible. Other biodiversity enhancement measures such as planting only native species in public open spaces, leaving longer areas of grass or creating wildflower grassland and designing the SUDS to have areas of permanent water should also be considered. Protective fencing should be erected around the existing hedgerows to protect them from harm during the construction phase.

Officer's Name: Sarah Postlethwaite

Officer's Title: Protected Species Officer

Date: 25 October 2013

14/0005/P/RM Beaumont House Eynsham Road Sutton	
Date	23/12/2013
Officer	Mr Phil Shaw
Officer Recommendation	Approve
Parish	STANTON HARCOURT
Grid Ref:	441504,206482

APPLICATION DETAILS

Erection of ten dwellings with associated garaging & landscaping.

APPLICANT

Ralt Engineering Ltd, Sutton Farm, Sutton, Oxon, OX29 5RD.

BACKGROUND INFORMATION

This application seeks reserved matters consent for the development that secured outline planning permission under reference 13/0245. Much of the clearance of the buildings, scrub and conifer screen has now taken place along with the removal of thousands of tyres.

The application follows the principles outlined in the outline application of a loose grouping of 2 storey dwellings centred on a new "village green". The Orchard that was deemed to be of ecological benefit is retained.

Officers will make use of the submitted plans and elevations in explaining the layout and context of the development as part of the presentation to members.

1 PLANNING HISTORY

13/0245/0246 - Permission given for demolition of the existing house and redevelopment for 10 units.

2 CONSTRAINTS

The site lies within the Conservation Area and adjoins a listed building and public footpath.

3 CONSULTATIONS

3.1 Parish Council

No response to date.

3.2 OCC Highways

No response to date.

3.3 Thames Water Utilities

"No objections."

3.4 WODC Engineers

"Recommend a drainage condition."

4 REPRESENTATIONS

Letters have been received from Mrs Harrison, Mrs Gilgrass and Mr and Mrs Dixon – Brown. It is considered that the main points raised may be summarised as follows:

- Will improve character and appearance of the area.
- Most of the previous eyesore has been removed.
- 10 houses on a 5 acre site is generous and will fit in with the village.
- Will only generate light traffic flows.
- Road does however need a weight restriction.
- Drainage has been improved by recent ditch clearance.
- Will the boundary wall be kept?
- Light pollution should be restricted.
- Contractor parking and use of the footpath is inconsiderate.
- Bonfires are an issue.

5 POLICY

It is considered that policies H2 and BE2 are of most relevance along with the advice of the NPPF.

6 PLANNING ASSESSMENT

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

The design and landscaping of the units
The impact upon neighbouring dwellings
Highways/parking

Design and impact on Heritage Assets

- 6.2 The site lies within the conservation area and is visible from the surrounding road network, from the adjacent public footpath and across the fields. It is therefore very important that the design and landscaping is appropriate if the character and appearance of the conservation area is to be preserved /enhanced.
- 6.3 The scheme closely follows the principles secured as part of the negotiations on the outline application with a wide swath of green space forming the centre piece of the scheme and the new houses loosely grouped around this space. The two large walnut trees and the small orchard are retained and a generous landscaped footpath connection to the existing footpath is created. The houses sit within generous plots and are proposed with parking either at or above standard. Substantial additional planting is proposed and much of this has already been established.
- 6.4 The units themselves are of a variety of sizes and forms from a small terraced row to substantial houses in large plots. They are to be built in various combinations of brick, natural stone, timber cladding and render and even where there are similar house types they have been modified to seek to avoid repetition.
- 6.5 Your officers consider that the scheme, when mature, should provide a pleasant and attractive development that will enhance the conservation area.

Neighbourliness, pollution and Environmental Health

- 6.6 It will be noted that the extent of neighbour response has been limited and in the main centres on issues arising from the construction process rather than the merits of the scheme. Your officers would concur that the distances separating the proposed units from each other and from existing houses is such that no undue amenity issues will result from the completed development. Officers have brought the “construction” issues to the developer’s attention and a note is suggested advising of the need to respect neighbour amenity whilst works are underway.

Highways and parking

- 6.7 Members will recall that access issues were dealt with at outline stage and so it is not anticipated that any matters will arise. However the views of OCC have yet to be received and as such at this stage only a provisional recommendation is made.

Conclusions

- 6.8 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 in principle on its planning merits.
- 6.9 A verbal update will be given when the outstanding consultations have been received.

RECOMMENDATION

Provisional approval subject to conditions to cover:

1. RM time limits.
2. Samples of materials.
3. Details of boundary enclosures.
4. Removal of permitted development rights for extensions and garden buildings.

Notes regarding compliance with the outline conditions nos 5, 6, 7, 11, 12, 13, 14 and 15, the extant 106 agreement and considerate building.

14/0016/P/FP Marriotts Stadium Downs Road Curbridge	
Date	23/12/2013
Officer	Mr Phil Shaw
Officer Recommendation	Provisional approval
Parish	CURBRIDGE
Grid Ref:	432787,209921

APPLICATION DETAILS

Erection of temporary spectator stands and other ancillary works.

APPLICANT

On The Edge Ltd, c/o Agent.

BACKGROUND INFORMATION

This application relates to the unused football stadium and surrounding grounds located to the west of Downs Road. Consent is sought to re use the stadium as a base for London Welsh Rugby Club for the coming 2014/2015 season. As part of that process it is proposed to erect a series of temporary stands

around the current pitch to bring the capacity of the ground up to 10000 spectators of which 6000 must be seated to meet league requirements. A marquee (75m x 15m) will also be erected to the rear of one of the stands to use as a bar. The applicants own other land and facilities in the vicinity of the site which can be used for overspill parking.

The club is likely to play up to 20 home first team fixtures at the venue- mainly at weekends but there may be other days to comply with TV requests etc.

The new main stand will be located opposite the existing main stand and will be 11.2 m high with other smaller stands at either end of the pitch and either side of the existing main stand. The existing floodlights will be used.

The application has been accompanied by a detailed Transport Assessment.

I PLANNING HISTORY

The site secured consent for use as a football stadium under ref 91/0348 and the surrounding land is allocated in the emerging local plan for leisure/recreation and employment development/redevelopment appropriate for the town fringe.

2 CONSULTATIONS

2.1 Curbridge and Lew PC

“Appreciate this venture would help the local economy, the following concerns were raised:

Parking – The proposed parking for the site is unlikely to be adequate for the volume of visitors and the Parish Council are concerned Downs Road and the Main Road in Curbridge will be used for parking, which will cause serious hazards for motorists. An out of town park and ride facility should be considered.

Traffic – If the application is approved the Parish Council would request that a routing agreement is in place to direct traffic away from Curbridge and adequate signs are put in place.

