

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

17thth March 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

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13/1465/P/OP Land to north of New Road Bampton	
Date	14/10/2013
Officer	Abby Fettes
Officer Recommendation	Provisional Approval
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.

The application was discussed at February sub committee and members arranged a site visit.

This report is fundamentally the same as the previous report for consistency, however there are extra sections at paragraph 6.27 onwards. The additional representations from last month are included as Appendix B.

1 PLANNING HISTORY

- 1.2 No relevant application history.
- 1.3 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.
- 1.4 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) - £1,600.”

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.

4.2 Planning statement

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.

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.

It is considered that the application proposals comprise sustainable development in accordance with the definition set out in the NPPF.

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.

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.

4.3 Geology Desk Study

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.

It is recommended that an asbestos survey is completed in the vicinity of the barn located centrally in the south of the site.

Ground gas monitoring is recommended, particularly in the vicinity of Made Ground in the south of the site.

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.

4.4 Noise Impact Assessment

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.

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.

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

4.5 Ecological Assessment

Because of the possible presence of breeding birds it is recommended that any necessary removal of vegetation takes place outside of bird breeding season.

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.

4.6 Archaeological desk assessment

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.

4.7 Economic Benefits Statement

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.

4.8 Arboricultural survey

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.

4.9 Transport Assessment

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.

4.10 Travel Plan

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.

4.11 Foul Water and Utilities

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.

4.12 Design and Access Statement

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.

4.13 Landscape Visual Impact Assessment

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.

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.

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.
- 6.10 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.
- 6.11 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 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

- 6.12 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.

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.

- 6.13 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.
- 6.14 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

- 6.15 In terms of housing land supply the Council's position at the previous meeting is set out in paras 6.16 – 6.269 below. This has been updated, with changes shaded. These are at 6.27 – 6.30 and table 1 shown highlighted:

The Council's Housing Position Statement (2013) identified the expected housing land supply for the five year period 1st April 2014 – 31st March 2019. This shows that during this period, a total of 2,173 homes are expected to be delivered including 600 at West Witney.

- 6.16 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
- 6.17 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).
- 6.18 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).
- 6.19 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.
- 6.20 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.
- 6.21 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.
- 6.22 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.
- 6.23 The inspector's original decision was therefore quashed and the appeal will need to be re-determined.

- 6.24 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).
- 6.25 The question then arises of which 'housing requirement' should be used to calculate the Council's housing supply position.
- 6.26 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.
- 6.27 The recommendations of the new SHMA should be available by the date of the meeting. However the SHMA does not set housing targets. In accordance with government guidance the SHMA itself must not apply any constraints to the overall assessment of need such as environmental constraints or issues related to congestion or local infrastructure. These issues are important and very relevant in considering how much development can be sustainably accommodated and where it should be located. 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 until it has been tested or moderated against relevant constraints.
- 6.28 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.
- 6.29 As this is likely to take several months for an interim period it is considered appropriate to calculate the Council's housing land supply position using the Government's interim household projections as adjusted through the Oxfordshire SHMA process. In the meantime the position will be kept under review. Of relevance in this context is that the Government has just published (6th March) revised Planning Practice Guidance which includes reference to housing and economic land availability assessments. Officers are presently considering the implications of this prior to providing further advice to Members in the form of a report to Cabinet next month on an Interim Housing Land Supply Position Statement.
- 6.30 Table 1 below illustrates West Oxfordshire's five-year housing land supply measured on the basis referred to above . It can be seen that the total five year housing requirement identified including a 5% buffer is 3092 dwellings whereas the total anticipated supply is 2505 dwell

Table 1 Estimated 5-year housing land supply - 1st April 2014 (based on CLG 2011 interim household projections as adjusted through the Oxfordshire SHMA 2014)

	Source	Homes	Notes
A	Indicative housing requirement 2011-2029	9,738	541 homes x 18 year plan period 2011 - 2029
B	Homes completed 1/4/11-31/03/2013	637	
C	Housing completions expected 1/4/13 – 31/3/14	267	
D	Remaining provision required	8,834	A – B – C
E	Plan period years remaining (1/4/13 – 31/3/29)	15	
F	Annualised requirement 1/4/13 – 31/3/29	589	D ÷ E
G	Requirement for next 5 years (2014 to 2019)	2,945	F x 5
H	Requirement for next five years including 5% buffer	3,092	G x 105%
I	Revised annual requirement	618	H ÷ 5
J	Deliverable homes on allocated sites with planning permission from 1/4/2014	279	
K	Deliverable homes on exception sites with planning permission from 1/4/2014	52	
L	Deliverable homes on sites with planning permission which were previously unidentified from 1/4/2014	803	Dwellings on smaller sites (<10) which have not yet commenced have been discounted by 9% to allow for possible lapses ¹
M	Deliverable homes on sites with permission subject to legal agreement	846	
N	Deliverable homes on sites allocated in the adopted Local Plan but without permission	250	
O	Windfall allowance	275	Assumes 55 dwellings per annum
	Total deliverable dwellings	2,505	J+K+L+M+N+O
	Total deliverable dwellings	2,505	J+K+L+M+N+O

- 6.31 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.
- 6.32 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

- 6.33 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.

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

- 6.35 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.

- 6.36 WODC engineers have requested further clarification on a number of matters raised. 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."

- 6.37 The issue of drainage and adequacy of lack of objection 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.

- 6.38 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.
- 6.39 Following comments from the sub committee in February, your officers have sought confirmation from both the EA and WODC engineers that they are satisfied that the surface water drainage issues can be dealt with by committee. Your officers spoke with the EA on 5th March and they were confident that the principle of the drainage scheme was sound, and the scheme would not exacerbate the existing situation and that it would in fact provide betterment as it plans for the worst case scenario. Furthermore, your drainage engineers echoed the sentiments of the EA, and since the last committee met in February, WODC and the riparian landowner have cleared all the ditches in the vicinity of the site. Members attention is drawn to the fact that both the Environment Agency and the WODC engineers remain satisfied that these drainage matters can be controlled by condition and have not raised any objections to the application.

Affordable Housing Provision

- 6.40 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.
- 6.41 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.
- 6.42 Officers consider the proposal is in accordance with policy H11 of the Local Plan.

Impact on existing infrastructure

- 6.43 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.
- 6.44 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.
- 6.45 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.

- 6.46 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.
- 6.47 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 SI06. The infrastructure associated with the proposal would be delivered incrementally alongside the dwellings.
- 6.48 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.
- 6.49 At February committee Members indicated a desire to see more information on the phasing of the scheme. The applicants have concerns about how reasonable this is on a site of this size. The applicants have indicated that a build rate of approximately 30 units a year is likely, and this will be linked directly to the delivery of key infrastructure. A full update will be given at the meeting following further consideration of this matter.

Sustainability

- 6.50 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.....*”
- 6.51 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.*”
- 6.52 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.

- 6.53 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.
- 6.54 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

- 6.55 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.
- 6.56 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

- 6.57 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.
- 6.58 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.
- 6.59 Officers therefore consider that the proposal is in accordance with policies NE3 and NE6 of the Local Plan.

Ecology

- 6.60 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.
- 6.61 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

- 6.62 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.
- 6.63 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.
- 6.64 The proposal is considered to accord with policy BE13 of the West Oxfordshire Local Plan.

S106 Heads of Terms

- 6.65 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

- 6.66 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'.

- 6.67 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.
- 6.68 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.
- 6.69 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.
- 6.70 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.
- 6.71 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.
- 6.72 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 conditions and legal agreement

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 [Environmental Protection Act 1990](#), 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

Appendix B

Report of Additional Representations (February 2014)

13/1465/P/OPLand to north of New Road Bampton	
Date	14/10/2013
Officer	Abby Fettes
Recommendation	Provisional Approval
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.

STATUTORY CONSULTEES

Additional Bampton Parish Council Comments

"I am sorry for the delay in sending this but the Chairman felt that, due to the groundswell of objections to this planning application, it was important that the whole Council agreed on the projects we would like the applicants to support. I note from your report that Broadband and a footpath to the school have been included. However, the former was not considered a priority and to clarify I have attached our 'agreed' list. Please note that these are in no particular order of priority.

- 1. Improvements to Sports and Play facilities at both the Buckland Road Recreation Ground and the Pembroke Place Play Park (the closest to the site) where the equipment is now some 20 years old. This could include items such as tree and bush thinning on the trim track trail, new equipment for both and drainage improvements.*

Please note that based on telephone and email discussions with Martin Holland and Abby Fettes we have made the assumption that this will be funded from the monies requested by WODC for sports development.

- 2. Funding towards further development of The Old School Community Centre which currently supports Weightlifters, Boxing, Youth Club and an elderly persons support group.*
- 3. Traffic management repairs / improvements where existing and new traffic calming is required e.g. road lining and vehicle activated speed signs on the main roads into Bampton. We would expect that this should be funded through any contribution made to the County Highways Department and request that relevant monies are ring-fenced for them.*
- 4. Additional flood management improvements to provide water attenuation in the Plantation area as proposed by the Bampton Flood Management Group.*
- 5. Footpath repairs / improvements to the school (via the road rather than to the rear of the development) and the Recreation Ground.*
- 6. Funding for a lavatory for the Post Office which without Parish Council support would have been closed several years ago.*
- 7. Funding towards an evening and weekend bus service.*
- 8. Funding for the library which currently receives no financial support from the County Council but is supported by donation and the Parish Council. As the County Council have requested some £40,000 for libraries we would expect this to be funded through their contribution and request that relevant monies (based on the current licence fees of £8,800 per annum) are ring-fenced for them.*
- 9. A disbursement fund to supply small grants for local groups including Bampton archive, Bampton sports clubs etc.*
- 10. Funding towards Cycle Paths up the Buckland Road to the Thames Path and to Witney utilising the old railway track. Please note that the Parish Council holds some monies for this from a project initiated through Sustrans some years ago."*

Aston, Cote, Shifford & Chimney Parish Council

"The members of the Parish Council have read the documents you sent in relation to the Flood Risk Assessment and Pluvial Modelling for the development, prepared by BWB.

As you are aware, my Parish Council's interest in this development is in relation to the management of drainage from the site, with the knowledge that the ditches and brooks into which any water will be discharged from the development flow into Aston and therefore any increase in the water discharge into the drainage system could have a potential direct impact on our parish if there is any possibility that the development could increase the flooding risk.

Having read the documents, the Parish Council has noted, in section 5.5 of the Pluvial Modelling document that BWB states:

"The modelling exercise represents an initial assessment of the pluvial flooding mechanisms and possible mitigation measures. It is recommended that further assessments/investigations and designs are undertaken before any scheme is implemented."

and has further noted, in section 6.3 of the Flood Risk Assessment that BWB states:

In compliance with the requirements of National Planning Policy Framework, and **subject to the mitigation measures proposed**, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

Aston, Cote, Shifford & Chimney Parish Council requests that WODC ensures that the further assessments, investigations and designs are carried out before planning permission is granted, as recommended by the developer's consultants. Without the further work and confirmation that the mitigation measures proposed will be appropriate, we cannot be satisfied that the development will not increase the flooding risk within our parish. I would be grateful if you would ensure that our comments are included in the paperwork provided to the members of the Planning Committee for the meeting at which this application is to be considered."

13/1494/P/OP Land between Saxel Close & Aston Village Hall Aston	
Date	17/10/2013 23/10/2013
Officer	Mr Phil Shaw
Officer Recommendation	Provisional Approval
Parish	ASTON, COTE, SHIFFORD AND CHIMNEY
Grid Ref:	

APPLICATION DETAILS

Residential development comprising 38 dwellings. Formation of vehicular & pedestrian accesses.

APPLICANT

Rebecca Christine Florey & Jonathon Jones, c/o Agent.

BACKGROUND INFORMATION

This application relates to a site located beyond the main built up limits of the eastern edge of the settlement, lying between Bull Street and Cote Road with access taken to Cote Road. The Saxel Close housing development abuts the western boundary of the site and the village sports complex abuts part of the eastern boundary.

Aston is a medium size village where policy H6 allows infilling and rounding off. It has a primary school, village shop, post office, pub, village hall, recreation ground, church and employment opportunities.

The proposal seeks planning permission to erect 38 dwellings of which 50% will be affordable. The illustrative plans detail a row of bungalows along the site frontage with two storey development within the

body of the site in detached and semi detached dwellings. New pedestrian footways would be created through the site to link Saxel Close to the playing fields and to connect to the existing footpath network. The proposal, if approved, would be a departure from the adopted local plan policy H6 in that it does not sit within the built up limits of the settlement. (Please see Policy section for the weight that can be attached to the extant policy).

I PLANNING HISTORY

There have been no recent relevant applications on the site though it has been put forward as a potential development site as part of the SHLAA.

2 CONSTRAINTS

The site lies within the Aston Conservation Area and adjoins the floodplain. Public rights of way adjoin the site.

3 CONSULTATIONS

3.1 Aston and Cote Parish Council

“The Parish Council objects to the application because it would involve construction outside the built envelope of the village, into open countryside, which is contrary to policy NE1 of the West Oxfordshire Local Plan and to Aston’s classification within the Plan as a “Group B” village where Policy H6 specifies that the building of new dwellings will only be permitted where the building constitutes infilling, rounding off within the existing built-up area, or the conversion of appropriate existing buildings.

The Parish Council is aware that a number of other sites within the built area of Aston are currently under review and that these sites could provide housing growth, including affordable units.

Whilst the Parish Council hopes that the Planning Committee will resolve to refuse the application for the reasons above, should the decision be made to grant permission, the Parish Council has serious concerns about the potential for the development of the site to exacerbate surface water flooding both within and around the site. The Parish Council notes that West Waddy ADP commissioned JT Consulting to prepare a flood risk assessment to support the application. However, test pits designed to assess the height of the water table and the infiltration rate of the land were only dug during August 2013, in the middle of one of the warmest and driest summers we have experienced in recent years. The Parish Council is of the opinion that this undermines the validity of the results, and would request that the District Council requires that further testing is carried out during the wetter months in order for a more robust assessment of the flooding risk to be carried out.

Finally, if permission for the scheme is given, the Parish Council requests that it is given the opportunity to have some input into the establishment of the criteria for the allocation of the affordable housing, particularly, as other development sites within the village could generate further affordable units, and the Parish Council is keen to ensure that the allocations are done on the basis of local links.”

3.2 Thames Water

“Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following ‘Grampian Style’ condition imposed. ‘Development shall not commence until a drainage strategy detailing an on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.’ Reason – The development may lead to sewage flooding;

to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

We have concerns with the network capacity in Aston and the treatment capacity at Bampton STW. A Drainage Strategy will need to be produced by the developer outlining potential solutions and identify who will be required to fund any upgrades.”

3.3 WODC Leisure

“Offsite contributions are sought For Sport/Recreation/Community facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of sports facility) over a 15 year period at the NPFA standard of 1.2 ha per 1000 population.

Based on a football pitch of 0.9ha, a provision cost of £80,000 and a commuted maintenance cost of £73,000 per pitch, this would equate to £204,000 per 1000 population or £449 per dwelling (at an average occupancy of 2.2 persons per dwelling).

Contributions

$£449 \times 38 = £17,062.00$ off site contribution towards
Sport/Recreation/Community facilities within the catchment

Play/Leisure Facilities

WODC endorses the NPFA standard of 0.8ha of children’s play space for every 1,000 people. It also endorses the NPFA guidance on distinct types of play areas to cater for the needs of different age groups (LAPs – Local Areas of Play, LEAPs – Local Equipped Area of Play and NEAPs – Neighbourhood Equipped Areas of Play).

Development Types, Thresholds and Requirements

Of the NPFA standard 8 sq m of play space per person, we will expect 5 sq m to be casual and 3 sq m to be equipped. At an average occupancy rate of 2.26 persons per dwelling this equates to 11.3 sq m of casual space and 6.78 sq m of equipped space for every dwelling. We will liaise with the town/parish council to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. In particular, the type of play facility will need to reflect the minimum sizes for a Local Area of Plan (LAP) (100m²), a Local Equipped Area for Plan (LEAP) (400m²) and a Neighbourhood Equipped Area for Play (NEAP) (1,000m²) and the need for adequate buffer zones and minimum distances from dwellings. Generally, on developments of fewer than 60 dwellings, we will expect applicants to make provision by way of a contribution to an equipped off-site facility.

Contributions

The cost of providing and maintaining play facilities of the minimum sizes set out above is estimated to be as follows:

<u>Facility</u>	<u>Provision</u>	<u>Maintenance</u>
LAP	£ 16,000	£ 22,128
LEAP	£ 52,000	£ 71,916
NEAP	£143,000	£197,769

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a LEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £52 for provision and £71.92 for maintenance. This equates to an overall contribution of £280.06 per dwelling.

$£208.06 \times 38 = £10,642.28$ for the enhancement and maintenance of any play/recreation/leisure/social facilities within the catchment.”

In addition they identify that further to the feedback from the Parish Council identifying the need for a multi-use games court, a bike/skate park and solar panels for the village hall pleas could you include an additional sum of £20,000 towards these community facilities.

3.4 WODC Drainage

“Surface water runoff currently flows into the Bull Lane ditch and Cote ditch via existing drainage ditches. The proposals include porous paving, soakaways and grass infiltration basins to reduce runoff to below the existing greenfield runoff rate which should reduce flood risk and provide betterment.

The site is 2.6ha in size. It is relatively flat, with a slight fall from north-west to south-east.

Soakage tests reveal an average infiltration rate of 6.98×10^{-6} m/s. It is considered that shallower infiltration techniques would be most appropriate on this site.

Due to the size of the development, OCC will need to ultimately approve the road construction and surface water drainage design as part of the section 38 adoption process.

The applicant should also complete an EA surface water proforma for sites between 1ha and 5ha in size and submit it for approval to WODC.

Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. Where appropriate the details shall include a management plan setting out the maintenance of the drainage assets. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Statement 25 Technical Guidance).

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes – A step-change in sustainable home building practice

- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council before March 2014. As per the Flood and Water Management Act 2010 (part 1 – Clause 9 (1)).