Noise – The Parish Council appreciates that loud speakers will be installed and noise levels will be fairly high during matches, however, the Parish Council would insist that noise from music and loud speakers are kept to a reasonable level (level to be set by Environmental Health Officers) and timing restrictions are put in place.

If the application is granted the Parish Council would urge that the construction of the A40 junction is started as soon as possible to relieve traffic pressures around the Witney area.

Could you please confirm if Oxfordshire Housing have been consulted on this application, as the Parish Council believe they should be made aware of application as it is opposite the site which has received planning permission.”

2.2 Town Council

“Witney town Council has no objections to this application.”

2.3 OCC

No response as yet.

2.4 Thames Valley Police

“Thank you for consulting me on the planning application above. Unfortunately, due to time constraints I have not been able to review the application documents or visit the site.”

2.5 WODC Parking

“We believe that the information provided so far does not provide sufficient detail regarding the proposed parking arrangements to enable a proper evaluation to be made.

The stadium is in a remote area of Witney with no public transport links with the town or other routes. We are of the opinion this will alter the ratio of cars to spectators quite significantly. The proposed ratio is one car per 15 spectators but we believe that, due to this remote location, almost every spectator will arrive by car. If the true ratio is nearer to something like one car per two spectators, the number of vehicles to be accommodated will be much higher. A low attendance of as few as 1000 spectators could lead to 500 cars to be parked. We would request that more information is provided to clarify information.

The proposed parking arrangements are heavily reliant on space being provided by the car auctions company and The Lakes sports and golf centre. Are these arrangements the subject of any formal agreements? What will happen if one of these organisations withdraws from the arrangement?

The entrance to the motor auctions parking is 700 metres from the entrance to the stadium. We believe that a number of spectators will not use this facility but will attempt to park on the highway adjacent to the stadium. There are, currently, no parking restrictions on the highway in the vicinity of the stadium and we would recommend that a Traffic Regulation Order providing double yellow line restrictions be implemented.

There are no disabled parking provisions noted in the application. Additionally, there are no details of parking arrangements for plays, officials, stewards, catering staff and other operational personnel.

There are no details access arrangements for emergency services shown in the proposal.

There is a proposal to build around 1000 dwellings on land to the east of Downs Road and, in the long term, this will add to the traffic volumes in the area.

There is a proposed four-way junction providing access to the A40 Witney by-pass and, in the long term, this will be beneficial. However, this is unlikely to be constructed and available until the summer of 2016. (Schedule information provided by OCC highways Dept.)”

3 REPRESENTATIONS

No representations have been received at the time of agenda preparation.

4 APPLICANT’S CASE

Writing in support of the proposals the agent advises (in summary):

“Given the existing lawful sporting use that the site is put to and the fact that it predominantly lies within the urban area to Witney, we do not consider there to be any planning policy issues associated with the principle of the proposals. We note that the allocation of land adjoining the site within the emerging Local Plan is for “leisure/recreation and employment development/redevelopment appropriate for the town fringe”. It is, therefore considered that the continued use of the ground and stadium for sports uses, albeit with additional spectator accommodation on a temporary basis, would accord with saved and emerging policies. The Council will also appreciate, given the temporary nature of the usage of the site more intensively than has previously been the case, the main consideration that would arise is the highway

implications of the match day usage. In the light of the adjoining use, there is not considered to be any amenity (either visual, ecological or other) considerations that are material to the current proposals.

As far as car parking is concerned, given the temporary stadium will be used for matches for less than 28 days a year, it is not considered that specific permission is required for car parking. However, the indicative layout accompanying this application shows where parking could take place for the less than 28 day period allowed under Permitted Development Rights. In this regard the County Council's standards for parking relating to sports stadia is that one car parking space should be provided for every fifteen seats. This would lead at Witney to a requirement for some 400 spaces. There are spaces available within the existing car park adjacent to the club, some 120 on the car auction site (along with space for 12 coaches) with whom an arrangements has been reached, and 200 hospitality packages (including parking) are proposed to be purchased from Witney Lakes Golf Club, which adjoins the land owned by OTE. The land to the rear of the proposed marquee will be given over to car parking, with overspill parking (if necessary) to the south. These areas combined will provide in excess of the 400 spaces required and flexibility up to 600. In the case of the field to the south of the football ground temporary metal or matting surfacing would be used to allow access through to the rear area, with this being controlled by stewards.

Whilst the Rugby Union Professional Game Board requires all Premier League grounds to have a spectator capacity of 10,000, it is not anticipated that this capacity will be reached for games at Witney. Depending on the size of visiting clubs and their travelling support, the rugby club anticipate that crowds for four games will be around 5,500 to 7,000; for a further seven games the crowds will be around 3,500; and cup games will have crowds in the region of 2,000 to 3,000. Whilst this is clearly more than previously associated with Witney Town (a few hundred) the assumption should be made that the 10,000 capacity is required by regulations rather than a capacity that will be ever reached.

A transport strategy has been outlined for the temporary location of a club to the Polythene / Marriott's Stadium. The transport strategy will aim primarily to reduce the amount of travel by private car and increase vehicle occupancy. It will also seek to manage the residual car trips so as not to provide a detriment to the safety of the local road network.

The strategy comprises the following elements:

- Clear presentation of travel options;
- Coaches and shuttle buses;
- Public transport;
- Walking and cycling;
- Car sharing;
- Arrival and departure spreading; and
- Event day management.

An assessment has been undertaken of the impact of stadium events on the local highway network. The traffic increases on the local highway network that have been examined in this Transport Statement are considered to represent a worst case assessment. This is because:

- The assessment has been based on what are considered to be optimistic spectator numbers that are anticipated by the club should they be promoted to the Premiership next season;
- Conservative estimates have been used to calculate the number of individuals likely to arrive at the stadium by means other than the private car;
- Conservative estimates have been used to estimate the number of individuals who will arrive and depart some time in advance of kick-off. This means that the peak traffic impact considered is robust; and

- The traffic flow figures presented assume that there is no retiming or reassignment of existing traffic movements. It is anticipated that individuals will change their travel patterns in response to events at the stadium. This will be supported and managed through the Event Day Management Plan (EDMP).

Games with average attendance (3,000 spectators) will account for the majority of matches at the stadium including:

- Type C Premiership matches (7 games per season); and
- Cup Games (3-6 games per season).

Whilst these spectator numbers will account for the majority of matches played at the stadium, they will occur on up to only 13 events between August 2014 and June 2015. Events will therefore be infrequent.

Fixtures attracting 7,000 spectators will result in significant increases in traffic on the local highway network. Games with high attendance will account for a small number of matches at the stadium, with the traffic flows accounting for the upper end of the anticipated attendance at Type A Premiership matches. There are only anticipated to be two Type A matches between August 2014 and June 2015.