Where communal drainage schemes are proposed approval of the scheme will probably be required from Oxfordshire County Council after April 2014 and the scheme will need to be adopted under the Flood and Water Management Act.”

3.5 Head of Housing

“Housing Services is very pleased to see that 50% of the proposed homes are being offered for affordable housing purposes.

The scheme mix is partly problematic, in that half of it does not really address local housing needs.

The 6 x 3Bed Bungalow fronting Cote Road are not suitable for our client’s requirements. Due to changes in the welfare system in general and the spare room subsidy in particular, these properties would be far too expensive to rent to local people.

What would be more helpful would be to retain two of the bungalows for families that require wheelchair standard homes e.g. comply with HABINTEG standards and have a wet room rather than a bathroom. The remainder of the proposed homes could become a mix of 1 bed flats and 2 & 3 bed houses, still totalling 19.

So a schedule of accommodation could look something like this:

2 x 3B wheelchair B, 4 x 1BF, 9 x 2BH & 4 x 3BH

If the above amendments were made, then Housing Services would be happy to support this application, but not as the scheme stands at the moment.”

3.6 English Heritage

No comment.

3.7 Environment Agency

“As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

In order for the development to be acceptable in flood risk terms we would advise the following:

Surface Water Flooding

Our flood risk standing advice (http://www.environment-agency.gov.uk/static/documents/Utility/FRSA_LPA_v_3.1.pdf) contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)

- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

Foul Drainage

We note from the application form that this is unknown. Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.”

3.8 Thames Valley Police

“Request 11k towards an ANPR camera and a secured by design condition.”

3.9 WODC Waste

“For individual properties the following will need to be agreed:

With regards to the 38 dwellings each to be entitled to the following:

Refuse: 1 x 180 litre bin – Height (1070 mm); Width (480 mm); Depth (740 mm). Communal bins can be used but this will be dependent on confirmation of whether a shared bin store will be in place.

Recycling: 2 x 55 litre boxes – For 1 box: Height (320 mm); Width (530 mm); Depth (400 mm). They can request more recycling bodes if needed though.

Food Waste: 1 x 7 litre internal and 1 x 23 litre external food caddy.

Garden Waste (if requested): 1 x 240 litre bin – Height (1070 mm); Width (580 mm); Depth (740 mm).

As always we need to ensure that the turning areas for a 26t RCV are large enough for our waste vehicles.

The actual requirement for these vehicles is a turning circle kerb to kerb of 19.9m, for a wall to wall figure you need to add 1.6m making a total of 21.5m turning area.

The waste contractors will walk a maximum of 10 metres to collect bins. With this in mind, the roads need to be built to an adoptable standard if our vehicles are to drive on it.”

3.10 OCC Single Response

“Aston is served by bus routes 18 (Bampton to Oxford) and 19 (Witney to Carterton via Bampton). The development site is within easy walking distance of the Foxwood pair of bus stops on route 18 and about 550 metres from the route 19 bus stops in the High Street.

There is no marked stop for the Oxford-bound bus stop on the north side of Cote Road. The developer is requested to provide a hard-standing for a bus stop (perhaps immediately to the east of the entrance to

Foxwood) and the sum of £8,000 towards the provision of a new bus shelter, pole flag and information case. This sum includes an amount of commuted maintenance which will be granted to the Parish Council. The developer must ensure that the Parish Council is consulted about the new shelter, and agrees to take on the ongoing maintenance in return for the residue of the £8,000, once the full delivered cost of the shelter, pole, flag and information case has been met. There are aspirations for improved bus services in West Oxfordshire, so the sum of £30,000 is also requested to sustain and develop bus services to, from and through Aston.

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.

The submitted illustrative layout, a reserved matter, is acceptable in principle; however, the applicant may wish to consider houses fronting directly onto Cote 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 – Junction of road with highway details. NB to include provision for pedestrians.
2. A travel plan shall be submitted for approval.
3. 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.

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)

The application area contains no known heritage assets. Whilst there are cropmarks in the close vicinity the application area does contain any. There is no evidence that there is alluvial overburden across it and if archaeological features were present then they should be discernible as cropmarks. Also Lidar data does not suggest the presence of features. This indicates that there are no heritage assets within the application area. As such we currently have no objections on archaeological grounds.

Developer contributions towards the expansion of permanent primary school capacity serving the area by a total of 10 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 £115,820 (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 secondary school capacity serving the area by a total of 7 pupil places (including 1 6th form place). Contributions are sought based on DfE advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers -

£17,455 per pupil place at 1st Quarter 2012 price base and £18,571 per pupil place at 1st Quarter 2012 price base for sixth form places (the cost includes an allowance for sprinklers and ICT). We therefore require a contribution of £123,301 (index linked to from 1st October 2012 using PUBSEC Tender Price Index) to secondary school (including sixth form) infrastructure for these homes.

Developer contributions towards the expansion of permanent SEN school capacity by a total of 0.2 pupil places. We are advised to allow £30,656 per pupil place at 1st Quarter 2012 price base to expend capacity in special educational needs schools. We therefore require a contribution of £6,131 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

Aston & Cote CE Primary School is operating close to its capacity in most year groups, with just a handful of spare places. The school has very limited ability to absorb any in-catchment growth and all housing developments in the area would be expected to contribute to expansion of one or more schools. No assessment has been carried out on the physical ability of Aston & Cote CE Primary to expand.

The two secondary schools serving Witney and surrounding villages – Henry Box School (an academy) and Wood Green School have distinct designated areas, but there is significant transfer of pupils between the two areas, and the two schools share some sixth form teaching, so it is appropriate to consider the area as a single planning area. While there are currently some spare places across the two schools, this is due to a demographic dip. The higher numbers already in primary schools will in due course lead to the secondary schools filling, as confirmed both by pupil census data and ONS 2011-based subnational population projections. Local housing development will require an increase in secondary school capacity. Based on the current draft WODC Local Plan, it is expected that one or both schools will need to expand on their current sites, but if the planned level of housing significantly increases in the finally adopted Plan, a new secondary education establishment may be required. Any housing developments will be expected to contribute proportionately towards any necessary capital investment.

It is calculated that this development would generate a net increase of:
90 additional residents including:
7 resident/s aged 65+
63 resident/s aged 20 or over +

Legal agreement required to secure:

Adult Learning	£ 1,008
Waste Management	£ 5,760
Libraries	£ 7,650
Museum Resource Centre	£ 450
Day Care	£ 7,700
Total	£22,568

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

Administration & Monitoring £ 3,700

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 collocation 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:

$$£85 \times 90 \text{ (the forecast number of new residents)} = £7,650$$

Under Section 51 of the Environmental Protection Act 1990, 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.

$$£64 \times 90 \text{ (the forecast number of new residents)} = £5,760$$

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.

$$£5 \times 90 \text{ (the forecast number of new residents)} = £450$$

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.

$$£1,100 \times 7 \text{ (the forecast number of new residents aged 65+)} = £7,700$$

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.

$$£16 \times 63 \text{ (the forecast number of new residents aged 20+)} = £1,008$$

Oxfordshire County Council require an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed S106 agreement.

The proposed development would sterilise deposits of sand and gravel and therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10 but, in view of the nature of the mineral deposits in this area and the location of the site in relation to existing development and roads at Aston it is unlikely that this development would cause significant sterilisation of a potentially workable mineral resource such as to justify its safeguarding against built development.

No habitat/biodiversity enhancements proposed.

Legal Agreement required to secure:

Conditions:

Prior to the commencement of the development hereby permitted, including any works of site clearance, a method statement for enhancing the site for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Informatives:

Detailed Comments:

The site is of relatively low ecological value but field margins and hedgerows provide valuable wildlife habitat and corridors. Simple measures such as the planting of native species, leaving areas of longer grass sown with wildflower mix and installing bat/bird boxes into new dwellings will enable and encourage local wildlife to continue using the site.”

4 REPRESENTATIONS

25 letters of objection have been received. The main points raised may be briefly summarised as follows:

- Land is liable to flooding.
- Where will the water go?
- If the ditch system had capacity the water would already go there.
- Loss of small community feel of the settlement.
- Houses will not be affordable for locals.
- Will push flood water into existing residents properties.
- Site lies within conservation area.
- Precedent.
- Saxel close was intended as the boundary to the village when built in the 1980's.
- Strain on local facilities.
- Smaller sites could meet housing need.
- Bull Street will be flooded as this is where the water goes.
- Water table sits very high in this area.
- Loss of house values.
- Carterton and Brize already has a large development.
- It is not needed.
- School capacity will be exceeded.
- Paths will be trouble spots.

- Sewer system cannot cope.
- We do not want more street lighting.
- Traffic increase close to the school.
- It is unsustainable development.
- Not needed to meet housing targets.
- Site has previously been rejected as part of the SHLAA.
- Conditions would need to cater for the 1;100 yr plus climate change standard.
- Even if the SHMA shows a shortfall this site need not meet that.
- Adverse impacts outweigh benefits of approval.
- CPRE consider site contributes to rural setting of village.
- Precautionary principle should apply as regards flooding.
- Flood risk takes no account of run off/sheet flooding.
- Saxel Close screening softened edge of settlement and this will harden it.
- Village approach would be urbanised.
- Loss of wildlife value of existing screen hedge.
- Increased congestion and traffic danger.
- Most people work elsewhere.
- Public transport is poor.
- It is green field development.
- Broadband connections are poor.
- Developer should pay to resolve the issues raised.
- Village has seen a lot of development in the past.
- Policy H6 only allows infilling.
- Traffic often speeds along the straight road.
- Should development brown field land first.
- Overlooking and loss of privacy.
- Noise from the hall could impact on incoming residents.
- 2 access points are too close.
- More screening is required.
- Impact on water voles which are a protected species.
- Impact on bats.
- Impact on otters.

5 APPLICANT'S CASE

- 5.1 Writing in support of the application the agents have submitted reports addressing Landscape, Archaeology, Transport, Ecology, Heritage and Design and Access as well as a Planning Statement. These may be inspected in full on line or upon request to the case officer.
- 5.2 It is considered that the main points being made may be summarised as follows:
- At the heart of the NPPF, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. 3 Where the development plan is out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework.
 - As the Council is unable to demonstrate a 5-year housing supply, in accordance with the National Planning Policy Framework⁴, Local Development Plan documents that are out of date,
-

must fall away; “housing applications should be considered in the context of the presumption in favour of sustainable development.

- Aston has around 533 dwellings and a population of around 1,200 residents. The village saw most housing growth during the period between 1986 and 1996, with the construction of the Saxel Close development, where the village grew by around 19%, from 405 dwellings to 500. Since then, Aston has seen the numbers of dwellings increase by around 33.
- The proposed scale of the proposal, amounts to a 7% rise in the number of dwellings, and an increase in the population of around 8% (around 84 new residents). The scale of growth will not have any material impact on village infrastructure, and can be integrated in a manner that will not harm, either the character or rural feel of the village.
- The 19 affordable homes included within the scheme, will also open up home ownership, to more people both within the village and outside. The proposed development will create a sustainable and well-balanced small neighbourhood.
- The Transport Statement, submitted in support of the application, confirms that the site has good access to local facilities, such as a primary school, a convenience store, a post office and public house; all within easy walking distance.
- A bus stop is located adjacent to the site with an hourly, and speedy service into Witney and Oxford. Oxfordshire County Council have aspirations to develop the bus services in West Oxfordshire, and have requested a sum of £30,000 to be included within the S106 for this purpose. Developer contributions associated with the proposal will assist in maintaining the sustainability of Aston and the other local villages that the bus route covers. A significant number of trips could therefore be made by sustainable modes of transport other than the private car.
- During the Public Consultation held by the applicant, villagers expressed concern over road safety during school drop off and pick up. The applicant undertook discussion with Oxfordshire County Council and agreed that in principle, subject to further design details, a raised Zebra crossing outside the school, would be appropriate in assisting to slow the traffic driving down Cote Road, and improving the safety of children crossing the road. A suggested location for the Zebra crossing is shown on Document P1 (Appendix B). Subject to agreement by the Parish Council and design details, the provision of a Zebra crossing has been included with the “Heads of Terms” of the S106 contributions.
- The site is of low ecological value; the most valuable ecological feature of the site is the hedgerows. The hedgerows will remain intact, with only small break through for the access road and the pedestrian. The green buffers to the eastern and western boundaries that form the infiltration basins will create the opportunity for ecological improvements.
- The County Ecologist has not objected to the development.
- The application site lies wholly in Flood Zone I, so is not at risk of flooding. The significant change in the ground levels along the boundary hedge on the eastern side of the site creates a step up in the ground levels forming a natural flood defence for the development site.
- The proposed development includes Sustainable Urban Drainage System (SUDs) which will ensure that the proposed development will not increase the risk of flooding to Aston. The development will, in fact, provide an opportunity to reduce risk of flooding in Aston.
- The Flood Risk Assessment submitted as part of the planning application, has shown that the use of SUDs will significantly reduce and slow the “run off” from the site, resulting in much less water running down the field into the ditches, significantly reducing the risk of flooding in Aston, particularly for those dwellings on Bull Street.
- Following the public consultation held by applicant, it became clear that flooding is a concern of the villagers. The applicant reviewed the plans to see if there was other flood mitigation measure that could be provided to further increase flooding betterment.
- The inclusion of an infiltration basin within this area will further reduce the Green Field run off rates in this area and further reduce the risk of flooding to the properties on Bull Lane.

- Flood mitigation to minimise flood water damage by providing flood resistance to the Village Hall, to include; flood barriers, flood seals to doors and low level windows, waterproof seal to the external walls and internal floors, air brick covers, self inflating non sand bags, non return valves fitted to public sewers, works to restore the capacity of the ditch to create additional floodwater storage.
- The layout has demonstrated that the proposed site could be developed for a small residential development without causing any harm to the character, the setting of the Conservation Area, or the rural feel of the village.
- The proposed development will increase the choice of housing type and numbers available in Aston, assisting in maintaining the village population, ensuring that existing facilities, the village shop, public house and school remain viable.

5.3 The agent has also produced a detailed document rebutting the objections raised in the letters of objection which is also available for inspection in the normal way.

6 POLICY

6.1 Of most relevance are policies BE2, BE3, BE4, BE5, NE1, NE3, NE13, NE15, T1, and H6 of the adopted WOLP and the advice of the NPPF.

6.2 With particular regard to the status of policy H6 members will be mindful of the advice offered by officers in respect of the application at New Road Bampton at the last meeting following the St Albans case in December of last year. In light of that case Officers advised that it was no longer appropriate to continue to calculate its housing land supply position using the South East Plan and that instead, as an interim measure, the Government's interim household projections should be used to calculate the housing land supply position prior to the housing requirement for the District being determined through the Local Plan process, which will also need to take into account any new evidence such as may emerge from the Strategic Housing Market Assessment for Oxfordshire which has been jointly commissioned by all of the relevant authorities.

6.3 However, using this interim measure the Council was unable to demonstrate a full five year housing land supply and as such the provisions of Paragraph 49 and 14 of the NPPF would be engaged. This means that limited weight would be afforded to Policy H6 of the adopted Local Plan.

6.4 If that were the case it then would become 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.

Council's Position on Housing Land Supply

6.5 In terms of housing land supply the Council's Housing Position Statement (2013) identified the expected housing land supply for the five year period 1st April 2014 – 31st March 2019. This indicated that during this period, a total of 2,173 homes are expected to be delivered including 600 at West Witney.

6.6 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.

6.7 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).

- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 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.
- 6.12 The Inspector's original decision was therefore quashed and the appeal will need to be re-determined.
- 6.13 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).
- 6.14 The question then arises of which 'housing requirement' should be used to calculate the Council's housing supply position.
- 6.15 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.
- 6.16 The recommendations of the new SHMA should be available by the date of the meeting. However the SHMA does not set housing targets. In accordance with government guidance the SHMA itself must not apply any constraints to the overall assessment of need such as environmental constraints or issues related to congestion or local infrastructure. These issues are important and very relevant in considering how much development can be sustainably accommodated and where it should be located. 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 until it has been tested or moderated against relevant constraints.
- 6.17 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.
- 6.18 As this is likely to take several months, for an interim period it is considered appropriate to calculate the Council's housing land supply position using the Government's interim household projections as adjusted through the Oxfordshire SHMA process. In the meantime the position will be kept under review. Of relevance in this context is that the Government has just published (6th March) revised Planning Practice Guidance which includes reference to housing and economic land availability assessments. Officers are presently considering the implications of this prior to

providing further advice to Members in the form of a report to Cabinet next month on an Interim Housing Land Supply Position Statement.

- 6.19 Table I below illustrates West Oxfordshire's five-year housing land supply measured on the basis referred to above. It can be seen that the total five year housing requirement identified including a 5% buffer is 3092 dwellings whereas the total anticipated supply is 2505 dwellings.

Table I Estimated 5-year housing land supply - 1st April 2014 (based on CLG 2011 interim household projections as adjusted through the Oxfordshire SHMA 2014)

	Source	Homes	Notes
A	Indicative housing requirement 2011-2029	9,738	541 homes x 18 year plan period 2011 - 2029
B	Homes completed 1/4/11-31/03/2013	637	
C	Housing completions expected 1/4/13 – 31/3/14	267	
D	Remaining provision required	8,834	A – B – C
E	Plan period years remaining (1/4/13 – 31/3/29)	15	
F	Annualised requirement 1/4/13 – 31/3/29	589	D ÷ E
G	Requirement for next 5 years (2014 to 2019)	2,945	F x 5
H	Requirement for next five years including 5% buffer	3,092	G x 105%
I	Revised annual requirement	618	H ÷ 5
J	Deliverable homes on allocated sites with planning permission from 1/4/2014	279	
K	Deliverable homes on exception sites with planning permission from 1/4/2014	52	
L	Deliverable homes on sites with planning permission which were previously unidentified from 1/4/2014	803	Dwellings on smaller sites (<10) which have not yet commenced have been discounted by 9% to allow for possible lapses ¹
M	Deliverable homes on sites with permission subject to legal agreement	846	
N	Deliverable homes on sites allocated in the adopted Local Plan but without permission	250	
O	Windfall allowance	275	Assumes 55 dwellings per annum
	Total deliverable dwellings	2,505	J+K+L+M+N+O
	Total deliverable dwellings	2,505	J+K+L+M+N+O

- 6.20 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.

- 6.21 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.

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:

Principle / Housing Land Supply

Design and impact on Heritage Assets
Neighbourliness, pollution and Environmental Health
Landscape
Flooding, Environment and climate change
Ecology
Highways and parking
Section 106 agreement

Principle/Housing Land Supply

- 7.2 This scheme is contrary to adopted housing policy for the village. However, as set out in the policy section of this report your officers consider that the weight likely to be attached to the generally permissive policies of the NPPF is likely to take precedence over strategic policies that may be deemed out of date if there is an inadequate 5 year land supply. In such circumstances unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits of allowing the scheme then the principle of granting planning permission, even though it is contrary to policy H6, is acceptable.
- 7.3 In terms of other key strategic policies that would apply to a housing scheme the applicants have committed themselves to providing the full amount of affordable housing (50%) and in accordance with the mix suggested by the Head of Housing.
- 7.4 The remainder of this report runs through the key objections raised and makes an assessment as to whether the concerns identified are such as could constitute reasons that would significantly and demonstrably outweigh the presumption in favour of sustainable development if Policy H6 is to be given less weight as a result of the 5 year land supply position.

Design and impact on Heritage Assets

- 7.5 The main issue to be considered in this context is the character and appearance of the Conservation Area. The site is currently open agricultural land and clearly, following development, it would have more of a domestic character and appearance. However the illustrative plans show that it is possible to accommodate development of the scale proposed along with retention of the key hedges and screening and provision of a new landscape buffer. The building lines are respected and the low key bungalow frontage will reduce the urbanising impact on the approach to the settlement. The fact that there is already development beyond the site in the form of the village hall and opposite part of the site means that the incursion into the rural setting of the village is less pronounced from this aspect than if it were wholly unscreened. Similarly the fact that there is a buffer zone to Bull Street to the rear and that the backdrop of the settlement when viewed from open countryside is the modern housing developments at Foxfield Close and Saxel Close means that the new estate will not jar with the prevailing built form. Your officers conclude that whilst the

appearance and character of this part of the settlement edge will change the impact is neutral such that the Conservation Area will be preserved. In this instance officers consider that the impact is not so significant in the terms expressed in paragraphs 133 – 134 of the NPPF such as to outweigh the aim of the NPPF to release more housing land for development. Any residual harm does however still need to be weighed against the benefits of bringing the development forward.

Neighbourliness, pollution and Environmental Health

- 7.6 Whilst the scheme is in outline it is clear from the illustrative plans that the respective positions and orientations of the dwellings likely to be built on site are such that no undue harms arising from overlooking, overbearing, overshadowing etc are likely to arise and any that may do could be addressed as part of the Reserved Matters application. There are no noise, light, odour and disturbance issues raised by Environmental Health such as would justify refusal and as such these elements of the scheme are considered acceptable.

Landscape

- 7.7 As with the section above regarding the setting of the conservation area your officers consider that the impact of the scheme will be localised and has been mitigated by careful siting and the modest scale of the dwellings. The retention/enhancement of existing hedgerow features and buffer zones would render any impact insufficient in your officers opinion to warrant refusal. The landscape benefits from no particular landscape designation and the Landscape Assessment of the District identifies the site as having moderate to low indivisibility and where small scale development can be accommodated within a strong structure of trees and woodland and other buildings.
- 7.8 The footpath network will be enhanced by additional useful connections that tie into the existing network and accommodate desire lines to the sports and community facilities to the east of the site.

Flooding, Environment and climate change

- 7.9 This is a key issue in assessing the merits of this scheme and one of the key concerns raised by objectors to the application. The concerns relate to both the impact of fluvial flooding and a high water table but also the impact of water sheeting off the site towards Bull Street and the capacity of receiving water courses to take the flows from the application site. As originally tabled there was a concern that the data upon which the applicants Flood Risk Assessment (FRA) had been calculated was based on a dry summer and was not therefore reflective of the likely actual impacts. The applicants therefore commissioned further works over December of last year which have corroborated their assessment that it is possible to design a sustainable urban drainage system that will actually provide a degree of betterment by holding water on site below green field run off rates
- 7.10 Members will note that drainage engineers at the County Council, District Council and Environment Agency as well as Thames Water all appear to be satisfied that with the imposition of suitable conditions the drainage of the site should not cause problems- indeed should actually provide betterment. Certainly observations by officers over what has been a historically extremely wet winter has evidenced some ponding at low points of the site but actual flooding has been taking place on the adjoining land with discharge onto Bull Street.
- 7.11 With all the technical bodies responsible for advising as to the flood risk advising that the scheme is acceptable in terms of the impact on flooding your officers do not consider that a flood based refusal reason could be sustained at appeal even though the existing position is clearly of particular concern to local residents.

7.12 With regards to other climate change issues it would be possible by way of conditions to ensure that energy and water saving measures were incorporated into the design of the new dwelling.

Ecology

7.13 The detailed reports submitted with the application indicate that the site is not home to any protected species or habitats albeit that the existing hedgerows are of some ecological potential. The County Ecologist supports this assessment. Thus notwithstanding that a third party has identified that otters, bats and voles may be impacted it is not considered that there is any evidence that this is the case.

7.14 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

7.15 Given the above, your officers do not consider that an EPS offence is likely to be committed. The survey submitted with the application details mitigation/enhancement measures which in your officer's opinion will secure "offence avoidance" measures and will potentially enhance the ecological value of the site over and above the existing arable field. Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Highways and parking

7.16 Members will note that OCC as Highway Authority are raising no objections subject to conditions and a legal agreement. They consider that the proposed development will not have a significant impact on the network and that the vehicular and pedestrian access points are safe. They are requesting additional monies to provide a bus shelter and to improve the frequency of the existing service. The density of development is only approx 15 per ha and as such on plot parking to or in excess of standard will be possible. The highway position is therefore considered acceptable.

Section 106 Contributions

7.17 The agent has tabled the following as suggested Heads of Terms of a section 106 agreement:

Oxfordshire County Statutory Obligations

Transport

New Bus Shelter	£8,000	
Improvement to bus service	£30,000	Total £38,000

Education

Primary School infrastructure	£115,820
Secondary School infrastructure	£123,301

SEN provision	£6,131	Total £245,252
Community Infrastructure		
Adult Learning	£1,008	
Waste Management	£5,760	
Libraries	£7,650	
Museum Resource Centre	£450	
Day Care	£7,700	Total £22,568
+ Administering and monitoring	£3,750	
District Contributions		
Affordable Housing - 50% on site affordable housing		
Community facilities	£17,062	
Play facilities	£10,642.28	Total 27,704.28
Thames Valley Police		
ANPR Camera	£11,000	
Bicycles	£800	Total £11,800
Set of Flood Mitigation Measures as set out in Drawing No: 213015-005 PI		

SUDs – (Parcel of land within the blue line) The inclusion of an infiltration basin as shown within the area within the blue line. (Subject to appropriate consents)

Aston Village Hall - Flood mitigation to minimise flood water damage by providing flood resistance to the Village Hall as indicted on Dwg No: 213015-005: Flood barriers, flood seals to doors and low level windows, waterproof seal to the external walls and internal floors, air brick covers, self inflating non sand bags, non return valves fitted to public sewers.

Dredging of Bull Lane ditch – See Dwg No -213015-005 PI (Subject to appropriate consents)

Further Highway contributions (See Document PI)

Provision of a Zebra crossing on Cote Road. The applicant has entered into discussion with Oxfordshire County Highways on the appropriateness of providing a raised Zebra crossing near to the school. (Subject to appropriate consents)

In addition to meet the Parish Council request for a multi-use games court, a bike/skate park and solar panels for the village hall an additional sum of £20,000 towards these community facilities would also be required.

Your Officers consider that this package of measures represents an appropriate mitigation of the likely impacts of the development

Conclusions

- 7.18 The proposal is contrary to policy H6 in that it is not rounding off within the village but is rather an extension to its built up limits. However in terms of the principle of the development the key issue is whether the Council is able to demonstrate a five-year supply of deliverable housing land in accordance with the NPPF. In the absence of same the advice of the NPPF is to approve developments unless the harms substantially and demonstrably outweigh the benefits of so doing. In that regard, whilst there are residual concerns regarding flood impact and the setting of the edge of the village/conservation area these are not considered such as would be likely outweigh the benefits if the Council can not demonstrate a 5 year land supply- particularly in the case of the flooding because the relevant technical bodies are not objecting.

7.19 In light of the foregoing, having considered the relevant planning policies, the provisions of the NPPF and all other material considerations, your officers consider that the proposed development is likely to be acceptable having regard to the housing land supply position as set out.

RECOMMENDATION

Provisional approval, subject to a legal agreement, and to appropriate conditions.

13/1752/P/FP Land at Swinbrook Road Carterton	
Date	12/12/2013
Officer	Abby Fettes
Officer Recommendation	Provisional Approval
Parish	CARTERTON
Grid Ref:	427785,207723

APPLICATION DETAILS

Demolition of Byfield, erection of 250 dwellings with associated access, public open space and landscaping including allotments. Associated infrastructure adjacent to the Kilkenny Lane Country Park including the link road between Shilton Road and Elmhurst Way.

APPLICANT

David Wilson Homes (Southern), C/O Agent.

BACKGROUND INFORMATION

The proposal site is the allocated second phase of the North Carterton Development Area and comprises land either side of Swinbrook Road, stretching to Shilton Road to the west and the Country Park and Shilton Park to the east. To the north of the site lies the Carterton Football Club, allotments and open countryside, and the existing built up area of Carterton is to the south. The site area is 12.34 hectares.

The proposal is full application for the erection of 250 dwellings, access road, parking, landscaping and associated works. There is an area of housing and open space to the north of the link road that is a minor departure from the Local Plan allocation that has been included within the red line. Therefore the application has been advertised as a departure.

Minor amendments to the application addressing concerns raised by the Highway Authority and Drainage consultees as well as minor changes to specific plots were received on 24th February and have been re-advertised. The extended publicity period expires on 19th March.

1 PLANNING HISTORY

- 1.1 08/1439/P/OP Erection of 200 dwellings, access road, parking, landscaping and associated works. Withdrawn prior to the submission of the current application.
- 1.2 09/1139/P/OP Outline planning application for erection of up to 200 dwellings, access road, parking, landscaping and associated works. Lowlands sub committee resolved to approve the application in March 2010. The application is still live as the legal agreement has not been signed and therefore the decision has not been issued.

2 CONSULTATIONS

- 2.1 Carterton Town Council

The main concerns expressed by Councillors centre around two issues:-

1. There appears to be little mention of the 'promised' land for sports provision, cemetery and allotments included in the public consultation. This should be made clear prior to the application being considered.

2. Highway safety could be compromised:-

- traffic generation both from the new estate as through the Shilton Park Estate using the new estate as a 'rat run';
- road capacity is insufficient to take the predicted numbers of parked cars both outside owners property and for visitors around open spaces and play areas; this development should not adversely affect the amenities of any existing residential property. Adequate provision should be made for off road car parking.
- the means of access on and off the site is not well thought through for example by widening Kilkenny Lane and upgrading it to a proper road, anticipated problems with large vehicle deliveries as experienced on Shilton Park will continue.
- Swinbrook Road should be kept open but restricted to cars/motorbikes. This will enable local traffic from the new development to access the Town Centre by the most direct route.

Prior to the application being considered Oxfordshire County Council need to engage in consultation with Carterton Town Council on the historic use of the road systems in this area and discuss solutions that will benefit the town.

2.2 Environment Agency

"Further to my letter dated 10 January 2013, we have reviewed a revised plan (062518-001, Revision A.) This has clarified that the western surface water catchment is to drain, via an attenuation pond, to an existing drainage ditch. Following this clarification we are able to **withdraw our objection** to this application. However we would strongly recommend the planning authority consult both West Oxfordshire District Council and Oxfordshire County Council drainage engineers to ensure they are satisfied that formalised discharges to these small watercourses will not cause or exacerbate any existing known drainage issues."

2.3 WODC Leisure

"A Strategic priority for the Council is to provide additional facilities at the Carterton Leisure Centre, to meet current and future demand. The requirements are a sports hall, a larger ancillary hall/studio, squash courts, floodlit outdoor facilities and additional car parking provision. WODC endorses the Fields in Trust (FIT) standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas of Play, LEAPs – Local Equipped Area of Play and NEAPS – Neighbourhood Equipped Areas of Play) and Destination playgrounds. Research carried out within the country park via surveys and general feedback from users highlights the need for improvements/additional facilities. Contribution towards the Town's closed circuit TV system
Total contributions: £350,390."

2.4 OCC single response

Awaiting revised comments following submission of amended plans (final date 19/03).

2.5 WODC Public Art

“An off-site contribution is sought - in the region of £50,000 to support projects to benefit the wider town. These would be projects to aid orientation – to include signage leading to and within the main town environment. This figure should include a commuted sum of £3,500 to cover maintenance and an allocation of £5,000 towards temporary public work benefitting new residents and those in the immediate area of the new development.”

2.6 WODC Housing

*“There are currently in the region of 300 households who would qualify for housing in Carterton, were this number of new dwellings available.
The range of new homes required in Carterton ranges from one bedroom apartments to four bedroom family housing.
Housing services fully supports this application for new homes in this location.”*

2.7 Thames Water

“Identified an inability of existing waste water infrastructure to accommodate the needs of this proposal. Require a Grampian condition for a drainage strategy to be approved by the LPA and sewerage undertaker before development commences.”

2.8 Environmental Health

“It is recommended the following noise condition is applied:

Prior to the commencement of the development, details shall be submitted for approval by the Local Planning Authority of sound insulation measures for the building envelope including glazing, demonstrating that ‘good’ day and night internal noise standards will be achieved in accordance with BS8233:1999”.

2.9 BBOWT

“Object as the layout/total developed area as proposed at present will result in the loss of a substantial area of lowland calcareous grassland (a BAP Priority Habitat or Habitat of Principal Importance under the NERC Act 2006) which has been assessed as being of sufficiently high quality to meet the criteria for designation as a Local Wildlife Site.

There are other serious concerns relating to impacts on other Habitats of Principal Importance, on protected species, and Species of Principal Importance under the NERC Act 2006. Overall we consider this proposed development (with the currently proposed layout/total developed area) to be contrary to the NPPF (paragraphs 9, 109, 117 and 118) and Core Policy 18 (Biodiversity) of the West Oxfordshire District Council Draft Local Plan (October 2012)”.

2.10 Waste

“Bins

With regards to the 38 dwellings each be entitled to the following.

- Refuse - 1 x 180 litre bin - Height (1070 mm); Width (480 mm); Depth (740 mm). Communal bins can be used but this will be dependent on confirmation of whether a shared bin store will be in place.
- Recycling - 2 x 55 litre boxes - For 1 box: Height (320mm); Width (530mm); Depth (400mm). They can request more recycling boxes if needed though.
- Food Waste - 1 x 7 litre internal and 1 x 23 litre external food caddy.

- Garden Waste (if requested) - 1 x 240 litre bin - Height (1070mm); Width (580mm); Depth (740mm).

Access

- We need to ensure that the turning areas for a 26t RCV are large enough for our waste vehicles.
- The actual requirement for these vehicles is a turning circle kerb to kerb of 19.9m, for a wall to wall figure you need to add 1.6m making a total of 21.5m turning area.
- Furthermore, the contractors will walk a maximum of 10 metres to collect bins. With this in mind, the roads need to be built to an adoptable standard if our vehicles are to drive on it.”

2.11 Crime Prevention Design Advisor

“I request that the following (or a similarly worded) condition be placed upon any approval for this application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how ‘Secured by Design (SBD)’ accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation”.

2.12 Brize Norton Parish Council

“We have now reviewed these documents and are concerned that David Wilson Homes (Southern) (the Developer) has not adequately identified the risks to Brize Norton Parish and consequently does not provide adequate mitigation of these risks within the proposed development plans as described primarily in the Design & Access Statement (Ref 19784/g – December 2013), the Traffic Assessment (Ref CS/062518/D-004B– Dec 2013) and the Flood Risk Assessment (Ref CS/062518–16 Oct 2013). These concerns fall in four main areas:

- Scale
- Traffic management
- Drainage strategy and flood risk
- Maintenance of public facilities on Kilkenny Park

These areas are addressed in more detail in the following sections and are further supported by the documents attached to this letter as Appendices A and B.

1. Scale (Design and Access Statement)

The current local plan identifies 200 homes for this site. The proposed application has increased this by 25% to 250. Whilst this may make economic sense to the Developer and may increase the amount of “affordable housing” it does not recognise the fact that local employment opportunities will not support this level of development. Residents of the new development will therefore be commuting out from Carterton for work, thereby exacerbating the traffic problems that already exist on the overloaded road network to Witney and Oxford, the nearest major employment centres.

2. Traffic Management (Transport Assessment)

The Transport Assessment makes much of the proposed development’s proximity to railway stations (Sections 2.5.1 to 2.5.7); however it does not mention that many routes to these stations are congested,

can take considerable time to get to them at peak hours, and therefore render commuting by train impractical. The assessment recommends Didcot in particular, but does not state that the best route to Didcot is through Brize Norton Village along Station Road. There is no assessment of the adverse impact this increase in traffic flow will make on the residents of Brize Norton Village, down this already congested thoroughfare.

In section 2.6.10 the assessment considers that the roads around Carterton are not congested, which belies the reality of those who commute daily from Brize Norton to Witney, Oxford, Swindon and beyond. This commute currently requires a departure from Brize Norton before 6:30am each day to avoid significant delays on the major trunk routes in West Oxfordshire. The proposed development will therefore only make this worse.