Type B matches are likely to attract spectator numbers between those considered under Scenario 1 and Scenario 2 (ie 5,500 spectators). There are only anticipated to be two Type B matches between August 2014 and June 2015. Two way traffic volumes are expected to be greater at these matches than the level of traffic that the local highway network typically accommodates during weekday peak hours although the impact will be less than that considered under Scenario 2.

An Event Day Management Plan (EDMP) will be required to deal with local transport management issues, public safety and crime prevention related to the use of the site for matches anticipated to attract spectator numbers comparable to those considered in Scenario 2.

This will need to be agreed with a number of local stakeholders and implemented in advance of the use of the temporary stands. The EDMP is likely to include the following key components:

- Advance notice in media;
- Temporary signage strategy;
- Temporary traffic management;
- Car park management plan;
- Coach and shuttle bus services;
- Pedestrian movement; and
- Monitoring programme.

There is sufficient parking to accommodate the anticipated demand for games with average attendance (3,000 spectators) considered under Scenario 1 which will account for the majority of matches at the stadium.

Fixtures with high attendance (7,000 spectators) account for only two matches at the stadium, with the parking demand considered under Scenario 2 accounting for the upper end of the anticipated attendance at Type A Premiership matches. The spectator numbers considered under Scenario 2 suggest some additional demand. The Event Day Management Plan (EDMP) will identify how this additional demand will be managed.

With the implementation of the EDMP it is considered that the impacts of the development can be satisfactorily managed. Further discussions are required with the Local Highway Authority to discuss the elements of the Event Day Management Plan (EDMP).”

5 POLICY

It is considered that policies TLC1, BE2, BE 3, T1 and T6 of the adopted local Plan and the advice of the NPPF are of most relevance.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

The principle of the use
Noise and light pollution
Landscape impact
Highways and parking

Principle/land designation/policy

- 6.2 The application seeks to reuse the stadium and its surrounds for the approved purpose. The scheme would result in a facility that is larger than was originally envisaged but it should be recalled that this application merely seeks consent for a one year temporary consent. During the course of that year there would be the opportunity to review and assess any impacts arising from the increase in capacity/profile of the ground (discussed in more detail later in this report) before a decision was made as to whether to extend the temporary period or grant a more permanent consent. Your officers consider that the extant permission for the stadium and the land allocation in the emerging local plan mean that the principle of this use is established /acceptable and complies with policy TLC1 provided that the impacts are not so averse that they would affect the character or environment of the area or generate unacceptable levels of traffic:

Neighbourliness, pollution and environmental health

- 6.3 It will be noted that Curbridge and Lew PC has raised some environmental health considerations regarding in particular the noise impact. Clearly there will be noise associated with both the activities directly associated with the match itself but also with entertaining spectators before and after the game and aimed at smoothing/spreading arrival and departure times. However these impacts need to be assessed in the context of the existing largely unrestricted nature of the lawful use and with a considerable separation from existing residential properties. The houses approved as part of the new West Witney development will sit somewhat closer to the site but again there will be a considerable intervening distance and the sporadic/intermittent nature of the use is such that your officers consider that the degree of likely nuisance caused would not be such as would justify a refusal. This assessment is supported by the fact that it is only a temporary consent that is being sought such that if the impacts are worse than envisaged there will be the opportunity to address any impacts as part of the consideration as to whether to renew or make permanent the proposed use.

Landscape

- 6.4 The existing ground has one main stand that is visible beyond the boundaries of the site and a number of smaller ones that have only a very localised impact. The new proposed main stand will be higher than the existing stand and all the lesser stands will of themselves be higher such that the site will have the appearance of an enclosed stadium rather than a pitch and main stand. That having been stated the new structures (including the marquee) will all be seen in the context of the substantially larger industrial buildings just to the north. The buildings are set back from Downs Road and the landscaping has matured such that your officers consider that whilst more visible than at present, the degree of material visual impact will be limited mostly to views of the site from

the entrance road to the Golf Club which is also in the applicants control. The floodlights will not be affected and thus whilst there will be some additional landscape impact this is considered sufficiently limited such as not to justify refusal.

Highways and parking

- 6.5 This is the key issue as far as officers are concerned. The benefits of having a major sporting venue with commensurate economic and other spin offs would be substantially undermined if the operation of the venue were such that it caused undue impacts on the A40 and local network or if the parking spilled beyond the capacity of the site and started to impinge on other residential and commercial uses in the general vicinity. In that the team has not operated in the area before, there are no rival teams of such standing in the immediate area and the existing customer base reaches from London to Wales there is a fair degree of uncertainty as to what the actual attendances will be. Within that overall 'guestimate' the extent to which coach travel will be used for those travelling from further afield, park and walk or park and ride could be used or incentivising car sharing etc to reduce car demand add further uncertainty as to what the actual impacts will be.
- 6.6 At the time of agenda preparation the applicants consultants are meeting officers to ascertain what capacity and margin for increased road usage exists and what measures can be put in place to try to ensure that gridlock or parking overspill is not caused. It is anticipated that this may result in a condition requiring a plan to be put in place prior to the first game and then an iterative process of refining the measures each time the stadium is used. Thus, as the operation of the stadium gives greater certainty as to the issues raised further measures could be required to overcome those issues. Hopefully this would enable the impacts to be controlled/mitigated well within the lifespan of the application. A full update as to this aspect will however need to be given at the meeting.

Conclusions

- 6.7 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 in principle on its planning merits but that the potential consequences for highway capacity and parking need to be better understood and the means whereby any issues could be addressed further refined. A full verbal update will therefore be given at the meeting.

RECOMMENDATION

Provisional approval.

14/0042/P/FP I Chapel Cottages Chapel Lane North Leigh	
Date	07/01/2014
Officer	Miss Miranda Clark
Officer Recommendation	Provisional Approval
Parish	NORTH LEIGH
Grid Ref:	438656,212989

APPLICATION DETAILS

Alterations and single storey side extension to reinstate single dwelling.

APPLICANT

Mrs Zena Salter, c/o Agent.

BACKGROUND INFORMATION

This application seeks consent for alterations and the addition of a single storey side extension to an end terraced unit to provide an additional dwelling. The proposal also includes revised access and parking to serve the proposed dwelling. The property is within the village of North Leigh and abuts the curtilage of a Grade II Listed Building. The application has been brought before Members for determination as the Parish Council has objected.

1 PLANNING HISTORY

13/1075 - Alterations and single storey side extension to reinstate single dwelling – Withdrawn. This application was withdrawn after officers raised concerns regarding how the parking provision could be accommodated without compromising the existing building.

2 CONSULTATIONS

2.1 Parish Council

“We would not support the use of brick on the extension and prefer to see stone to match the existing. Likewise a matching stonesfield slate roof to match would be preferable to slate, even if a modern imitation.