Section 2.8.2 identifies anticipated levels of construction traffic, but there is no exclusion as to how the construction traffic accesses the development. To mitigate against construction traffic BNPC would expect there to be a specific exclusion for construction traffic through the village, as is currently the case for all construction traffic to RAF Brize Norton.

Further to the adverse impacts identified above, the WODC local plan suggests that development should be "where there would be a minimum need to travel by private cars". As indicated above, and in sections 3.4.1 and 3.4.3 of the assessment, most residents would use their cars to get to work and for local shopping; the development will therefore generate additional traffic on local roads and increase environmental damage. These are against WODC policies T1 and T6.

Finally in sections 5.3.4, 5.3.14 and 5.4.8 the assessment assumes that Burford Road East is accessible by north bound traffic on Monahan Way. This is not the case, and, if it were, there would be even more adverse traffic impact on Brize Norton Village than there currently is.

3. Drainage Strategy and Flood Risk

We have carefully reviewed the proposed Drainage Strategy and Flood Risk Assessment that form part of the planning application and, although some steps have been taken to address the concerns raised in our objections to the original application (see appendix A), there is still a piecemeal approach to assessing the drainage and flood risks that the development may have on Brize Norton Village.

Although significant surface water attenuation has now been included in the drainage strategy presumably to mitigate against the fact that the site is unsuitable for infiltration as identified in our previous response (See appendix A), the Flood Risk Assessment does not address the fact that the proposed development's eastern catchment drain, via Basin B1, into the Northwood Crescent ditch. This ditch is the western part of the Brize Norton drainage catchment, which has been heavily modified both as part of the Shilton Park Development (or Carterton North East Development (CNED)) and further downstream again as part of the RAF Brize Norton Developments. These past modifications to the natural drainage system, as summarised in Appendix B, place significant constraints on any future developments upstream.

It is a matter of record that the current surface water drainage system around Brize Norton Village has been heavily modified to meet the operating requirements of the RAF and for past developments in Carterton. It is also a matter of record, based on the frequency of flooding in Brize Norton Village over the last decade, that this modified system is inadequate at times of peak run-off or long periods of persistent rain. Therefore the basic premise that the Eastern Catchment of the proposed development has been designed to restrict each residential cell to the 1 in 1 year undeveloped green field run-off and provide surface water attenuation up to the 1 in 100 year plus 30% storm event, will protect Brize Norton Village from flooding, is wrong. The surface water attenuation of the proposed Eastern Catchment must be built to a higher standard so that the current flooding in the village is reduced to the

equivalent of the 1 in 100 year plus 30% event in Brize Norton Village, not the retaining of the run-off from the development alone. This requires a drainage strategy and surface water drainage model for the whole Brize Norton catchment, not just the individual development.

4. Maintenance of public facilities on Kilkenny Lane Country Park

The developer is, presumably as part of the s106 agreement, offering to provide public toilets in the Kilkenny Lane Country Park. Although this would be a welcome addition to the facilities provided in the recreation area of the park there are three subjects that must be addressed:

- a) Maintenance, cleaning and security are a concern for these proposed facilities. It is suggested that, given the isolated location, it should not be open during the hours of darkness and sufficient protection measures need to be installed to prevent vandalism and the potential for drug and alcohol misuse.
- b) Foul sewerage from this facility must be routed through to the main Carterton foul drainage network for treatment at the Black Bourton SPS. The Brize Norton SPS, which caters for the Shilton Park Estate, is unable to serve the current load and as such Thames Water have imposed a Grampian Condition on this SPS.
- c) Responsibility for the operation and maintenance of the new public health facilities must be clearly defined. Although the facilities would fall within Brize Norton Parish it is anticipated that responsibility for operation and maintenance will sit with WODC, as is the current situation for the Country Park.

In summary Brize Norton Parish Council consider that the detailed proposals included in the Planning Application for 13/1752/PI/P - Development of 250 Residential Dwellings on Land East and West of Swinbrook Road do not adequately mitigate against the adverse impacts that the development will have on Brize Norton Village in terms of increased traffic, unsustainable surface water flooding and potential additional costs associated with maintaining facilities that should be under the ownership of WODC.”

2.13 Stagecoach

“No objection following amendments to proposals to include bus gate at Swinbrook Road.”

2.14 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 £32,100 towards ANPR camera, bicycles and IT facilities.”

3 REPRESENTATIONS

3.1 150 households were notified of the application and 8 site notices were posted. 11 letters have been received objecting to the application on the following grounds:

- 250 houses is not proportionate for the area being considered, it is excessive.
- High density will cause problems with flooding, water pressure and sewerage.
- Area is prone to flooding, what will happen to this water?
- Significant amount of surface water run off from this area.
- Water pressure in this area is extremely poor.
- Extensive sewerage works have occurred recently, can we be assured this will not happen again?
- We are concerned the trades people building the link road will park in Swinbrook Road, Kilkenny Lane and Manor Road. We want a written assurance that this will not happen.
- Object to the closing of Swinbrook Road.
- Object to through traffic on Swinbrook Road.

- Link road is inadequate, too winding.
- Shared surface roads are unnecessary and a hazard to pedestrians.
- Increased traffic would adversely affect existing routes.
- Unacceptable to expect allotment and football club users to drive through an estate.
- Proposal will result in more people driving past care home at 24 Flax Close where there are 68 vulnerable elderly residents to detriment of their safety.
- It appears nothing has been learned from mistakes of Shilton Park.
- This will spoil the visual amenities of the area.
- The wooded area on the south west boundary supports foxes, bats, owls and occasional deer and this it to be significantly reduced.
- Loss of privacy as shared track will be upgraded to a footpath to serve new development, request it is left undeveloped as a buffer between the old and new developments.
- Concern that my property (62 Swinbrook Rd) will be affected by noise and loss of privacy from garage and parking bay 215, there is a lack of separation.
- 2.5 storey houses will completely dwarf bungalows on Swinbrook Road, they will be overbearing and totally out of character.
- Lack of reasonable planting along boundaries of the site.
- Will the existing trees and hedges be retained on southern and western edges of the allotments?
- Concerned about the proposed toilet block as it will be focus for anti social behaviour.
- What evidence is there to support further housing in Carterton?

3.2 Email correspondence has been received from Local members Cllrs Mrs Crossland, Mr Howard and Mr MacRae who have reservations about the application on the following grounds:

- The traffic problems on Shilton Park Estate particularly Bluebell Way which butt ends onto Elmhurst are very severe.
- The road is too narrow, is suffering from major disruption due to indiscriminate car-parking and more.
- To use an already badly congested road and estate as a rat run is simply not acceptable.
- The developer has been informed of our concerns (both District and Town Councillors) and has chosen to completely ignore us.
- A very important issue for residents along Swinbrook Road / Burford Road etc is the present poor water pressure and potential incapacity of existing sewers.
- I believe these were the primary concerns raised at the public consultation.

4 APPLICANT'S CASE

4.1 The following documents have been submitted in support of the application and are available to view online or on the file:

- Design and access statement
- Planning statement
- Transport assessment
- Travel plan
- Flood risk assessment
- Ecology report
- Tree report
- Sustainability assessment
- Code for sustainable homes pre assessment
- Landscape and visual appraisal
- Landscape management plan

- Noise assessment
- Services report
- Geophysical report

4.2 The documents covering areas that have been the subject of public comment are summarised below:

Transport Assessment

4.3 *This transport assessment and the travel plan demonstrate that the proposed development will have no discernable impact on the operation of transport networks in the vicinity of the development under current and future highway conditions*

Given the findings of the report it is considered that there are no transport and highways ground for refusal of the proposed development.

Planning statement

4.4 *The proposed development has been formulated and designed with the community and taking fully into account all relevant matters. The applicant therefore considered that the applications should be permitted for the reasons set out in this statement.*

The site is included as a vital part of the Districts 5 year land supply of housing for 200 dwellings. Whilst the proposed development area modestly extends to the north outside of the allocated area it is considered there are significant material considerations which weigh in favour of this application which outweigh any conflict with the adopted local plan policies seeking the restraint of development. The proposals have been demonstrated to accord with relevant planning policy considerations and there are no material considerations that would suggest otherwise. It is therefore respectfully requested that planning permission is granted.

Phase II ecological survey

4.5 *In summary most of the site supported common to locally widespread species and habitats. The most important feature of ecological value that would be impacted by the development is lowland calcareous grassland, which is considered of county-value and the integrity of this feature requires protection from development. At the time of the survey the only protected species likely to be affected were nesting birds.*

Flood risk assessment

4.5 *The proposed development will incorporate sustainable urban drainage systems to restrict the rate of surface water run off to the Greenfield rate of 1 in 1 year rainfall event of the undeveloped site. In conclusion surface water runoff, generated within the boundaries of the site, will be intercepted and stored within either above or below ground structures to minimise impact on downstream watercourses. The proposed residential development will incorporate two foul water pumping stations designed and constructed to adoptable standards. Each station will incorporate emergency storage to prevent spills associated with pump failure.*

5 POLICY

5.1 The key West Oxfordshire Local Plan (2011) policies in the determination of the application are:

H1 (Phasing), H2 (General residential development standards), H3 Range and type of accommodation), H11 (Affordable housing on allocated and previously unidentified sites), BE2 (General development standards), BE4 (Open space within and adjoining settlements),

BE3(Provision for parking and movement), BE13 (Archaeological assessments), BE19 (Noise), NE1(Safeguarding the countryside), NE2 (Countryside around Witney and Carterton), NE6 (Retention of trees, woodlands and hedgerow), NE10 (Water resources), NE12 (Renewable energy), NE13 (Biodiversity conservation), NE15 (Protected species), T1 (Traffic generation), T2 (Pedestrian and cycle facilities), T3 (Public transport infrastructure), Proposal 15 (North East Carterton Development Area – off Swinbook Road)

- 5.2 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).
- 5.3 The West Oxfordshire Design Guide (2006) and West Oxfordshire Landscape Assessment (1998) are both material considerations.

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:

Principle of development
Design and layout
Neighbourliness
Landscape and ecology
Environment and flooding
Highways and parking

Principle

- 6.2 The principle of development is considered acceptable as the land is allocated in the Local Plan (2011) under proposal 15 North Carterton, and the extension of this land was accepted when the sub committee resolved to approve the previous application for 200 houses. The increase to 250 houses is considered to be achievable on this site, given that it is slightly larger than the Local Plan allocation.
- 6.3 The level of affordable housing to be provided as part of this scheme is 30% which is in line with Local Plan policy. It will provide 53 social rented two, three and four bed houses and 22 intermediate social two and three bed houses. This provision will be set out within the S106 agreement. If the application site were to extend further we would seek to achieve a higher level of affordable housing. There are 175 three and four bed market units proposed.
- 6.4 The proposal includes the link road between Shilton Park and Shilton Road and would provide housing, affordable housing and open space/play areas and allotments within the site area, as well as additional footpath/cycle links with the existing built up area of the town. The proposals are considered to be in general accordance with Local Plan policy and the principle of development is considered acceptable.

Design

- 6.5 The layout has, in the main, been dictated by the site allocation and indicative link road and the previous application and therefore officers would argue that the principle of the layout and general design of the houses has been accepted.
- 6.6 The additional 50 units have been accommodated and there has been an increase in on plot parking with only a small increase in the site area. This is to reflect the change in attitude to parking since

the development of Shilton Park. The layout is considered to be legible with a main route through the estate out towards the Shilton Road. The densities are low to medium, there are no flats proposed only 2, 3, 4 and 5 bed dwellings.

- 6.7 The proposal is therefore considered to accord with local plan policies BE2 and H2.

Neighbourliness

- 6.8 The site has been allocated for residential development in the local plan for a considerable period of time. The scheme has been designed so there are no unacceptable back to back/side to back/front to back distances with existing properties so therefore unacceptable overlooking has been designed out. The minimum distance between the existing bungalows on Swinbrook Road and the proposed 2.5 storey houses is 40m which is considered to be acceptable even with the height difference. The usual acceptable back to back distance is 21m.
- 6.9 The proposed footpaths shown on the application were considered as part of the previous application and therefore have been accepted in principle.
- 6.10 The proposal is considered to be acceptable and in accordance with BE2 and H2 of the Local Plan.

Landscape and ecology

- 6.11 The site area includes a swath of calcareous grassland to the west of Swinbrook Road which has previously been unidentified but has come to light in recent ecology reports. The County Ecologist and BBOWT have expressed concerns about the translocation of the calcareous ground to a site to the north of the application area and the applicant has been requested to provide examples of where this has been carried out successfully. This is yet to be provided so we do not have formally comments from the County Ecologist.
- 6.12 The proposal incorporates an area for allotments to the south west of the site, opposite the car park for the Country Park as the shortfall in allotments has previously been raised by the Town Council. A proposal for public toilets to serve the Country Park has also been made, these could be provided in the public car park.

Environment and flooding

- 6.13 A Flood Risk Assessment was submitted with the application and a sustainable urban drainage system is proposed as part of the application. The Environment Agency initially raised concerns with the proposal but following the submission of additional information their holding objection has been removed and they are raising no objection subject to condition.
- 6.14 Waste water has been raised as an issue by local residents. There are pumping stations proposed to be constructed as part of the application. Thames Water have commented that a Grampian condition should be attached to any permission to ensure a drainage strategy can be approved by the LPA and themselves.
- 6.15 Bin storage and collection would be provided on plot for each residential unit. A condition could be attached to ensure that the details of this are adequate.
- 6.16 The proposal is considered to be in accordance with local plan policies.

Highways and parking

- 6.17 The proposal seeks to deliver the link road from Shilton Park to Shilton Road. This will also be the main access to Carterton Football Club and other properties north of the site on the Swinbrook Road.
- 6.18 Swinbrook Road would be closed adjacent to Manor Road, so all traffic associated with the proposed development would have to exit the development via Shilton Road or Shilton Park. OCC Highways have raised no objections to the accesses into and out of the site, and support the closure of Swinbrook Road to prevent it becoming a “rat-run”. Amendments to the application show that bus gates will be provided on Swinbrook Road to allow a less contrived bus route but that the road would remain close to through traffic.
- 6.19 The eastern access into Shilton Park has already been agreed under the provisions of the Country Park.
- 6.20 The design shows that the majority of properties will have on plot parking and only a few localised parking courts are shown. Where these are shown they are away from road junctions to avoid conflict with refuse and delivery vehicles.
- 6.21 The Highway Authority has been re-consulted with amended plans and as yet we have not received their comments

Conclusions

- 6.22 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 the translocation of the calciferous grassland being agreed by the County Ecologist, the amendments to the highways being agreed and to no new and substantive issues being raised in respect of the amended plans.
- 6.23 The heads of terms for the legal agreements will cover the following matters (and any others raised during the extended publicity period) which were broadly agreed on the previous application, and the figures will be pro rata where appropriate:
- Affordable housing
 - Education
 - Leisure (inc. leisure centre, play areas, allotments)
 - Highways off site works
 - Public art

RECOMMENDATION

Provisional approval.

14/0009/P/FP 7 West End Witney	
Date	16/12/201308/01/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435882,210379

APPLICATION DETAILS

Erection of new dwelling.

APPLICANT

Mr David Gouldin, 7 West End, Witney Oxon, OX28 1NG.

BACKGROUND INFORMATION

Under 12/0714- Planning permission refused for a dwelling on the site on the grounds of overdevelopment and increased risk of flooding.

I APPLICANTS CASE

The applicants' design and access statement is summarised as follows:

Essentially the unit is designed to integrate in harmony with the existing buildings. We reflect the steep pitched roofs in traditional welsh blue slate with simple uncluttered elevations in stone and render of scale appropriate to match and fit to the existing general pattern of development of adjacent structures and adjacent developments.

Important in the location is a design to avoid flooding potential. Therefore in conjunction with flood experts AAH Planning Consultants who have been in consultation with the Environment Agency prior to designing the unit we obtained levels and defence recommendations which will be described in the Flood Risk assessment paragraph. In summary we have lifted the access position to a position that cannot flood and located all habitable rooms within the structure in safe areas. The garage area is designed to accommodate flooding with suitable protection in terms of water movement grills and concrete construction of floors to withstand the calculated pressures that may arise from flooding on the site.

Despite the inclusion of double garaging we have been able to maintain the unit height to one and a half and two stories compatible with adjacent surroundings.

As a result of the proposal and the site area usage we comply with Government directives in terms of making a site available within the town centre for residential use without detriment to the pattern of development of the surrounding area.

It is our intention that generous habitable space, enclosed and generous garden amenity areas, full screening from impact to adjacent properties and a sense of self containment gives rise to a development of a higher standard than the surrounding without impact thereto.

This has been achieved with considerable emphasis given to maintaining and integrating the existing natural stone boundary walls and features.

2 CONSULTATIONS

2.1 Environment Agency

"Refuse."

2.2 Town Council

"Object on the grounds that this would increase the risk of flooding in the area, that there appears to be no emergency access to the site and that it is an overdevelopment."

2.3 OCC Highways

“No objection subject to conditions.”

3 REPRESENTATIONS

Representations have been received from Paul Creighton and Maria Marinho, J Howard and Cathy and John Barker. Their comments are very briefly summarised as:

- Flooding will be exacerbated;
- Property will be devalued;
- Construction vehicles will be disruptive;
- Additional traffic noise;
- Increased traffic on a constrained access road;
- Access on to West End –currently a dangerous and delicate operation due to the speed of traffic;
- Increased traffic and footfall will change the ambience of the access road which is a peaceful haven.

4 PLANNING POLICY

The key policies for consideration are BE2, BE5, BE8 and H2 of the West Oxfordshire Local Plan 2011. Also of relevance are the West Oxfordshire Design Guide and paragraphs of the NPPF, particularly paragraphs relating to ‘Conserving and enhancing the historic environment’ and ‘Meeting the challenge of climate change, flooding and coastal change’.