This dwelling will be small and should be either approved as ancillary by condition to the main dwelling or if the main dwelling’s use has lapsed due to lack of occupation for over 20 years, the cottage should be approved as an affordable unit on the 50% policy rule.

If there has to be light provided in the first floor with use of conservation type roof lights then why not put them on the east slope of roof where they will be less visible from the road and give better light.

The parking and access arrangements do not seem to have been thought through - if you drive in off Park Road do you back into the space with your car facing north - if not how do you turn round and then go in forwards? You then have to back out northwards against the flow of any other vehicles - far from safe given this is a footpath as well as a shared drive.”

2.2 OCC Highways

“Chapel Lane is a private road but is also a public footpath route. Vision from the Chapel Lane onto Park Road is restricted. However, the existing access serves a number of properties and the church. The additional movements associated with the proposed one-bedroom dwelling will represent a relatively small percentage increase in the use of the access and it would be difficult to demonstrate that the development will cause severe harm.

One car parking space is considered acceptable to serve the proposed one bedroom dwelling. This should be secured by planning condition.

Pedestrian vision splays are also important given the Chapel Lane’s public footpath status. It is proposed to reduce the height of the wall adjacent to the parking spaces to 0.9m. This will provide sufficient visibility for vehicles exiting the parking spaces to see other vehicles and pedestrians.

The proposed conversion / reinstatement of the dwelling is unlikely to have a severe impact on the highway.
Recommendations

I have no objections to this application subject to the following conditions.

1. G36 Car parking in accordance with approved plans

2. *Boundary wall position and height to be in accordance with submitted plan in the interests of highway safety.”*

3 REPRESENTATIONS

Letters from Mr and Mrs Livingstone of Orchard Cottage & John Harvey, Peter Harvey and Dr Peggy Frith (siblings) joint owners of 1 Chapel Lane with Robert Harvey (father) have been received and summarised as:

- We are disappointed that the revised proposal has a minor adjustment (the location of the proposed parking space) but has taken no notice of previous concerns re-iterated below.
- The adjustments to the plan appear to be stretched to facilitate the revision in reality, the proposal cannot work because of the porch of no 1 Chapel Lane which has conveniently been omitted from the proposal plan.
- The new plan when overlaid on a scaled map shows the location of the boundary wall appears to have been moved considerably to accommodate the proposal. The location plan outlined in red now incorrectly includes the top access part of the unadopted lane as the development site. This is an unadopted land is not part of 9 Park Road property or development site.
- Our main objections are that the current application seeks to introduce the ancillary building for No 9 Park Road into Chapel Lane and along with this the additional traffic and parking by inclusion an ill conceived parking space which will be detrimental to the existing dwelling as parking in the land is already oversubscribed.
- Promote parking at the top of the land which is a hazard for those leaving Chapel Lane because its on a blind bend.
- Visually impacts the character of the lane by removing a large section of natural Cotswold stone wall and its trees thus possibly introducing additional erosion factors to the un-metalled surface of the lane.
- We are surprised at this parking proposal because essentially to enable the new single bay fee access, would still deprive the neighbour of their parking space. Excess parking and turning and manoeuvring is difficult.
- The top of the land is punctuated with the impressive retaining wall of no 9 Park Road its unbroken continuity and height which extends to 5ft in places forms the historical and aesthetically pleasing character of the land and Park Road. The proposal to take out a large section of the all would surely have implications for the footings of the proposed building; the ground level is some 2 feet higher. The lane is already affected by gradual slope run off erosion.
- We feel the onus should be on the applicants to utilise this more suitably and (long term unused) provision for their proposal and prevent the already overcrowding of Chapel Lane. We have no objection to this being converted to a property if there is no access onto Chapel Lane.
- It will cause unnecessary inconvenience to nearly all the residents of Chapel Lane and patrons of the Chapel.
- In summary our concerns were that the proposed access could only be achieved by eliminating our own existing parking arrangements with regard to the space available, the vehicular movements to and from the new property constituted a danger to pedestrian access to and from our property as it crossed the existing porch, and the implied ground reshaping to accommodate the level differences between the new property forecourt and the access road, coupled with a significant increase in local vehicular movements, posed a significant threat to the long terms structural integrity of our building.
- The drawings supporting this application are very significantly inaccurate and the real layout of the salient features means that the parking and access arrangements proposed are still wholly impractical.
- The key inaccuracies are; the covered porch to our property is omitted, the car shown is not to scale, and the boundary stone wall of the applicant’s property adjacent to Chapel Lane in

fact projects very much less than their drawing indicates so that the frontage to our property is in fact much smaller than their drawing indicates.

- Combination of these 3 issues gives a totally misleading picture of the real situation and demonstrate the impossibility of accommodating a standard road vehicle in the location they illustrate.
- The drawings for I4/0042/P/FP are also inaccurate as the curtilage of the property and the small scale area layout by the red perimeter is incorrect in that the Chapel Lane bell mouth and adjacent verge area is not included. The lane and verges are not in any designated ownership as was verified to us in the legal search. The overlap of our outhouse at the rear is considerably greater than indicated on plan Sk04. We hope that matters can be resolved through the planning process, however we are fully prepared to protect our interests through legal action should this be necessary.

4 APPLICANT'S CASE

The applicant's Design and Access Statement & Justification Statement has been summarised as follows:

- Clear building was habitable at one stage as it contains a fire place and chimney together with the remains of a staircase serving an upper floor. Building is currently in poor structural condition.
- Application seeks to bring the building back into residential use by repairing and improving the existing structure, and providing a modest extension to achieve an acceptable standard of accommodation. A new staircase will be inserted to the left hand side of the fire place in the position of the original staircase.
- Two small rooflights have been proposed to provide additional light to the bedroom.
- Extension takes form of a subservient lean-to building in a vernacular style. It is suggested that the extension will be built in a red brick with a slate roof typical of such vernacular additions and will reinforce it as being a distinct addition whilst not distracting from the form of the original structure.
- Access to be provided through the garden of No.9 by removing a short section of boundary wall adjacent to No.1 Chapel Lane. A new car parking space will be created.
- Space for cycle and bin storage can be provided within the rear courtyard which is readily accessible from the street frontage.
- Both No.9 Park Road and the application property are in need of restoration. Client's funding situation remains difficult but sufficient funds are now available to carry out the restoration.
- Property will remain in client's ownership, and be let on the open market. This income will enable the necessary works to be undertaken to gradually restore the main house at 9 Park Road.
- The restoration and the small extension, which will assist in stabilising the structure, would be of benefit to the whole building.
- Materials used will be those that can be made available by carefully removing the stonework of the existing wall, rebuilding, and adding matching materials.

5 POLICY

Officers consider the following policies to be of relevance in the determination of this application:

Policy BE2: General Development Standards
Policy BE3: Provision for Movement and Parking
Policy BE8: Development affecting the Setting of a Listed Building
Policy H2: General Residential Development Standards
Policy H6: Medium-sized villages
Policy NE15: Protected Species

National Planning Policy Framework (NPPF) has been referred to

6 PLANNING ASSESSMENT

- 6.1 The application seeks to reinstate an end terrace building as a dwelling with the erection of a single storey extension to provide a small kitchen and bathroom. The building is located to the end of a row of terraced properties off Chapel Lane, North Leigh, which leads to the Methodist Chapel.

Principle

- 6.2 The information submitted with the application and the indications from a site visit suggest that the unit had at some stage been used as a residential outbuilding/dwelling. The works therefore seek to reinstate the building to its former state, and in doing so provide a simple lean-to extension to provide appropriate accommodation. In principle the proposal is considered to be compliant with both Policies H2 and H6 of the Local Plan being the conversion of an appropriate existing building.

Design

- 6.3 The building is of modest proportions and officers consider that the overall structure has retained its overall integrity. A lean to extension is proposed to form a small kitchen and bathroom and the existing building will have two roof lights to the front elevation, and one roof light will be inserted to the side elevation of the proposed extension. Officers consider that these minor alterations to the building to enable habitable accommodation are acceptable. The proposal to construct the lean-to with brick rather than matching stone is considered to be acceptable; although officers are seeking confirmation that second hand, weathered brick will be used.
- 6.4 The previous comments regarding access and parking were concerning insufficient information on the plans regarding the positioning of the proposed car parking space, and how the ground levels can be easily reduced close to the existing structure, or the wall altered without being rebuilt, without affecting the structural integrity of the building.
- 6.5 The agent has been in discussions with the Oxfordshire County Council Highways Authority since that application. The OCC Highways Officer has stated that the proposed conversion/reinstatement of the dwelling is unlikely to have a severe impact on the highway. However due to the comments raised by neighbouring properties, officers are seeking confirmation from the Officer to ensure the proposed parking provision can be accommodated and implemented. It is anticipated officers will verbally update Members at the meeting.

Neighbourliness

- 6.6 The proposal would sub-divide the rear garden space and encroach on a portion of the front garden of No.9 to facilitate the creation of the new unit. Amenity space will largely be to the rear. Whilst there will be a level of mutual overlooking with the proposed dwelling and No.9 it is considered that this mutual inter-relationship has always been in existence and is no more materially harmful as is being proposed.

Ecology

- 6.7 A full ecological survey and report has been provided in response. It has been demonstrated to the satisfaction of the LPA that the development can be undertaken without harm to a protected species.

6.8 Conclusions

In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development in terms of design and scale is acceptable. However the parking provision and access details will be confirmed by officers and Members will be verbally updated at the meeting. If the proposal is considered acceptable, suggested conditions will also be made available.

RECOMMENDATION

Provisional Approval.

14/0043/P/OP Land at Dark Lane Witney	
Date	08/01/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435256,210066

APPLICATION DETAILS

Residential development comprising of five dwellings with associated vehicular access.

APPLICANT

Kennet Properties Ltd, c/o Agent.

BACKGROUND INFORMATION

The site is currently a Thames Water Depot. Witney Community Hospital is immediately to the south, there are residential properties to the east and north and an employment site to the west.

The proposal seeks outline planning consent for residential development of 5 units, with access to be approved and all other matters reserved.

The application comes before committee as the Town Council have raised no objection.

I PLANNING HISTORY

No previous relevant history to this application.

2 CONSULTATIONS

2.1 Witney Town Council

“No objection. Would request a S106 contribution of £50,000 towards Witney amenities – The Corn Exchange, the Leys and Burwell.”

2.2 Environment Agency

“Applicants need to submit FRA and refer to the sequential test before comments can be made on flood risk. On matters of contamination, we have no objection subject to condition.”

2.3 OCC Highways

“No objection subject to conditions.”

2.4 OCC Rights of Way

No comments yet received (publicity expires 13/02/14).

2.5 Environmental Health

“Any occupants of the new dwellings seem to be vulnerable to disturbance from sewage odour, noise from process activity or noise from depot usage which may be occurring 24 hours a day. Recommend applicant provides a through assessment of noise and odour for consideration.”

2.6 Waste

No comments yet received (publicity expires 13/02/14).

2.7 Environmental Consultation

No comments yet received (publicity expires 13/02/14).

2.8 WODC Engineers

“Applicants need to submit FRA before comments can be made.”

3 **REPRESENTATIONS**

No representations received to date (publicity expires 13/02/14).

4 **APPLICANT’S CASE**

The application is accompanied by the following documents summarised below:

4.1 Design and Access Statement

- Site no longer required by Thames Water.
- Can be made available for housing to help meet Council’s Housing target.
- Principle of development accords with national and local policy.
- Layout demonstrates proposed development can be accommodated within the site in an appropriate way.

4.2 Transport Note

- Five residential dwellings will result in a low number of vehicular movements to and from the site.
- Trip generation of site will fall within the daily variation of the traffic flow along Dark Lane and Moor Avenue.
- Therefore considered there will be no material impact on surrounding highway network.

5 **POLICY**

5.1 Relevant policies of the West Oxfordshire Local Plan 2011:

Policy BE2 - General Development Standards
Policy BE3 - Provision of Movement and Parking
Policy NE6 - Retention of Trees, Woodland and Hedgerows
Policy T2 – Pedestrian and Cycle Facilities
Policy H2 - General residential development standards
Policy H3 - Range and type of residential accommodation
Policy H7 – Service Centres
Policy E6 – Change of use of existing employment sites
Policy TLC7 – Provision for Public Art

5.2 Guidance in the National Planning Policy Framework is considered to be relevant to this application.

5.3 Guidance within the West Oxfordshire Design Guide is considered to be relevant to this application.

6 PLANNING ASSESSMENT

6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

Principle
Layout
Pollution and Environmental Health
Environment and climate change
Highways

Principle

6.2 The proposal seeks outline permission for housing on an existing employment site. The principle of the change of use is considered to be in accordance with local plan policies H2 and E6, however the site is within Flood Risk Zone 2 and therefore a sequential test is required. If there are other sites within Witney that are suitable for housing without any risk of flooding then they are preferential for housing development. Your officers consider that there are other sites capable of accommodating housing within Witney that are not within areas of flood risk and therefore this site fails the sequential test. It is considered the application is contrary to PPS25 guidance notes and policies of the NPPF.

Layout

6.3 The application seeks outline consent with all other matters other than access reserved. They have provided an indicative layout which effectively demonstrates that some development could be accommodated on site without detrimentally affecting the character and appearance of the area. There is sufficient space for 5 small dwellings with associated parking and landscaping, without harm to the existing trees or impact on neighbouring amenities.