5 PLANNING ASSESSMENT

- 5.1 This application for one dwelling is a resubmission following an earlier refusal for a house on the site. The refusal was based on overdevelopment of the plot, unneighbourliness and flooding grounds.
- 5.2 According to the application this proposal has been designed to avoid flooding potential. The application states that ‘in summary we have lifted the access position to a position that cannot flood and located all habitable rooms within the structure in safe areas. The garage area is designed to accommodate flooding with suitable protection in terms of water movement grills and concrete construction of floors to withstand the calculated pressures that may arise from flooding of the site.’
- 5.3 In seeking to address the flooding concerns, the dwelling the subject of this application has a ridge height of 8.6metres.The dwelling refused under 12/0714 had a ridge height of 7.2 metres. As a consequence the proposed dwelling will appear even more imposing on those third party garden spaces to the north east of the dwelling and by reason of its scale, height and design will appear as a cramped overdevelopment of the site detrimental to the character and appearance of the Conservation Area and the setting of nearby listed buildings.
- 5.4 With regards to flooding and notwithstanding the applicants’ attempts to overcome flood risk issues, the Environment Agency has objected to this application on flooding grounds.
- 5.5 In light of the above the application is considered contrary to policies BE2, BE5, BE8 and H2 of the adopted WOLP, contrary to guidance in the West Oxfordshire Design Guide and relevant paragraphs of the NPPF.

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of its scale, height and design, the limited plot size and the close relationship with surrounding residential properties and the gardens serving those dwellings, the proposal will appear as a cramped overdevelopment of the site, harmful to the residential amenity of existing and future occupiers and failing to either preserve or enhance the character and appearance of the Conservation Area or respect the setting of a number of nearby listed buildings. As such the development is considered contrary to policies BE2, BE5, BE8 and H2 of the West Oxfordshire Local Plan 2011, the West Oxfordshire Design Guide and paragraphs of the NPPF.
- 2 The Flood Risk Assessment submitted with the application fails to comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework in that it does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular it fails to justify why flood storage is not achievable at this site. In light of this the Flood Risk Assessment has failed to demonstrate that any flood risks associated with the development can be successfully mitigated. As such the development is considered contrary to Section 10 of the NPPF.

14/0042/P/FP 1 Chapel Cottages Chapel Lane North Leigh	
Date	07/01/201409/01/2014
Officer	Miss Miranda Clark
Officer Recommendation	Officer To Report
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.

The application was deferred from the last Committee meeting as officers were awaiting an amended plan from the agent which was to be re-advertised.

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.”

Amended Plans

“Further to your letter of 18 February, I have already sent the comments of the Parish Council some two or three weeks ago.

The plans do not show all the applicant’s land – she owns the windmill site opposite so the application does not give a full picture.

Since the use of No 9 has probably lapsed – not used as a dwelling for 20+ years, surely the application should cover both buildings and as such WODC would say that one has to be an affordable unit – obviously the cottage proposed here. Making separate applications could be said to be trying to avoid this issue – so we would suggest that a condition be imposed that the cottage be restricted to being an affordable unit; this may need a s 106

Concerns too that building in brick will ruin the appearance and setting close to the listed building – it really should be in stone to match the house and walls all listed grade 2 and concerns re the proposals for roof lights, but there may be no other way.

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 idea of a brick extension to an otherwise largely stone built environment/setting - we believe the main dwelling is a listed building and this cottage is part of the curtilage of the listed dwelling so the proposal is against policy as it fails to enhance the setting - it would clearly detract from it and arguably the windmill on the other side of Park Road also owned by the applicant. Likewise a matching stones field slate roof to match would be preferable to slate, even if a modern imitation.

The parking and access arrangements do not seem to have been thought thru - 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."

Amended Plans

No comments received at the time of writing. Any response will be reported verbally to Members at the meeting.

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.

Amended Plans

No comments received at the time of writing.

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.

Highways/Parking

- 6.4 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. An amended/corrected block plan was received by officers from the agent and this was forwarded to the OCC Highways Officer for comment. The comments have not yet been received at the time of writing, but are expected to be received prior to the meeting where officers will verbally update Members.

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 with a recommendation.

RECOMMENDATION

Officer to report.

14/0081/P/FP The Saddlers Arms New Yatt Lane New Yatt	
Date	16/01/2014 16/01/2014
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	HAILEY
Grid Ref:	437252,213072

APPLICATION DETAILS

Conversion of public house to dwelling, erection of extensions and car port.

APPLICANT

Ms Pauline Lakey, C/O Agent.

BACKGROUND INFORMATION

The application is seeking consent for the conversion of The Saddlers Arms in New Yatt to a dwelling and to erect extensions. This is the last public house in New Yatt.

The application is to be heard before the Committee due to the large public interest in the proposal.

I PLANNING HISTORY

13/1299/P/FP - Conversion of public house to dwelling, erection of extensions and car port – Withdrawn.

(The previous application was withdrawn after officers considered that the application was not supported by any marketing evidence, and advised the applicant of the marketing guidelines for their information.)

W99/0662 – Erection of conservatory for use as public house dining room – Grant.

2 CONSULTATIONS

2.1 Hailey Parish Council

“At a meeting of Hailey Parish Council on Monday 10th February, the members voted to object to the above planning application.

Reflecting strong public opinion, the Parish Council value this public building. As the only public meeting place in New Yatt, we have already made a request for it to be registered as a Community Asset with WODC.

Hailey PC does not feel that the marketing assessment is either valid or correct. Notwithstanding the points made, several public houses in the area are thriving in similar locations; The Royal Oak at Ramsden, The Boot at Barnard Gate, The Lord Kitchener at Curbridge.

It is clear that this market is not saturated. The nearby pubs The Lamb & Flag in Hailey and The Lamb in Crawley have recently been rejuvenated with new owners and are thriving independent businesses.

It is our understanding that since the brewery has sold The Saddlers Arms, it has not been tested as an independent business. Release from the Brewery can make a significant improvement to viability due to the reduced overheads of rent and barrel prices.

Having recently supported the private sale of the Lamb & Flag in Hailey, we would be delighted to offer our help and support to any new owners of The Saddlers Arms, New Yatt in turning it into a viable business.”

2.2 North Leigh Parish Council

“I am writing on behalf of North Leigh Parish Council to advise you of its objection to the resubmitted application for change of use of the Saddlers Arms at New Yatt to a private dwelling. The PC considers this to be a significant loss of a local amenity.”

3 REPRESENTATIONS

3.1 Letters of Support

Clare Wilson & Dennis Holmes of Middle House, Charles Ford of Woodlands, R Bowen of Bowens Garage, Nicole James of The Hill Cottage Delly End, Paul Salter & Amy Kimber of The Hollies, J & F Haynes of New Yatt Farm Cottage, Mr and Mrs C J Francis of Half Inchmery, D & J Tabram of The Hurdles, and Roger & Linda Bowen of Ye Olde Cottage. The comments have been summarised as:

- Over the last 20 years it has had a succession of owners none of whom has been able to make a real success of the pub, probably due to changed drinking laws and peoples different lifestyles.
- Seems to us that it is only sporadically supported by the inhabitants and latterly it has been empty for considerable stretches of time becoming dilapidated and target for squatters.
- We think an owner converting it to a well maintained dwelling would enhance the village and have a better impact on the surroundings.
- No one in their right mind would try and open it as a pub type business again in the current climate or in the foreseeable future. If a change of use is not allowed we fear the property will be abandoned and become an eye sore or worse attract squatters or to park caravans.
- The pub has been empty for months at a time and have been break ins by vandals, flooding and pipes freezing.
- The pub struggles to attract consistent business on a regular basis and the most recent landlord had troubles with late night drinking, drink drivers and arguments in the street. The local residents occasionally supported the pub but I did not see this as a regular occurrence. I think many of them prefer the idea of having a local pub rather than actually intending to use it often enough for someone to make a living from it.
- The Saddlers has not been a viable business for years and years.
- We bought the Saddlers Arms in 1979, we only had two holidays in 16 years and I had to retire in 1995 due to an aortic aneurysm caused by stress.
- In 1995 we moved out and since then approx 10 landlords have tried to make a viable business there without success.

3.2 Objections

4 letters of objection have been received from Dr G Matthews of Homestead, Jowanne Lewis of Homestead, M and C Crow of Windover, Sarah de Buriatte of Moorlands Farm. The comments have been summarised as:

Our objection remains as previously stated:

- In allowing a change of use from a pub to a home New Yatt will be losing its only community amenity.
- We do appreciate how hard it is to make a financial success of pubs but the pub has been successful in its history and the local community has demonstrated that it will support a pub if it is open. Other pubs in equally small and rural locations seem to be able to survive and even prosper (The Lamb at Crawley, The Royal Oak at Ramsden, The Bird In Hand at Hailey, The Plough in Finstock, to name a few).
- Is it possible to consider a compromise? I understand that one of the two pubs in Leafield avoided closure by operating part time hours. Even opening two or three evenings a week would be better than not opening at all. I think if the residents of New Yatt were invited to volunteer ideas for use there would be a good response. It seems that the current residents of the pub have never intended to operate the building as a pub and so never tested its viability.
- There are no attached letters in support and assuming that these do exist, surely the fact that there are also letters objecting to the pubs closure (on the grounds that there is no other village amenity at all), should counteract this argument.
- The high turnover of staff and tenants seemed to be due to the management company making their management decisions.
- The population of New Yatt is small but there are a range of ages in the village with most of the recent house sales being to young families. It would be interesting to learn the basis for the assertion that the profile is 'largely older'. Presumably this also ignores the profile of the tenants at the business park? And if the population is older, then it would seem to be an argument in favour of village based community hub that everyone can get to.
- The nearest pubs are not within easy walking distance and it is definitely not a safe walk due to the lack of street lighting and footpaths. Makes us wonder if the author of the statement has actually been to New Yatt?

- Finally, since they purchased the property, the current owners of The Saddlers have never attempted to open or operate The Saddlers as a pub.
- Car park is in fact quite large with ample parking for up to 20 cars.
- The pub has plenty of passing trade.
- It is worth bearing in mind that a successful landlord attempted to buy the pub from the freeholder prior to it being on the market. The same landlord is now running a pub in Crawley.
- Urge the planning committee to apply the well respected Public House Viability Test produced by CAMRA.
- The Saddlers Arms is the only community facility in the village.
- The Saddlers fell into decline following a huge and sudden increase on the rent. My experience of mortgages is that this rent was far greater than a standard mortgage for the property which with the charge made by the owners on all other money making facilities made the business unworkable.
- That would not be the case now that the building is a freehold.
- Many locals are keen not to just use but support the pub.
- A local publican wished to purchase the building but the holding company took so long to consider this that he brought another public house. As a businessman he obviously thought the Saddlers to be a viable prospect.
- We question the extent to which other “commercial arrangements or social enterprises” have been considered.
- The understanding was that the current owner was planning to create B&B guest accommodation to run alongside the pub – this would have been an ideal solution. The application demonstrates an attempt to go straight from a tenancy to purchase for domestic dwelling without due consideration of alternative solutions to keep the public house.
- There has been no consultation between the current developers and the village residents in general to discuss what other options could be considered.
- Paragraph 8.2 lists DI uses that the author believes could be considered appropriate to include ‘medical and health services, crèche and nurseries, education and libraries, gallery or museum, and public hall and places of worship’, and then goes on to say in 8.2 that ‘such uses are prevalent in the local area and all within reasonable walking distance. These include a secondary school, a primary school, library, several nurseries, numerous churches, several dentists and GP surgery.’ This statement is clearly wrong.

4 APPLICANT’S CASE

4.1 A Design and Access Statement has been submitted as part of the application. A section regarding marketing was sent to officers at a later stage of the application. Both documents can be viewed on line or direct from officers. The Design and Access Statement and the marketing evidence has been summarised as:

- It is considered that the public house is unviable and that a change of use to a residential dwelling will represent the most appropriate and efficient use of the vacant site.
- The subprime mortgage epidemic led to a banking crisis which in turn led to a sovereign debt crisis. Consumer confidence is particularly low and the public house industry has been one of the industry’s hit particularly badly.
- The market for free hold and leasehold pubs has been saturated for some time.
- In April 2012 The Campaign for Real Ale claimed that 12 pubs are closing across England, Scotland and Wales every week.
- The public house has a relatively small bar and dining area seating around 30. A conservatory provides additional seating; the flat roof extension to the rear houses a kitchen and toilets, and

a pleasant garden to the east of the site. Upstairs currently provides 3 bedrooms with a large living area, separate kitchen and a family bathroom. Changing the use of the property to a residential property will be readily assimilated within the streetscene.

- For the purposes of this application we will consult the out of date Local Plan and NPPF. Policy TLC12 seeks to retain and protect such community uses but accepts that sometimes such facilities become surplus to requirements. The Oxford English Dictionary defines viability as “the capacity to operate or be sustained”. Taking this meaning as it is intended, it must be demonstrated that the public house does not have the capacity to operate or be sustained.
- The LPA needs to ensure that they are applying the policy in a way that delivers what the policy seeks to deliver rather than delivering bizarre or extreme results.
- Local residents have shown their support for the scheme, thus it is considered that they consider that the public house is not required and that their day to day needs are met elsewhere. The planning system should interfere with the free market only when strictly necessary in order to preserve a public good. Such policies should not be massaged to bring about situations where communities are guaranteed a vast array of services within a very short distance. It is not appropriate or possible for policy TLC12 to insist that a range of services remain open regardless of whether or not they are needed to satisfy day to day needs. The reality of the situation is that the Policy can prevent the public house changing out of the Class A use bracket but it cannot require it to operate. The Saddlers Arms ceased trading 24 months ago and has had a high turnover of managers and tenants that have sought to make the business viable all of these attempts have proved fruitless.
- It would need extensive decoration if it were to reopen, the pub does not benefit from passing trade. New Yatt is a very small village with a population of around 120 with a largely older age profile; limited trade can therefore be generated from the village. There is substantial competition within the vicinity and given its location in a secluded location the public house would have to rely on trade gained as a destination outlet.
- In order to generate a reasonable level of trade and to attract business from a wider catchment area any new operator would have to offer food. The tradeable area is not particularly large and constrained by the internal structure; covers could be reduced to around 12.
- The car park is not particularly large and would not necessarily attract many families.
- The Masons Arms is located just 0.5 miles to the east a short walking distance from the application site and the Lamb Inn located approx 1.5 miles and The Lamb and Flag is located 1 miles to the south west.
- Likely market for the property – Managed House Operators – This category includes pub companies, given the size and location of The Saddlers Arms we consider that it is not going to be able to operate to this capacity under any circumstances.
- Brewers and Public House companies – The Saddlers Arms would not be able to offer this kind of return.
- Private operator – there is a wide choice of smaller public houses available. These purchasers can afford to be very specific and would seek out a property that meets their strict criteria.
- We would consider that the public house is no longer viable business for the owner or future owners due to the nature of the licensed industry, difficulties faced by operators, economic conditions, changes in legislation and the general environment.
- Alan Crowest of TW Gaze is a Licensed Trade Consultant whom has provided a brief commentary of the marketing efforts for the public house. The full email is contained within Appendix B. In brief Mr Crowest states that the last two tenants went bust and the public house has remained vacant since January 2012. T W Gaze originally marketed the property at a price of £295,000 + VAT, this price was reduced in July/August to £260,000 + VAT.
- 3 direct mail outs were sent to TW Gaze’s database totally 1,510 particulars. A further 400+ enquiries came directly from the agent’s website and there was also an editorial placed in the trade press. The property was placed on the “Rightbiz” website with 9,493 impressions and 488 clicks, the property was also placed on the Business For Sale website with 828 views and 23 responses.

- The agents received 3 unacceptable offers and one acceptable offer that was dependant on a house sale. The applicants were the only offer deemed acceptable.
- Following the original application the applicant placed the public house back on the market with Sidney Phillips a specialist in selling public houses. The pub was marketed for a further 3 months with 4 viewings. No offers were revived on the public house following these offers.
- The rear extension has been removed along with the conservatory, and the conservatory has been replaced by a single storey extension. The central staircase gives access to 5 bedrooms.
- Public houses are not the only community uses that serve the local population. The applicant feels it is necessary to introduce such changes and discuss their suitability to the property.
- The majority of community uses reside within the D1 and D2 use class categories. D2 uses often require large open plan buildings thus they can be discounted. D1 uses that could be considered appropriate include; medical services, crèche and nurseries, education and libraries, gallery or museum and public hall and places of worship. Such uses are prevalent in the local area and within reasonable walking distance including a secondary school, a primary school, library, several nurseries, numerous churches, several dentists and GP surgery. There is clearly a good range of community services within the local area.
- Clearly apparent that the building itself would be incapable of conversion to other community uses. Being located within close proximity to many residential properties would create potential noise implications.
- This planning statement has demonstrated that the public house is not a viable business. The location of the property within a small settlement means that it will rely on destination trade to survive. Given its small size and isolated location it is unlikely to be able to generate such destination trade.
- The structure and location is unsuitable for any other community use and the most appropriate use is residential due to the surrounding land use. The conversion of the public house will provide attractive family accommodation with good sized amenity space to the front and rear elevation.

4.2 The applicant has submitted a letter in response to comments received and has been briefly summarised as:

- The position I am in now was not originally intended. The residents surrounding the pub have no problem with my application.
- The footprint remains the same.
- A 20 minute walk to a pub is not unusual and New Yatt is not the only village without streetlights and footpaths. East End North Leigh does not have a pub, much bigger village than New Yatt and I suggest it is a much longer walk to a pub than 20 minutes. The Boot Inn referred to may be in a small village but it is on the A40 which makes a big difference.
- There has been no preparatory work at all. The work carried out is the removal of 6 skips worth of rubbish left behind by previous tenants. The carpet has to be removed due to a large flood due to inadequate plumbing work done in the roof after the boiler was changed, this brought the roof down in the bar area which had to be replaced. WODC drains and gullies department have been working with me to check and allow the clearance of blocked brooks and gullies.
- The Saddlers was subject to two bankruptcy attachments, we cannot have a calor gas tank as they are owned money and we cannot get an account as The Saddlers is blacklisted.
- It is unfair to say that community spirit would be lost if the Saddlers goes. The village appears to have managed without the Saddlers for the past years it has been closed.