6.4 The proposal is therefore considered to accord with BE2 and H2 of the Local Plan.

Pollution and Environmental Health

6.5 This application has been considered by Environmental Health officers who have raised several concerns. They are of the opinion that the site is vulnerable to environmental challenges, including residents being affected by odours from the sewage processing plant, and from noise from the adjacent depot that could potentially be in use 24 hours a day. The applicant would need to submit

further noise and odour reports to convince officers that future occupants would not be detrimentally affected by the adjacent uses. The proposal is considered to be contrary to policies BE18 and BE19.

Environment and climate change

6.6 The site is within Flood Zone 2 and therefore required to submit a Flood Risk Assessment with the planning application. This has not been forthcoming. Furthermore, the site is subject to sequential testing because it is with Flood Zone 2, and it is your officers opinion that there are other sites within Witney that are suitable for housing that are not within Flood Zones 2 and 3, and are therefore more appropriate for housing development. It is considered the application is contrary to PPS25 guidance notes and policies of the NPPF.

Highways and parking

6.7 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. It is likely that the proposed use will generate less trips than the existing use, therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. It is considered to be in accordance with policy BE3 of the Local Plan.

Conclusions

6.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits.

RECOMMENDATION

Refuse for the following reason:

That by reason of the lack of an FRA, details to demonstrate that the Sequential Test can be addressed and information regarding the ongoing noise and odours from the retained site, it has not been demonstrated to the satisfaction of the Local Planning Authority that development can be accommodated without increasing flooding risk or causing harm to residential amenity. This is contrary to policies H2 and BE2 of the West Oxfordshire Local Plan and the advice of the NPPF 2012.

14/0046/P/FP 24 High Street Witney	
Date	
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Refusal
Parish	WITNEY
Grid Ref:	,425651, 209817

APPLICATION DETAILS

Alterations to convert the first floor flat into two apartments and existing storage area into one apartment (to include provision of three car parking spaces).

APPLICANT

Hobart International Ltd

BACKGROUND INFORMATION

This application is for alterations to convert the first floor flat into two apartments and an existing storage area into one apartment. The application also proposes three parking spaces to serve the residential use on land at the rear of the site. The proposed spaces are 4.8m by 2.4m and arranged in the form of echelon parking. The clearance distance between the parking spaces and the repaired stone wall to the southern boundary of the site varies between 2.2m and 2.5m.

Under 13/1530 conditional planning permission was granted for the three residential units with no allocated on-site parking. The area of land where parking is now proposed was conditioned as part of the grant of planning permission to be upgraded and maintained as a service access area for the commercial use at ground floor level on the site. The submitted plans clearly identify the rear ground floor area as a 'shop storage area' with doors opening onto the area of land now proposed as private parking for the apartments.

In respect of highways and parking, the supporting statement submitted with planning application 13/1530 stated as follows:

'Given that the accommodation would suit single people and couples who are likely to be mobile people, and that there is a vast range of services in walking/cycling range it is not essential to have any on-site parking at all.'

1 PLANNING HISTORY

13/1530 – Planning permission granted for conversion of the first floor flat into two apartments and an existing storage area into one apartment. Given the town centre location permission was given without the provision of off street parking spaces.

2 CONSULTATIONS

2.1 Town Council

"No objections."

2.2 OCC Highways

No reply to date.

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT'S CASE

- Although planning permission was granted without the provision of car parking under 13/1530, the application was taken to Committee because there was a concern over this lack of on-site facility.
- The report to Committee pointed out the lack of car parking spaces on site (6 spaces required)
- Further to this concern the applicant has felt that an application should be made for the provision of three car parking spaces. These would be able to be accommodated in a chevron pattern.
- The refuse store and the cycle racks (which will be covered) will be slightly altered to cater for the three car parking spaces. Protection of the trees on the site will be undertaken.

5 POLICY

Key policies in respect of parking provision to serve the residential units are BE2, BE3 and BE5.

6 PLANNING ASSESSMENT

- 6.1 In light of the fact that conditional planning permission has been granted for the three residential units under 13/1530 without off street parking provision, given the town centre location , the key issues for consideration in respect of this application are as follows:
- Whether or not off street parking should be provided at the expense of the service yard facility.
 - Whether or not the car parking spaces that are proposed adequately function given the physical constraints of the application site area.
 - The impact of the provision of the parking spaces on the arboreal aspect of the rear of the site in terms of preserving/enhancing the Conservation Area.
- 6.2 Whilst at the time of writing OCC Highways consultation response remains outstanding, your officers are of the opinion that the provision of a service yard facility to serve the ground floor retail use should be retained in order to remove the need to service the unit off of the High Street.
- 6.3 In addition, the parking layout that has been submitted as part of the application, due to the constraints of the site in terms of its width, does not appear to have a wide enough clear zone for parked vehicles to manoeuvre in and out of the spaces.
- 6.4 With regards to the impact on trees located at the rear of the site, the application states that the trees on the site will be protected. Officers are of the opinion that the construction of the three spaces is likely to require the removal of a couple of sycamores within the site and thus will reduce the amount of existing tree cover which contributes to the arboreal character of the area. However, in this regard the loss of the 2 trees is not considered so harmful to the character of the Conservation Area because trees peripheral to the site will remain unharmed by the development. In addition it could be argued that these trees would need to be removed in order for the service yard to function effectively.

RECOMMENDATION

In light of these issues the application is recommended for provisional refusal. A firm recommendation will be given at the meeting following receipt of OCC Highways comments.

14/0071/P/FP Land adj Glebe Cottage Bampton Road Curbridge	
Date	15/01/2014 15/01/2014
Officer	Mr Phil Shaw
Officer Recommendation	Defer
Parish	CURBRIDGE
Grid Ref:	433638,208896

APPLICATION DETAILS

Erection of four dwellings with associated parking and access, communal outside space and hub to create independent community for people aged 60+.

APPLICANT

Mr David Keates, C/O Agents.

BACKGROUND INFORMATION

This application relates to a paddock located to the east of the Bampton Road and seeks consent for a small development of 4 single and 1 1/2 storey units with a communal hub and shared outside space to meet the needs of residents over 60. The housing model is that the houses will fulfil the aspirations of older persons and extend the period that older people can remain independent thereby placing less financial burden on state provision. The village is scheduled as a Group A settlement and so only infilling/conversion is allowed. A contribution towards affordable housing would be made in lieu of on site provision.

This scheme does not comply with the definition of infilling and so is a departure from policy and has been advertised as such.

1 PLANNING HISTORY

None of relevance.

2 CONSTRAINTS

None of relevance.

3 CONSULTATIONS

3.1 Parish Council

No response to date.

3.2 OCC

No response to date.

3.3 WODC drainage

“Request a drainage condition.”

3.4 WODC Environmental Health

“No objections.”

3.5 WODC Housing

No response to date.

4 REPRESENTATIONS

None received at the time of agenda preparation.

5 APPLICANT'S CASE

Writing in support of the application the agent has submitted a considerable volume of information that may be inspected in full in the usual manner. It is considered that the main points raised may be summarised as follows:

“The proposal has the potential to reduce the cost to state funded services such as reducing impatient hospital overnight stays by maintaining a supportive network at home; furthermore; 80% of emergency admissions to hospital that result in a stay of more than 2 weeks are patients over 65, often because there is no help at hand at home to allow the patients to be discharged. The proposed older housing model put forward means that there will always be help at hand from their neighbours, which will reduce the likelihood of prolonged overnight stays in hospital.

Research has shown that older people live in homes that have at least 3 bedrooms or more, and that the present level and standards of specialised accommodation for the older persons is not what they want; older peoples are not prepared to lower their living standards or comfort, or be forced to move to more urban areas, just because this is where the majority of specialised homes are located.

This reluctance of the older person to move has lead to over occupying, that is, older people living in a home that is larger than they need, the home being more appropriate for a young family. This development brings forward an acceptable alternative housing provision for the older person, one that is more akin to their requirements and aspirations, which may encourage downsizing, increasing the availability of family sized homes for the younger generation.

This development will encourage older people, as government policy directs, to take charge and plan for their lives as they get older; by improved individual financial planning, and in the long term, more effectively transferring the cost of medical and social care of the elderly from the state to the individual. In this scenario, the cost and activity associated with social care could be shared amongst the residents.

Supporting West Oxfordshire's Ageing Population evidence paper, states that almost a quarter of the districts population will be over 65 by 2026, a massive increase of 42%.

The dwellings will be leasehold. The freehold will be retained within a management company in which all residents of the development will have an equal share. The management company will:

- *Enable residents to maintain control of their living environment, be their own landlords with an equal share of the freehold.*
- *Through a monthly service charge, provide the maintenance and housekeeping services at a base level that will be agreed by the residents. This will include maintenance of all the communal outside areas and the Communal Hub.*
- *Other care packages such as month visit by a chiropodist, nutritionist, GP check ups, will be agreed by the homeowners and entered into voluntarily.*
- *Notwithstanding the above, each resident will purchase their own personal care package or other services required eg cleaning.*
- *Unlike other accommodation for older people, the residents will not have to move onto other accommodation if their health fails to a degree that they are unable to live independently. The*

resident will have to pay for whatever on-going care is needed to allow them to remain within the development.

- If residents became unable to operate the management company, an agent or proxy, named within the leasehold will take over responsibility.

The occupants will have to fit the following criteria for the development:

- Be 60 years plus.
- Be fit and healthy – capable of independent living.
- Have sufficient funds to pay the on-going service charge.
- All residents will provide their own care package. (The residents will agree any shared care package separately.)

If one of the dwellings becomes available, by a resident passing away or moving to other accommodation, the following safeguards to protect the remaining residents of the development may be included within the management company's responsibilities:

- There will be a moratorium of 3 months whereby the dwelling is offered back to the management company to find a potential purchaser. Further controls will be put in place relating to time periods for exchange of contract and completion/move in time periods. This will give the remaining residents some control over who will be moving into the development. (It is highly likely that the dwelling will be sold through word of mouth.)
- After the agreed moratorium has expired the responsibility of selling the dwelling will revert to a named person (which will usually be a relative) as included within the original leasehold document.
- A clause may be included within the management company, that any lost revenue due to the dwelling remaining vacant, is recouped from the proceeds of the eventual sale of the property, to encourage the seller to dispose of the property as quickly as possible.

A planning condition in any planning approval received, and a pre-condition within the lease will ensure that residents are limited to those 60+.

The development seeks to provide a small independent community that will be attractive to older people, where moving will often involve down-sizing from a larger family home. Within this scenario, the development seeks to create a development of an exemplar design, to maintain future occupiers changing lifestyle aspirations, as they move through the ageing process.

The design of the dwellings takes account of the older generations housing preferences, which are; 2 bedrooms with private outdoor space, in a safe, secure and attractive environment. The scale, use of materials, and design reflect, and maintains the rural character and feel of the locality. The scale and layout of the development sits comfortably within the site boundaries and will have no impact upon the amenity of neighbouring properties.

The development will not generate a significant amount of traffic. The ethos of the scheme will encourage car sharing, and in real terms, see a reduction in journeys undertaken in a private car. The development will compliment and add to the existing attractive cluster of homes in this part of Curbridge. The design of the development complies with local and national planning policy.”

6 POLICY

It is considered that policies H5, H2, BE2, H11 and the advice of the NPPF are considered to be of most relevance.

7 PLANNING ASSESSMENT

- 7.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

Policy/principle
Design/impact on streetscene
Neighbourliness
Impact on ecology/climate change
Highways/parking
Section 106 details

Principle/land designation/Policy

- 7.2 This application proposes a form of development that is in excess of the infilling that is allowed for under adopted local plan policy. As such it is contrary to policy and there need to be sufficient material consideration advanced to justify setting aside the harm to policy if the application is to be approved. In that regard the applicants are advancing the case that the need for elderly person's accommodation is expanding significantly and that the care sector needs to create innovative models of care to meet the needs of all sectors of that community. In that regard this model of care is aimed at the more affluent elderly who would downsize into this small community and where the levels of care could expand as their needs changed. Measures by way of conditions and a legal agreement would be put in place to ensure that the units remained available to meet the need in the longer term and a contribution in lieu of on site provision of affordable housing would be made (exact amount not as yet specified).
- 7.3 There is no doubt that there is a severe demographic issue approaching whereby the proportion of elderly within the community will significantly increase with all the attendant problems of ensuring that they are cared for in an appropriate manner. This scheme seeks to address that approaching need in an innovative way – albeit based on ability to pay rather than the level of need. At the time of agenda preparation your officers have not had the responses of either OCC or the Head of Housing to advise as to whether the degree of need and the opportunity to trial a new way of meeting that need is sufficient to justify setting the in principle policy concerns aside. A verbal update will be given at the meeting.
- 7.4 If the principle of departing is established then further information would be required to set out in detail the exact mechanisms for controlling occupation and to quantify the affordable housing contribution.

Design and impact on streetscene

- 7.5 The site does not lie within a conservation area or the immediate setting of a listed building. There are no particular landscape or other designations. That having been stated it lies towards the fringe of the village and the loose knit character and set back building line coupled with the eclectic mix of dwelling sizes and styles forms a generally attractive streetscene.
- 7.6 The low height and relatively small scale of the proposed units, coupled with the fact that they are set back towards the prevailing building line and the substantial frontage hedge is retained mean that whilst there will be some additional urbanising impact from the proposed car port and to a lesser degree the new units, it is not considered that this aspect would justify refusal. This is particularly the case in that the paddock already has a somewhat urban nature from the existing stables and domestic paraphernalia site on or adjacent to it.