Marketing

4.3 A copy of an email was received, which has been summarised as:

- The Planning Officers response, whilst unreasonable, was not unexpected, and it might just be worth going back to them with the following facts?
- The last two tenants went bust and even the Holding Company who operated the pub at nil rent could not make it work and the pub has been empty since January 2012.
- We originally marketed the pub in Jan 2012 at price of £295,000 + vat reduced to £260,000 + vat in July/August. We have done three direct mail outs from our database of clients totalling 1,510 sets of sales particulars – in addition a further 400+ from enquiries via our website and we have also had editorial in Trade Press !
- On the Rightbiz website the Saddlers has received 9,493 impressions and 488 clicks and on Businesses For Sale website, 828 views and 23 responses.
- We have been in receipt of 3 unacceptable offers, one which was acceptable but was dependant upon a house sale, and yours.
- It would appear therefore that much of the unreasonable and unilateral demands of the Local Planners have already been met?

5 POLICY

Officers consider that the most relevant policies of the West Oxfordshire Local Plan are:

Policy BE2 – General Development Standards

Policy TLC12 – Protection of Existing Community Services and Facilities

Policy SH5 – Retention of Local Shops and/or Post Offices

The NPPF has also been referred to.

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:

Principle of Development

Principle of Development

- 6.2 The Saddlers Arms is an existing public house located in New Yatt which is a small village with limited access to services and facilities. The public house is the only one in this village. Officers consider that the key policy of the WOLP is Policy TLC12 – Protection of Existing Community Services and Facilities. This policy states that development proposals should not result in the loss of useful local services and facilities unless it can be demonstrated that the existing use is not viable or adequate and accessible alternative provision remains or will be provided. In the supporting text, it states that in the case of a commercial venture, the applicant will need to satisfy the Council that the existing use is no longer capable of being maintained, either commercially or through local social enterprise. To assess this, a wide range of information will normally be required from an application including sustained marketing evidence of the premises over a reasonable period and at a fair price, and accounts showing returns/losses over a reasonable period of time.
- 6.3 Although some facts and figures have been submitted for the marketing evidence, apparently over a 12 month period but not exact, and not clear whether this was a continuous period, officers do not consider that the marketing evidence is concise nor that it demonstrates some of the requirements requested from the marketing guidelines that officers sent at the time of the last application have been met. The requirements include:

- Property details (particulars) should be produced outlining the type of property/site, address, size, location, description, services, planning/current use, terms, leasehold rent and/or freehold sale price, viewing arrangements. These details should be available to enquirers on request and submitted with any planning application for a change of use.
- The applicant should supply comparable evidence to demonstrate that the asking price is commensurate with the current market price.
- Planning applications should be submitted with a Marketing Summary identifying the actions undertaken in accordance with the points above and also including:
 - a. A copy of the particulars used throughout the marketing
 - b. Details of how, where and when the property was advertised
 - c. Any variations, such as particulars or price, during the marketing period
 - d. Number/type of enquiries received
 - e. Number of viewings
 - f. Number, type/proposed uses and value of offers
 - g. Reasons for enquirers not making an offer
 - h. Reasons for refusal of an offer

6.4 Although some of the above have been given, there is a lack of clarity as to the reasoning behind why the tenants went bust, what information did the mail-outs contain, what were the unreasonable offers and what happened to the acceptable offer which was dependant on a house sale, and how did they compare with the asking price. The accounts also should be submitted as without all this information, officers consider that it is unable to assess whether such a commercial use is viable in this location.

6.5 In terms of the facts made in the Design and Access Statement, officers do not consider that provision of similar facilities in North Leigh can be relied upon and cannot be walked to, safely, from New Yatt.

6.6 In addition there has been significant interest from the local community to designate the pub as an asset of community value. This interest would need to be addressed by the agent as Policy TLC12 refers to the applicant satisfying the Council that the existing use is no longer capable of being maintained through local social enterprise.

6.7 In view of the above, officers consider that further robust documentation is still required to enable Policy TLC12 and its requirements, to be fully addressed.

RECOMMENDATION

Refuse for the following reason:

- I By reason of the lack of a sufficient detailed marketing exercise, the application fails to demonstrate that the operation of the premises as a public house is not viable, and as such the proposal is contrary to Policy TLC12 of the West Oxfordshire Local Plan 2011 and the advice of the National Planning Policy Framework.

14/0105/P/FP Land adj Town Hall 19 Alvescot Road Carterton	
Date	17/01/201423/01/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	427954,206699

APPLICATION DETAILS

Creation of new market place to include resurfacing and associated works.

APPLICANT

Carterton Town Council, Town Hall, 19 Alvescot Road, Carterton, Oxfordshire, OX18 3JL.

BACKGROUND INFORMATION

The application is to be heard before the Committee as the agent is an employee of West Oxfordshire District Council.

1 PLANNING HISTORY

13/0434/P/FP – Erection of single storey extension to enlarge existing town hall and provide replacement veterinary surgery – Approved.

13/1544/P/AC – Erection of aluminium letter signage on front elevation (Retrospective) – Approved.

2 CONSULTATIONS

2.1 Town Council

“Council is the applicant.”

2.2 OCC Highways

“The proposed new market place may generate a small increase in transport activity on the highway network. This is likely to be carried via Alvescot Road and Black Bourton Road to public car parks accessed from these roads. Both roads are of adequate width with street lighting and pedestrian footways on both sides.

The Alvescot Road and Black Bourton Road car parks are within comfortable walking distance of the development site and offer approximately 100 parking spaces each at no charge. In most cases these will be adequate to compensate for the eight spaces that will be lost as part of the development proposals.

The proposal is unlikely to have a significant adverse impact on the highway network.

Recommendation

No objection.”

2.3 WODC EHO

“No observations.”

3 POLICY

The most relevant policies of the West Oxfordshire Local Plan 2011 are considered to be:

Policy BE2 – General Development Standards

Policy BE3 – Provision for Movement and Parking

Policy BE4 – Open space within and adjoining settlements

Policy NE6 – Retention of Trees, Woodlands and Hedgerows

The NPPF has also been referred to.

4 PLANNING ASSESSMENT

- 4.1 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 impact to the overall visual character and appearance of the streetscene
Pedestrian/Highway Safety

Principle

- 4.2 The application site is located in the centre of the town, opposite the Library and adjacent to a retail use. The site currently accommodates the former veterinary building (which has now been relocated within an extension adjoining the Town Hall) and the War Memorial. The proposal is to remove trees which are located on the boundary with a pathway leading from the car park to the rear to Alvescot Road, remove the former veterinary surgery and remove an existing tree on site. The 2 trees to be retained are located on the rear boundary of the application site and the car park.
- 4.3 The application site will then be re-paved by materials (which include gravel, grey and red block paving) and new trees will be planted along the existing pathway adjacent to The Original Factory Shop and form a new market place.
- 4.4 Officers consider that the principle of such development is acceptable and is a positive contribution for the local community and for the market.

Impact to the overall visual character and appearance of the streetscene

- 4.5 The change to the application site will result in the land being much more open and accessible which officers consider will be a positive contribution to the overall streetscene. A direct pathway will lead from the public car park to the rear onto the site which will make the two areas link, and this pathway will be an improvement from the existing access which is dark and unkempt.
- 4.6 The replacement of the existing hedgerow with individual trees is also considered acceptable and will reflect the existing pattern of tree planting within the town.
- 4.7 Officers consider that members of the community will benefit from such a refurbishment.

Pedestrian/Highway Safety

- 4.8 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. 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.

Conclusions

- 4.9 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.

RECOMMENDATION

Grant subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) CMP/C/LP/1, CMP/C/RP/1, CMP/C/ES/3, CMP/C/ES/4, C/CMP/RW/1 & GRE-100529-DFT-018 Rev G.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The development (including site works and demolition) shall commence in accordance with GRE-100529-DFT-018 Rev G. These approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To safeguard features that contribute to the character and landscape of the area.
- 5 Prior to the first commencement of development details of the proposed trees which shall include a written specification of the trees, tree size and implementation programme, shall be submitted to and approved in writing by the Local Planning Authority and remain as such thereafter.
REASON: To safeguard the character and landscape of the area.

14/0110/P/FP Bampton Design Avenue One Station Lane Witney	
Date	23/01/201424/01/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435334,208794

APPLICATION DETAILS

Erection of two storey extension.

APPLICANT

Mr T Keen, C/O Agent.

BACKGROUND INFORMATION

This application is for a two storey extension in materials to match the existing building to provide a storage facility. The existing building and land is used to manufacture and distribute furniture. The storage facility will house furniture either in production or awaiting delivery. The extension replaces an existing small front extension and two temporary storage units which have been an operational requirement on site for a number of years.

The additional storage space is required as part of a rationalisation of the business which presently operates from two sites. The rationalisation and improvements will result in an additional 4 employees at the site.

I CONSULTATIONS

1.1 Town Council

“Witney Town Council objects to this application as it is concerned that the development will result in loss of parking spaces and increased staffing levels, which is contrary to Policy BE3 of the WOLP.”

1.2 OCC Highways

“The proposed extension is to accommodate existing activities that are to be transferred from another site operated by Bampton Design, and will bring four additional employees to the Avenue One site. This will lead to intensification of transport activity on the site.

Avenue one serves a number of industrial concerns and has been built to suitable standards to serve this purpose. It has street lighting and pedestrian footways on both sides. The proposal is unlikely to have a significant adverse impact on the highway network.

The extension will be used for storage and dispatch. A site visit has revealed that Bampton Design operates delivery vans which are of 3.5 tonne gross vehicle weight rating in size. It is questionable whether these delivery vans would be able to access the dispatch area if cars are parked on adjacent spaces. The applicant may wish to review and amend this layout for operational reasons.

No objection.”

2 **REPRESENTATIONS**

None received.

3 **APPLICANT’S CASE**

“The proposed building will be approximately a 100 square metres footprint, and will replace the existing small front extension and the two temporary units. It will displace two car parking spaces along the eastern boundary and the former spaces where the temporary storage units are located. To the strip of ground in front of the north elevation works are being carried out to provide more car parking to the area. Parking and delivery departures currently co- exist quite satisfactorily and are not a cause for any concern as the majority of deliveries leave very early in the day so there is little conflict of traffic movements. However a total of 6 additional spaces will be provided for staff and visitors to the area.”

“Generally products are manufactured and stored on site for shorter or longer periods depending on client variable demands and then despatched.

Despatch is planned and arranged generally for departure early in the morning so that products arrive at the delivery destination early as later arrival gives no time for contingencies. Vehicles return at variable times depending on the particular circumstances.

Despatch occurs before the majority of employees cars arrive so there are seldom any problems with access and parking. The nature of this business does not generate a constant daytime delivery circumstance.

Whilst the highways officer has commented that the applicant may wish to review the layout and amend for operational reasons, the applicant however is satisfied with the current layout.

The Highways officer also notes that the proposal is unlikely to have a significant impact on the highway network and also notes the planned 6 additional car parking spaces, and we also note that the officer raises no objections.”

4 POLICY

The key policies are BE2, BE3 and E3 of the adopted West Oxfordshire Local Plan 2011.

5 PLANNING ASSESSMENT

- 5.1 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:

Principle of an extension

- 5.2 The principle of extending the existing building is considered compliant with the employment policies for Witney.

Design

- 5.3 The flat roofed extension is of a design and materials that reflects the existing building and is therefore an acceptable addition within the context of the industrial estate.

Neighbourliness

- 5.4 The extension is set off of the boundary and with the adjoining industrial unit and does not overbear, overshadow or overlook the adjacent employment site.

Highways and parking

- 5.5 The extension is located, in part, on land presently occupied by a single storey extension and two storage units. It also encroaches on two existing car parking spaces. To compensate for the loss of the two spaces and to provide for the increased on site work force (4 additional employees), 6 additional car parking spaces to serve the employment site are proposed as part of the application.

- 5.6 OCC Highways has commented that the proposal is unlikely to have a significant impact on the highway network and has raised no objections.

Conclusions

- 5.7 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** on its planning merits.

RECOMMENDATION

Grant subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) 959-SL01, 959 AL06, 959 AL05A, 959 AL03.
REASON: For the avoidance of doubt as to what is permitted.

- 3 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The extension hereby approved shall not be occupied until space has been laid out within the site for 6 additional cars to be parked in accordance with plan no. 959 AL 05A and such space shall be retained for parking purposes thereafter.
REASON: To ensure that adequate provision is to be made for off-street parking. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 5 The extension hereby approved shall not be occupied until works for the disposal of surface water have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To secure adequate and sustainable means of disposing of surface water from the site.

14/0119/P/FP Witney Road Hailey	
Date	07/01/201427/01/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	HAILEY
Grid Ref:	435409,211729

APPLICATION DETAILS

Erection of various buildings (Retrospective) and construction of parking area to be used for pony share scheme and natural horsemanship business.

APPLICANT

Mr & Mrs Richard James, 93 Burford Road, Witney, Oxon, OX28 6DR.

BACKGROUND INFORMATION

This application is for a change of use of agricultural land for use as an equine business and a number of ancillary storage units, two stables, a car park an equine school arena and a wooden shed. The development is part retrospective.

1 PLANNING HISTORY

N/A.

2 CONSULTATIONS

2.1 OCC Highways

"No objection."

2.2 Parish Council

No reply at the time of writing.

3 REPRESENTATIONS

A letter has been received from Ms C Harrison of 74 Crawley Road, Witney. Her comments are briefly précised as follows:

- This development would create an unacceptable impact in this rural location to the detriment of the surrounding area. The paraphernalia associated with an equestrian facility whether permanent or semi- permanent and huge heaps of horse manure will visually clutter the land;
- The buildings already on site are an eyesore. The existing 'temporary portacabins' and 'mobile shelters' haven't moved since being erected many months back and therefore don't appear to be temporary or mobile;
- The road is a 'rat run' with a very fast 60 mile per hour speed limit. The increase in any vehicle activity would be detrimental to highway safety;
- There would be no HGV access for horse boxes at the steep narrow hill in Crawley- all vehicles would have to go via Witney adding to the congestion in West End;
- Presumably if permission is granted there will be nothing stopping them holding horse shows which would create further traffic and nowhere for visiting vehicles to park;
- If approved this development would encourage other farmers to sell off parcels of land and thereby set an undesirable precedent for future change of use applications across West Oxfordshire;
- How will the business operate with no water, drainage or electricity on site?
- The proposed toilet facilities would appear unhygienic for a facility that wishes to be open from 0900hrs to 1900hrs seven days a week;
- The planting of fruit trees along the eastern border of the site to help bolster honey production at 'Southdown Farm' is irrelevant to the application. Bees need to be kept away from horses not encouraged to get closer;
- Who is going to monitor the use of organic pesticides, herbicides?
- There is no proof that the facility will increase passing trade for the Southdown Farm shop;
- Allowing this change of use will harm the intrinsic character of the local landscape.

4 APPLICANT'S CASE

The applicant's case is précised as follows:

- The land is presently designated as agricultural pasture and we are applying for a change of use to commercial and permission for the addition of an area of hard standing for car parking as detailed on the site plan proposed;
- Witney Pony partners is Elizabeth James and Richard James who will be responsible for field maintenance and general duties;
- WPP current proposal is for a limited number of permanent pony share members visiting weekly and a venue for holding horsemanship clinics with four to six participants, some bringing their own horses and lasting one or two days. If successful we would hope to increase our horses and ponies and available pony shares in future;
- The creation of WPP will go some way to filling the gap left by the closure of the riding school in Hailey and will establish a new outdoor leisure facility for Witney residents, young and old as well as therapeutic use of horsemanship for the physically and learning disadvantaged;
- This enterprise will create passing trade for Southdown Farm Shop, our immediate neighbours to the east, and any participants on educational clinics that we may hold would be able to patronise their campsite, as well as local bed and breakfast and public houses;
- Our aim is to provide our facility with a minimum of environmental impact and keep its aspect pleasing for neighbours, members and ourselves. Membership will encourage access to and recreational use of the safe countryside open space that we have created;
- Horse proof fencing has been erected around the site perimeter and paddocks divided off to provide a safe environment for horses. Mobile buildings are currently used for feed and tack storage and will provide a classroom area;

- Four ponies are currently kept on site and are kept at grass with free access to two mobile field shelters. An area has been fenced off as a designated schooling arena, no surface treatment has been made;
- A small hard standing area serves for minimal parking for welfare and veterinary access at present. We would like to extend this area to allow safe parking for clients. Non-motorised travel to and from the site will be actively encouraged, indeed enquiries have already been made because of the ease of access on foot or bike from the greater Witney Area;
- If all currently available membership spaces are taken up this would create a maximum of 16 extra vehicle movements on the days we are open, and we would need six parking spaces plus a disabled space;
- Our intention is to manage the perimeter of the site by re-establishing hedging on the western and northern boundaries and to create, along the eastern border, a line of newly planted trees, being a mix of fruit to help honey production at Southdown Farm, and native hardwoods in keeping with The Wychwood Project. Bioersivity will be encouraged within the hedge planting chosen and wild flower meadow seed distribution. Only organic fertilisers, pesticides and herbicides will be used on site.

5 POLICY

- 5.1 The key policies in considering this application are NE1, NE3, BE2 and E3 of the adopted West Oxfordshire Local Plan 2011.
- 5.2 Also of relevance is paragraph 28 of the NPPF which refers to planning policies supporting a prosperous rural economy and in particular promoting the development of land based rural businesses. This however needs to be considered alongside section 11 of the NPPF in respect of 'Conserving and enhancing the natural environment' which states that the planning system should contribute to and enhance the natural and local environment.
- 5.3 The West Oxfordshire Landscape Assessment categorises the landscape within which the site is located as semi enclosed limestone wolds (smaller scale). It comments that elevated, semi limestone wolds landscapes are visually sensitive and any development would need to be closely and sensitively integrated with existing buildings or within a strong landscape structure.

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 issue in respect of this application relates to the impact of the development on the sensitive semi enclosed limestone wold landscape within which the development is located.
- 6.2 The site is located in an elevated and highly prominent location in the open countryside, visible from both the Witney Road and public accessible areas to the north and north east of the site.
- 6.3 Given the open rural appearance of the landscape, the introduction of buildings whether temporary or permanent, chattels(storage containers), a parking area and an enclosure to provide a riding arena together with paddock enclosures is considered to adversely urbanise the sensitive rural landscape .
- 6.4 In your officers opinion, the landscape proposals submitted as part of the application, which consist of the re-establishing of hedging on the western and northern boundaries and a line of newly planted trees along the eastern border will not adequately ameliorate the harmful visual impact of the development as the land sits on the skyline and further the site will be highly visible through the access on to the Witney Road.

- 6.5 In your officers' opinion, the adverse urbanising impact on the rural character and appearance of the area overrides any argument, submitted as part of the application, in respect of the site being acceptable for equine commercial purposes.
- 6.6 In light of the above the application is considered contrary to policies BE2, NE1, NE3 and E3 of the West Oxfordshire Local Plan. In addition it is considered contrary to relevant paragraphs of the NPPF and the West Oxfordshire Landscape Assessment.

RECOMMENDATION

Refuse for the following reason:

- I By reason of their siting in a highly prominent open and elevated location, the stables, the storage units, the shed, the car park and the riding arena associated with the change of use of land for commercial equine purposes, appear as harmful visually intrusive and urbanising features in the sensitive rural landscape. As such, the development is considered contrary to Policies NE1, NE3, BE2 and E3 of the adopted West Oxfordshire Local Plan 2011, paragraph 109 of the NPPF and character area 7 (Wychwood Uplands) of the West Oxfordshire Landscape Assessment.

14/0128/P/OP Chilli Pepper Broadwell	
Date	27/01/201427/01/2014
Officer	Mr Phil Shaw
Officer Recommendation	Approve subject to a legal agreement
Parish	BROADWELL
Grid Ref:	425230,203996

APPLICATION DETAILS

Erection of detached dwelling.

APPLICANT

Mrs Suzan Barrow, Ormonds Development Management Ltd, Chilli Pepper, Broadwell, Oxfordshire, GL7 3QS.

BACKGROUND INFORMATION

This application relates to the currently closed pub in Broadwell. Members will recall that they recently resolved to grant planning permission for a part conversion and extension of the pub building to form a separate dwelling. That application was approved subject to the applicant first entering into a legal agreement to ensure that the profits of the sale of the house element were ploughed back into the business to enable the pub to reopen. However, in processing the legal agreement and clarifying the actual

costs of sub dividing the pub from the plot it became clear that the residual profits were insufficient to re capitalise the business. This application therefore seeks to allow a physically separate dwelling rather than a partial conversion in order to minimise the costs and maximise the revenue. A legal agreement is still being offered to ensure that profits after costs are reinvested in the business.

A separate dwelling would be contrary to the relevant housing policies for the village where only conversions are allowed.

I PLANNING HISTORY

Of most relevance is application 13/0392 which secured a resolution to approve subject to the profits of the sale of the building plot being re-invested back into the building. The consent has not been issued as the legal agreement has not been signed but remains extant as a fall back position.

2 CONSULTATIONS

2.1 Broadwell Parish Council

“The Parish objects to this application in the strongest terms on the following grounds:

- 1. Conflict with extant local planning policy to control any development in Broadwell.*
- 2. Conflict with the emerging Broadwell Village Neighbouring Plan. The application is therefore premature.*
- 3. The justification given in the covering letter is very doubtful without any clear evidence and may well in fact diminish prospects for the long awaited re-opening of the pub and, in the longer term, the very operation of the pub.*
- 4. As an outline application it is not possible to judge potential impacts on listed buildings, the street scene, and other possible constraints.*

We would like to know what the current position is with the last application to convert part of the pub to residential and which we were advised was approved so as to make viable the business.

We can conduct a full survey of the village to provide a summary of local opinion in the absence of any consultation by the applicant but so far the mood is strong opposition on the above grounds. The village feel the unopposed consensus to take forward the Neighbourhood Plan has been ignored by the applicants and that any outcome other than a recommendation for refusal would undermine both the process and the will of the village.

We would welcome a meeting with the case officer.

We have been advised by the Ward Member that he believes that the application conflicts with policy and so will be recommended for refusal and we would like to know if the Council thinks this is not the case.”

2.2 OCC Highways

“The wall along the frontage close to the carriageway edge would obstruct vision at any proposed point of access.

If an access were to be located at mid point along the red line frontage and the frontage walls reduced to a height of 1.0m visibility would be adequate to serve 1 dwelling in a village where traffic speeds and flows are low.

*No objection subject to:
- G11 access specification*

- Vision as above in accordance with a plan to be submitted and approved
- Parking in accordance with a scheme to be submitted and approved.”

2.3 WODC Drainage

“Recommend a drainage condition.”

3 REPRESENTATIONS

4 letters of objection have been received from Susan Crawford of The Old Coach House, Jenny Lowe of Fieldside House, Professor Tinker of Glebe House and Amanda Hines on behalf of Prof Tinker of Glebe House. It is considered that the main points raised may be summarised as follows:

- Contrary to planning policy.
- Unsafe new access position.
- Entrance will interfere with parking for nursery school opposite.
- Windows could overlook neighbouring dwellings.
- This is planning by creep.
- Plans are too vague.
- Pub has been closed for some time and the use appears unable to sustain a profit.
- House is unwanted.
- Loss of pub garden will undermine the viability of the business.
- Value of the house will be diminished by proximity to the pub.
- Past history of pub does not fill us with confidence.

4 APPLICANT’S CASE

Writing in support of the application the applicant advises as follows (in summary):

- Permission has previously been given for a house at the site.
- Costs of separating the building are much greater than originally envisaged.
- Residual amount is not sufficient to recapitalise the business.
- There is thus the need to reduce the costs of separation.
- It is still intended to invest the surplus remaining after the sale back into the business.
- It will reopen as B+B, holiday lets and public bar.
- House will be built of natural stone.
- Frontage wall will be modified to allow an access.
- Majority of trees and vegetation will be kept.
- Plot will be divided from pub by a 1.8m high fence.
- I hope that the planning committee will continue to support the proposal to try to bring the business back to life.
- A letter is produced from Lisbon Paul Consultants confirming that in depth investigation of the costs of separating the utilities and drainage are not financially viable.

5 POLICY

New dwellings are not permitted under the terms of the housing policies applicable to the settlement other than by way of conversion. Policy TLC12 seeks to retain community uses in rural areas.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations and in particular that there is an extant resolution to approve a house on this site and served from the same access, your officers consider that the main issues are:
- Whether the physical separation of the proposed new unit undermines the case for allowing the proposals as an exception to policy.
 - Whether there are any new issues raised that would justify departing from the decision to support the re capitalising of the business.
- 6.2 The previous scheme involved a partial conversion of the existing building as this was more in line with the relevant planning policies which do allow for conversion. This proposal is for a wholly separate dwelling that is thus more contrary to the relevant housing policies. That having been stated this application involves a smaller site area for the new dwelling and retains the entirety of the pub building in pub use. The pub car park and letting rooms are similarly retained with the pub, as is a larger retained outside seating area. In that regard the retained facility is more akin to the business as it last traded. In that the costs of separation are in effect restricted to the sale and legal costs along with the new dividing fence the monies available for recapitalisation are substantially enhanced compared with the previous scheme where the two buildings had to be unpicked from each other. On balance, given that an enabling consent has already secured a resolution to approve your officers consider that the provision of a house on a smaller site area but with less cost can be supported provided that, as previously, the surplus monies are secured for reinvestment in the business.
- 6.3 The main new issue raised is the potential emergence of a neighbourhood plan. That process is at such an initial stage that your officers do not consider that it can be afforded weight sufficient to justify either deferring consideration or withholding consent when weighed against the statutory duty to determine applications within 8 weeks of receipt.
- 6.4 In that the application is in Outline with all matters reserved for future determination the concerns of neighbours regarding overlooking etc will be addressed as part of the processing of any detailed application.

Conclusions

- 6.5 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 that the fall back of the extant resolution and the enabling nature of the application mean that on balance it is acceptable on its planning merits provided that the surplus monies are secured to re capitalise the business by way of a 106 agreement.

RECOMMENDATION

Approve subject to a legal agreement and the following conditions:

- I (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
 - (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.

- 2 Details of the (access, appearance, landscaping, layout and scale), (herein called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The external walls shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing buildings in the vicinity.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The screen fence shown on the plans accompanying the application shall be constructed to a height of 1.8 metres and in accordance with a design and specification that has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated screen fences have been erected and the fences shall be retained thereafter.
REASON: To secure a reasonable standard of privacy for occupants of the plots concerned. (Policy H2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before the dwelling is occupied
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 The dwelling shall not be occupied until the vehicular accesses, driveways, car parking spaces, turning areas and vision splays that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 7 No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - II. include a timetable for its implementation; and
 - III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- REASON: To secure an adequate and sustainable means of disposing of surface water from the site.

NOTE TO APPLICANT

You are reminded of the terms of the parallel legal agreement and advised that in approving the application the illustrative plans were not considered to represent the optimum form of development. As such pre application advice is advised before submission of Reserved Matters.

14/0144/P/FP The Conference Centre Minster Lovell Mill Old Minster Lovell	
Date	30/01/2014 , 04/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	MINSTER LOVELL
Grid Ref:	431750,211361

APPLICATION DETAILS

Erection of single storey extension to create hydrotherapy pool for guests with adjacent treatment rooms.

APPLICANT

Havana West Limited, Old Swan and Minster Mill, Minster Lovell, Oxon, OX29 0RN.

BACKGROUND INFORMATION

This application is for the construction of a single storey extension to create a small hydrotherapy pool for guests which links with existing treatment rooms and facilities. The application is to replace consent 11/0590 which cannot be built due to the location of strategic underground services.

This proposal, will allow the hotel to provide the hydrotherapy and spa treatments required by guests as acknowledged by the current consent 11/0590, which will be surrendered if this application is approved.

This proposal will, in the main, replicate the areas of the existing consent, albeit some of the facilities will be new build rather than conversion.

1 PLANNING HISTORY

11/0590- Conditional planning permission granted for 'Alterations and erection of single storey extension to create hydrotherapy pool for guests with adjacent treatment rooms'.

2 CONSTRAINTS

The site lies within the Conservation Area and the AONB and adjoins the floodplain and listed buildings.

3 CONSULTATIONS

3.1 Parish Council

"Strongly object to the application on three grounds:

NE7 – Sewerage System

There is no provision for updating the antiquated sewerage system that leaks into the adjacent meadow and river course system. This has to be updated to cope with the increasing demands placed on it.

It is noted that there is an increase of 25 car parking spaces detailed in the application which reflects the anticipated increase in visitors. There will undoubtedly be a corresponding increase in pressure on the sewerage system- the significant use of water and its disposal. The sewerage plant is currently under flood water which poses a risk to the immediate environment. I refer to the paragraph below which is re-iterated from a previous planning response as it remains relevant to this and future applications

NE11 Minster Mill's sewerage treatment works and associated pumping station needs to be repaired and upgraded to cope with the existing demand and future increases in visitor numbers. Unpleasant odours from the pumping station have been experienced in the area for some considerable time now and it is noted during last year's winter that sewage appeared to have leaked onto the meadow. The Environmental Health Authority will be contacted in this respect, unless prompt action is taken to stop this problem.

NE8 and NE11 - Flood Risks

Also of concern is the detailed flood risk assessments accuracy. It is noted within the documents that 'the proposal is significantly above the flood plain. It is arguable that the area is most definitely at risk of flooding given the current state of the area.'

NE4 and BE5 –Area of Outstanding Natural Beauty and Conservation Area

A further concern is the additional visitors and service vehicles to Minster Mill. The Parish Council wish to remind the applicants and the District Council that this application is in an Area of Outstanding Natural Beauty and a Conservation Area. In WODC's Local Plan 2011, it states that the 'Government gives the highest status of protection in relation to landscape and scenic beauty'. The Parish Council is concerned that the impact of this development will add pressure to the local highways."

3.2 OCC Highways

No reply to date.

4 **REPRESENTATIONS**

None received at the time of writing.

5 **APPLICANT'S CASE**

Writing in support of the proposals the applicants agent advises as follows:

- The layout is dictated by existing site features;
- The previously approved scheme was developed as a modern flat roofed infill surrounded by the traditional Cotswold architecture. The surrounding pitched roof buildings enveloped the new structure and did not compete architecturally;
- The present proposal is seen to be a natural extension northwards of the existing development and should respect and reflect the existing character of the adjacent buildings on the site;
- In consequence , the majority of the design is conditioned by the roof slopes, volume and height;
- Design elements are Cotswold stone Walling, Cotswold stone roofing tiles, (reclaimed if available)large glazed elements set into stained timber framing, and stained timber feature boarding to match the existing boiler house;
- The pool has the largest volume and is a somewhat smaller version of the 'barn' building adjacent. There is a small flat roofed link between the two buildings , 'disguised' with pitch roof elements to the east and west;
- The proposed development does not detract from the individuality and stature of the existing building. The new proposals are visually subservient to the existing;
- It will be seen as a progression of the existing linear development 'up the site';
- The character of the existing grassed area will remain unchanged as it is a simple and integral component of the managed landscape on site to the south. The sweeping lawns dropping down to the river to the west will be unaffected;
- To maintain the area of grass in accordance with consent for the development of Hilltop Spa, it is proposed to relocate the swimming pool element in Hilltop Spa from the south of the

building to the west. This will retain the area of open space between Hilltop and the extended Minster Mill;

- A contemporaneous application to vary the Hilltop planning consent is being made;
- This proposal to relocate the Hydrotherapy spa to the new location is above the Environment Agency's flood risk area. The attached Flood Risk Statement shows the highest EA predicted flood level (1 in 1000 years) is at AOD 89.21. The Spa floor level is AOD 90.86 and the plant room floor is at 89.81;
- Access arrangements to the site remain unchanged;
- The development will have regard to energy conservation;
- The relocation is commended as a sensitive and thoughtful adjustment to an already approved and modest Hydrotherapy Spa development;
- The relocation will not have any deleterious impact upon the Conservation Area or the surrounding landscape.

6 POLICY

The most relevant policies in respect of this application for variation with an extant planning permission are considered to be BE2, BE5, BE8 and NE4. Paragraphs of the NPPF, particularly under section 10 (Meeting the challenge of climate change, flooding and coastal change), are also of relevance.

7 PLANNING ASSESSMENT

- 7.1 In light of the fact that an extant permission exists for a hydrotherapy spa of a similar size in a nearby location on the site, the key issue for consideration in respect of this application is the impact that the revised development has on the character and appearance of the Conservation Area and conserving the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 7.2 The Parish Council has raised concerns about both the capacity of the on site sewerage system to cope with the development and questioned whether or not the proposal would be at risk of flooding. Given that an extant permission for development of a similar size already exists and that the claim is not robustly evidenced, your officers are of the opinion that an objection on this ground cannot be raised at this time. However, if Members are minded to approve the application and informative could be attached to the grant of planning permission in respect of the matter. With regards to flooding, the development is located above the Environment Agency's (1 in 1000 years) predicted flood level and thus is not at risk of flooding. A site visit by your Conservation Architect during the recent floods confirmed that the application site is located well above the area of land under flood water.
- 7.3 At the time of writing the modified design and siting of the hydrotherapy pool is still under consideration by your officers in terms of the impact on the Conservation Area and the A.O.N.B. It is anticipated however, that the changes in term of both the positioning of the extension and its detailed design and materials is likely to be considered favourably. A verbal update in respect of this matter will be given at the meeting.

RECOMMENDATION

Subject to the impact of the development on the Conservation Area and Area of Outstanding Natural Beauty being acceptable, it is anticipated that the application will be recommended for conditional approval subject to the following:

- Applicant entering in to a legal agreement to revoke planning permission 11/0590;

- Conditions relating to materials, detailed drawings of individual design elements and a condition limiting the use of the pool/spa as ancillary to the remainder of the complex and not to operate as a separate entity;
- An informative in respect of maintenance of the on site sewerage treatment plant.

n14/0175/P/FP Goodfellows Yard Chapel Lane Filkins	
Date	04/02/201404/02/2014
Officer	Miss Miranda Clark
Officer Recommendation	Provisional Approval
Parish	FILKINS AND BROUGHTON POGGS
Grid Ref:	423564,204346

APPLICATION DETAILS

Conversion of agricultural buildings to form three dwellings. Erection of two car parking barns and ancillary outbuildings. Change of use of agricultural land to form residential curtilage.

APPLICANT

The Ernest Cook Trust, Estate Office, Fairford Park, Fairford, Gloucestershire, GL7 4JH.

BACKGROUND INFORMATION

The application is proposing the conversion of 3 barns within Filkins village to form three separate dwellings. Also proposed are the erection of car ports and the change of use of part of a field to form the residential curtilages to serve two of the barns.

The application is to be heard before the Committee as officers have not yet received Filkins Parish Council's comments regarding the proposals.

1 PLANNING HISTORY

W85/0635 – Convert buildings to the manufacture of tiles – Grant.

09/0273/P/FP – Erection of storage shed (Retrospective) – Grant.

13/1604/P/FP – Conversion of agricultural buildings to form three dwellings. Erection of two car parking barns and ancillary outbuildings. Change of use of agricultural land to form residential curtilage – Withdrawn.

This application was withdrawn after officers had concerns regarding the proposed access and design issues relating to the car parking barns.

2 CONSULTATIONS

2.1 Parish Council

No comments received at the time of writing.

2.2 OCC Highways

“The proposal, if permitted, will have no significant impact on the local road network. No objection subject to-

- *GI1 access specification*
- *Vision splay improvement as plan*

- G48 SUDS surface water drainage
- G31 drive/parking area specification
- G36 parking as plan.”

2.3 WODC Head of Housing

“I can confirm that there is a small need (3 houses) for family housing in this location, for those that cannot afford to rent or purchase with their own means.