Neighbourliness, pollution and Environmental Health

- 7.7 The site sits between existing residential properties but has been designed such that issues of undue overlooking, overbearing, overshadowing etc should be avoided with appropriate boundary treatments and the separation distances involved. The road noise identified by the EHO is not sufficient to justify a refusal and conditions could be imposed to ensure that the noise environment was acceptable.

Ecology and climate change

- 7.8 The site is not subject to any particular ecological constraints and conditions could be imposed to ensure that biodiversity was enhanced. Similarly measures to ensure water and energy saving measures were incorporated into the new units could be secured by condition as could the drainage arrangements to ensure that this does not cause any off site issues.

Highways and parking

- 7.9 At the time of agenda preparation there has been no response from OCC or its highway team and as such no view as to whether the parking and safety perspectives are acceptable. Therefore, officers do not at this stage have a definitive view as to whether the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. A full verbal update will be given.

Section 106

- 7.10 If the principle is considered acceptable then there will need to be detailed further negotiations to ascertain whether sufficient controls could be exercised in the longer term to ensure that the units do not leak back to mainstream housing, as such would not have secured consent as it is contrary to policy. This is likely to take a further cycle to negotiate- assuming Members wish to support the concept as a departure from policy. The affordable housing contribution would also need to be finalised.

Conclusions

- 7.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is contrary to policy but may be acceptable on its planning merits subject to the receipt of further responses from OCC and the Head of Housing. These are considered likely to require further negotiation before determination and in any event Members may decide that a departure is not justified. As such the recommendation is for deferral at this stage. If any other recommendation is to be made Officers will advise Members by way of the additional representations report.

RECOMMENDATION

Defer.

14/0100/P/FP Westbourne Shilton	
Date	21/01/2014
Officer	Mr Phil Shaw
Officer Recommendation	Provisional Approval
Parish	SHILTON
Grid Ref:	426300,208252

APPLICATION DETAILS

Change of use from paddock to mixed use domestic and seasonal camping/caravan site.

APPLICANT

Mr Peter Handley, Westbourne, Shilton, Oxfordshire, OX18 4AW.

BACKGROUND INFORMATION

This application has been referred to the Sub-Committee for determination as the applicant is Cllr Mr Peter Handley.

1 PLANNING HISTORY

09/0626/P/FP Change of use to caravan and camping site. Granted at Lowlands Sub Committee in 2009.

2 CONSULTATIONS

2.1 Shilton Parish Council

No comments received to date (publicity expires 13/02/14).

2.2 OCC Highways

No comments received to date (publicity expires 13/02/14).

2.3 Environmental Health

No comments received to date (publicity expires 13/02/14).

2.4 Landscape Officer

No comments received to date (publicity expires 13/02/14).

3 REPRESENTATIONS

No representations received to date (publicity expires 13/02/14).

4 POLICY

The most relevant policies of the West Oxfordshire Local Plan 2011 are considered to be BE2 (General Development Standards), BE3 (Provision for Movement and Parking), BE19 (Noise), NE1 (Safeguarding the Countryside), NE3 (Local Landscape Character), and TLC4 (Touring Holiday Caravan and Camping Sites).

5 PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

Character and appearance
Neighbourliness
Highways

Character and appearance

- 5.2 Policy TLC4 (Touring holiday caravan and camping sites) allows in principle for the creation of new camping and caravan sites if there are no overriding environmental or amenity objections. Officers are satisfied that, in this case, the proposed development will not harm the character of the site or the surrounding countryside. The site is well screened from the surrounding area by existing mature vegetation on the boundaries which, particularly in the summer months, will limit the visibility of caravans and tents when in situ. Where glimpses of the interior of the site are available, officers consider that the number of caravans/tents proposed (a maximum of 5) will not appear overly cramped or harmful. Irrespective of this, officers are of the opinion that it would not be unreasonable to expect to see limited numbers of caravans/tents in an attractive rural area, and as such do not consider this type of development to be inherently harmful to a rural landscape setting. A condition has been recommended maintaining the height of the hedgerow to keep glimpse views to a minimum.

- 5.3 Your officers have also attached conditions specifying the submission of details of landscaping and minor structures to allow for control over any works, such as the creation of hard surfaces that may be required. The applicant has confirmed that no service 'hook ups' will be provided and disposal of foul water will be catered for by an existing septic tank.

Neighbourliness

- 5.4 Officers consider that the proposed development will not create unacceptable living conditions for people living in the surrounding area. The closest neighbours of the site are in excess of 100 metres from the site. Given the limited size of the site, and the proposed restriction on the number of tents and caravans on the site officers, consider this separation distance adequate to prevent any harm to those neighbours through noise pollution.

Highways and parking

- 5.5 At the time of writing, officers have received no response to consultation from Oxfordshire County Council Highways. Officers' recommendation of approval is therefore subject to a favourable response being received from that body. An update will be provided at the meeting of the Sub-Committee.

Conclusions

- 5.6 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, subject to no further material considerations being raised.

RECOMMENDATION

- 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 the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the plans accompanying the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the highway boundary of the land shall be retained at a height of not less than 2m and any plants which die shall be replaced in the next planting season with others of a similar size and shall be retained.
REASON: To safeguard a feature that contributes to the character and landscape of the area. (Policy NE6 of the adopted West Oxfordshire Local Plan 2011)
- 4 No caravans shall be on site from 31st October in any one year to 1st March in the succeeding year.
REASON: The use of the site as a holiday caravan site is only justified in the summer season when there is adequate screening available. (Policies BE2 and NE1 of the West Oxfordshire Local Plan 2011)
- 5 The camping and caravan site hereby approved shall only be operated in association with the occupation of the dwelling known as Westbourne, Shilton and shall not be sold off separately.
REASON: To ensure adequate supervision and management of the site. (Policies BE2 and TLC4 of the West Oxfordshire Local Plan 2011)
- 6 There shall be no engineering operations, including hardstandings and hook-ups to serve the caravans and lighting, apart from the alterations to the existing buildings on site as detailed on the approved plans.
REASON: To protect the visual amenity and neighbouring properties residential amenities in terms of noise and disturbance. (Policies BE2 and NE1 of the West Oxfordshire Local Plan 2011)
- 7 No more than a total of 5 caravans and no tents shall be present on site at any one time.
REASON: To prevent an overly intensive use of the site to the detriment of the character of the site and the surrounding area. (Policies BE2, NE1 and TLC4 of the West Oxfordshire Local Plan 2011)