Housing services supports Policy H11 in regard to the provision of affordable housing in this location. And we feel that this ought to be the starting point for negotiations for affordable housing provision, either on or off site.”

2.4 WODC Engineers

“No objection subject to a surface water drainage scheme.”

3 **REPRESENTATIONS**

No comments received at the time of writing.

4 **APPLICANT’S CASE**

A Planning Statement, an Ecological Survey, Engineers report and Design & Access Statement has been submitted with the application. Although the Planning Statement and Design and Access Statement have been summarised, all documents can be viewed in full from the West Oxfordshire District Council website or from the officers direct.

- The site is within the settlement area of Filkins and is therefore suitable for infilling and conversion development. The four barns are of substantial construction and capable of conversion without requiring large-scale alteration or extension.
- The amended plans have been designed so to not harm the significance of heritage assets either within the application site or in the surrounding area, improve highway safety, provide a suitable standard of accommodation for future occupiers and not adversely affect the amenity of existing neighbours.
- Demonstrated through the application supporting documentation that the proposal represents a sustainable development which is compliant with the Development Plan and the NPPF.
- The proposed development will create housing whilst maintaining access across the site to the fields at the rear. The proposal would make minimal and sensitive alterations to the existing barn structures and site access, whilst respecting and preserving the existing agricultural character of Goodfellows Yard.
- The development will respect the local character but also move the community towards a more sustainable future. Development will accord with the principles of high quality design and best practice to create a sympathetic residential environment. The aim must be to achieve a development without altering the strong identity of Goodfellows Yard and distinct sense of place whilst at the same time integrating with the existing community.
- The creation of 3 dwellings which will secure the optimal long term viable use of the barns and enhance their general condition by:
 - Providing a development that maintains the existing connections to Filkins with sensitive alterations to the main site entrance to improve access as well as retaining the courtyard space;
 - Maintaining and reinforcing the existing site boundaries and landscape;
 - Providing different dwelling sizes and types that offers an accessible and acceptable choice of lifestyles; and

- Promoting the objectives of sustainable development through the internal arrangement of each barn including thermal upgrades to the existing structures wherever possible.

5 POLICY

The most relevant policies of the West Oxfordshire Local Plan 2011 are considered to be:

Policy BE2 – General Development Standards
 Policy BE3 – Provision for Movement and Parking
 Policy BE5 – Conservation Areas
 Policy BE10 – Conversion of Unlisted Vernacular Buildings
 Policy NE15 – Protected Species
 Policy H2 – General residential development standards
 Policy H3 – Range and type of residential accommodation
 Policy H5 – Villages
 Policy H11 – Affordable housing on allocated and previously unidentified sites

The NPPF has been referred to

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:

Principle of development
 Design and impact on locality
 Neighbourliness
 Environment
 Ecology
 Highways

Principle

- 6.2 The submitted application seeks consent for 3 barn conversions to private dwelling houses in an existing farmyard within Filkins. Filkins is categorised as a Group A Village and allows the conversion of appropriate buildings in accordance with Policy H5 and Policy BE10. The location of the barns also falls within Filkins Conservation Area and nearby there are Listed Buildings.
- 6.3 As three new dwellings will result from the barn conversions, Policy H11 (Affordable Housing) is triggered and an element of affordable housing is required. As per the comments of WODC's Head of Housing, there is a need for affordable housing and either on site or off site contribution would be acceptable in this instance. The applicant has agreed to the sum of £40,000 in lieu of the on-site affordable housing provision.
- 6.4 In terms of the principle of the conversion of the barns, in terms of Policy BE10, the barns should be of vernacular design and the conversion itself should not extensively alter the existing structure or remove features of interest, and should not include extensions or an accumulation of extensions which would obscure the form of the original building. After assessing the designs and the documentation submitted with the application officers consider that the proposal falls within the requirements of this policy of the West Oxfordshire Local Plan.

Design and impact on locality

- 6.5 Officers consider that the design of each of the barns has been carefully considered and advice followed. The primary elevations have been mainly undisturbed and roofs almost entirely free of new openings and projections. The windows and roof lights have been reduced in number and simplified and there are no proposed extensions apart from utilising the existing forms.
- 6.6 Officers consider that the design and changes of the barn for the conversions are acceptable and comply with Policy BE10. The locality and setting of the barns are also important factors in assessing the proposal. Currently the barns are within a farmyard setting, some of the barns are used for storage. The whole site is open (apart from the stone wall providing the front boundary) and the visual character and rural setting contributes significantly to this part of the Conservation Area. As such officers consider that no change to the general layout should be permitted. This would result in permitted development rights being removed if the application was to be approved, for any structures/boundary treatments to the front & rear of the barns, any extensions, security lighting, and changes to the front boundary wall other than for access purposes.
- 6.7 The car ports have been changed since the previous application and officers consider that these are now acceptable.

Neighbourliness

- 6.8 At the time of writing officers have not received responses from the neighbouring residential properties, however full consideration will be made and referred to in the further representation report and discussed at the meeting.
- 6.9 After assessing the proposal on site, officers do not consider that the immediate neighbouring properties will be adversely affected given the location of the barns on site. The conversions are also considered not to impose overlooking/loss of light to each other. However officers will make a full assessment once comments have been received.

Environment

- 6.10 In terms of drainage issues, the WODC Engineer has advised that a surface water drainage scheme should be requested if the application is approved.
- 6.11 In terms of waste storage and collection, Unit 1's will be within the existing outbuilding to the rear on the barn, Unit 2's adjoining the car port and Unit 3's within the garage area in Barn '3A'. Bins will be presented for collection inside the site adjacent to the entrance.
- 6.12 Officers consider that this arrangement is acceptable given the sensitive location and existing character of the farmyard which officers wish to remain.

Ecology

- 6.13 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).

4. Deliberate capture or killing or injuring of an EPS
5. Deliberate taking or destroying of EPS eggs
6. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

- b) to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

- 6.14 Given the above, your officers do not consider that an EPS offence is likely to be committed due to the information submitted within the Ecological Survey Report with the application.
- 6.15 Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Highways and parking

- 6.16 The previous application was withdrawn partly due to objections received from OCC Highways officers regarding the visibility of the access. The front boundary has a stone wall with the access which officers considers significantly contributes to the visual amenity and character of this part of the Conservation Area and the site itself. A couple of solutions were suggested by the OCC Highways officers but these affected the character and appearance of the stone wall to such an extent that such changes would have resulted in the access being too domestic in character and nature. The applicants have now resolved the access issue by proposing to remove the existing stone wall and rebuilding in a position slightly set back from the highway. OCC Highways commented that they had no objection with this approach, and as set out above, still have no objections subject to conditions.

Conclusions

- 6.17 In light of these observations, having considered the relevant planning policies and other material considerations, your officers consider that the proposed development is provisionally acceptable on its planning merits. However officers are still waiting for the Parish Council's comments and any neighbour comments, and officers will update Members of the responses at the meeting, with a full verbal recommendation.
- 6.18 The suggested Heads of Terms for the Section 106 agreement are for the ancillary accommodation to be legally restricted, and for the sum of £40,000 for the affordable housing contribution.

RECOMMENDATION

Provisional Approval.

14/0179/P/FP The Old Swan Hotel Old Minster Lovell Minster Lovell	
Date	04/02/201406/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional approval
Parish	MINSTER LOVELL
Grid Ref:	431854,211275

APPLICATION DETAILS

Alterations and extensions to provide spa and leisure facility, update current accommodation (to allow re-siting of pool hall from the south to the west elevation).

APPLICANT

Havana West Limited, The Old Swan Hotel, Old Minster Lovell, Minster Lovell, Oxfordshire, OX29 0RW.

BACKGROUND INFORMATION

This application is for an amendment to development approved under 13/1328 originally approved in 2010. It proposes relocation of the pool hall from the south to the west elevation and a change in the roof profile along the eastern elevation of the extension. As per the previous scheme the proposal is for demolition of existing greenhouses on 'Hilltops' bedroom and leisure block, upgrading and extending 'Hilltops' building to provide a Spa and leisure facility. The use remains unchanged from that already approved, namely swimming, changing, a multigym and beauty treatment facilities.

1 PLANNING HISTORY

13/1328 - Conditional planning permission granted for 'Alterations and extensions to provide spa and leisure facility'

2 CONSTRAINTS

AONB;
Conservation Area;
Ecology;
Flood Zone 1

3 CONSULTATIONS

3.1 Parish Council

"Strongly object to the application on three grounds:

NE7 – Sewerage System

There is no provision for updating the antiquated sewerage system that leaks into the adjacent meadow and river course system. This has to be updated to cope with the increasing demands placed on it.

It is noted that there is an increase of 25 car parking spaces detailed in the application which reflects the anticipated increase in visitors. There will undoubtedly be a corresponding increase in pressure on the sewerage system- the significant use of water and its disposal. The sewerage plant is currently under flood water which poses a risk to the immediate environment. I refer to the paragraph below which is re-iterated from a previous planning response as it remains relevant to this and future applications

NE11 - Minster Mill's sewerage treatment works and associated pumping station needs to be repaired and upgraded to cope with the existing demand and future increases in visitor numbers. Unpleasant odours from the pumping station have been experienced in the area for some considerable time now and it is noted during last year's winter that sewage appeared to have leaked onto the meadow. The Environmental Health Authority will be contacted in this respect, unless prompt action is taken to stop this problem.

NE8 and NE11- Flood Risks

Also of concern is the detailed flood risk assessments accuracy. It is noted within the documents that 'the proposal is significantly above the flood plain. It is arguable that the area is most definitely at risk of flooding given the current state of the area.

NE4 and BE5 – Area of Outstanding Natural Beauty and Conservation Area

A further concern is the additional visitors and service vehicles to Minster Mill. The Parish Council wish to remind the applicants and the District Council that this application is in an Area of Outstanding Natural

Beauty and a Conservation Area. In W.O.D.C.'s Local Plan 2011, it states that the 'Government gives the highest status of protection in relation to landscape and scenic beauty'. The Parish Council is concerned that the impact of this development will add pressure to the local highways."

3.2 OCC Highways

"No objections subject to previous conditions set out in planning application 10/1053."

4 **REPRESENTATIONS**

None received at the time of writing.

5 **APPLICANT'S CASE**

The applicant's case is précised as follows:

This application is an amendment to a consent granted in 2013;

It is to relocate the pool hall from the south to the west elevation;

The use remains as already approved;

The scale and character of the design remains constant with that of the approved scheme;

The materials will be selected from the examples mentioned in the West Oxfordshire Design Guide;

The building will sit well within the landscape;

The building is not itself at risk of flooding, it being at least 4.3m above the recorded flood water levels of 2007;

There is disabled access to all parts of the building;

Following determination of the application it is anticipated that the applicant will have to demonstrate energy saving measures within the development;

The proposal is significantly above the flood plain;

As part of a refurbishment of Minster Mill, new leisure facilities are required, in keeping with the expectations of guests;

The facilities will be available, via subscription to local residents;

It has been demonstrated that the proposals respect the nature of the site and address and satisfy the issues of the Minster Lovell Conservation Area and satisfy policies BE2, BE8 and NE7;

The proposal is commended as a logical and sensitive development amendment intended to enable Minster Mill to fulfil its objectives to be a high quality establishment with the standards expected of the 21st century, rather than that of the 1970's when the site was last developed.

6 **POLICY**

The most relevant policies in respect of this application for variation with an extant planning permission are considered to be BE2, BE5, BE8 and NE4. Paragraphs of the NPPF, particularly under section 10 (Meeting the challenge of climate change, flooding and coastal change), are also of relevance.

7 PLANNING ASSESSMENT

- 7.1 In light of the fact that an extant conditional planning permission exists for alterations and extensions to provide a spa and leisure facility, the key issue for consideration in respect of this application for the relocation of the extension housing the pool from the south to the west elevation and for a change in the roof detail along the eastern elevation of the extension, is the impact that the revised development has on the character and appearance of the Conservation Area and conserving the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 7.2 The Parish Council has raised concerns about both the capacity of the on site sewerage system to cope with the development and questioned whether or not the proposal would be at risk of flooding. Given that an extant permission for development of a similar size already exists and that the claim is not robustly evidenced, your officers are of the opinion that an objection on this ground cannot be raised at this time. However, if Members are minded to approve the application and informative could be attached to the grant of planning permission in respect of the matter. With regards to flooding, the development is located above the Environment Agency's (1 in 1000 years) predicted flood level and thus is not at risk of flooding. A site visit by your Conservation Architect during the recent floods confirmed that this application site together with the site in respect of 14/0144 (hydrotherapy pool) is located well above the area of land under flood water.
- 7.3 At the time of writing the amended design and siting of the development is still under consideration by your officers in terms of the impact on the Conservation Area and the A.O.N.B. It is anticipated however, that the changes in term of both the positioning of the extension housing the pool and the modifications to the roof profile of the extension along the eastern elevation are likely to be considered favourably. A verbal update in respect of this matter will be given at the meeting.

RECOMMENDATION

Subject to the impact of the development on the Conservation Area and Area of Outstanding Natural Beauty being acceptable, it is anticipated that the application will be recommended for conditional approval subject to the following:

- The applicant entering in to a legal agreement to revoke planning permission 13/1328;
- Conditions in respect of the following: Amended plans received following initial submission, a travel plan for staff employed at the Spa being submitted and approved, access construction and retention, ground resurfacing works being SUDS compliant, materials and samples being approved, detailed drawings of specific elements of the extension, installation of bat and bird boxes, details of a foul water drainage scheme to be submitted , approved and implemented, colour of external joinery to be approved, landscaping, energy generation measures to be used.

14/0189/P/FP Abingdon & Witney College Holloway Road Witney	
Date	06/02/2014 11/02/2014
Officer	Miss Miranda Clark
Officer Recommendation	Officer to report
Parish	WITNEY
Grid Ref:	435403,209783

APPLICATION DETAILS

Demolition of former court building, Blake and Weavers buildings. Erection of two new teaching buildings, extension and refurbishment of the Holloway building and associated works.

APPLICANT

Abingdon & Witney College, Holloway Road, Witney, Oxon, OX28 6NE.

BACKGROUND INFORMATION

The proposal includes the erection of 2 new teaching buildings by replacing the old Magistrates Court at Welch Way, and to demolish an existing building near the main entrance of the site, and erecting a new building. Also proposed is the recladding and improving the external appearance of the existing Holloway Building and for a two storey rear extension to be erected.

The application is to be heard before Committee due to the proposed floor area of the buildings.

I PLANNING HISTORY

12/0897/P/FP - Alterations to front and rear entrances – Grant.

11/0433/P/FP – Erection of new teaching building, refurbishment and extension to existing buildings and associated landscaping. Formation of new pedestrian access and on site parking (to allow are reduction in floor space to Block A extension.) – Grant.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council welcomes the development as it will improve the aspect and streetscene of the immediate area. It will be useful to have the majority of the teaching areas back on a single site. The Town Council would request funding from the developer to put in an additional lane at the traffic lights of the Welch Way/Woodford Way junction – this should be a straight on (left hand) lane and include changes to the pavement/grass area fronting Welch Way pedestrian exit from the college? This would improve the safety of students entering and egressing the campus.”

2.2 OCC One Voice

No comments received at the time of writing.

2.3 Thames Valley Police

No comments received at the time of writing.

2.4 WODC Engineers

“According to level contours, the proposal itself is situated on a relatively flat gradient, therefore not increasing the flood risk to any other residential properties within the vicinity. A full surface water drainage scheme is required.”

2.5 Environment Agency

“In order for the development to be acceptable in flood risk terms we would advise the following: surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems to attenuate to at least pre-development runoff rates and volumes or

where possible achieving betterment in the surface water runoff regime. An allowance for climate change needs to be incorporated which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.”

3 APPLICANT’S CASE

The application has been submitted with a Design & Access Statement, Landscape Masterplans, Tree Survey, Ecology Survey, Flood Risk Assessment, Car Parking Statement, Drainage Design Layouts, and an Energy Statement Report. The Design & Access Statement has been briefly summarised below, but this and the other documentation can be viewed in full from the WODC website or obtained from officers.

- The proposals are intended to further strengthen the College’s presence in the town and provide new specialist teaching facilities in both new build and refurbished accommodation. A master plan for the external landscaping has also been developed which is regarded as a continuation of the works completed in 2012.
- The overall quality of external landscaping was vastly improved during the previous redevelopment phases. The aim had been to create an open-plan campus which would be visually attractive from the public realm along Welch Way.
- Constraints are imposed due to site levels, proximity to existing buildings, boundary conditions, the views of neighbouring houses, pedestrian and vehicle access routes.
- The principle aims of the proposed redevelopment are to remove temporary accommodation, upgrade dilapidated category C/D facilities and provide flexible teaching spaces. The College have identified the former magistrate’s courts, Weavers, Blake and Holloway buildings as not meeting their functional requirements. An initial feasibility exercise determined the Holloway Building as being the only facilities suitable and sufficiently adaptable for re-use following extensive refurbishment works.
- The College has also liaised with West Oxfordshire District Council Strategic Property Group to ensure a joined up approach to the design of potential future developments along Welch Way.
- All new facilities will be IT rich and designed to encourage flexible use which provides opportunities for both formal and independent learning.
- The northern development replaces the existing single storey magistrates court with a striking new three-storey building. The new Court House Building will frame views into the campus and create a positive contribution to the streetscene. The principle elevation addresses Welch Way on the approach from the west. This includes a large proportion of glazing at ground floor to allow visibility into a flexible exhibition space/restaurant which will be operated by students. It is hoped that this will create an active streetscene and help strengthen the College’s presence within the town. The southern element of the scheme involves the demolition of Blake Building (a single storey 1940s terrapin building) and Weavers Building (temporary accommodation erection in 2009). This will provide the necessary space to construct a Construction Skills Centre “linked” to the refurbished Holloway Building. In turn this will create a continuous two storey frontage to the parking area and improved access to the recently refurbished Buttercross building.
- Vehicle access will remain from Holloway Road into car parking areas located adjacent to the western boundary and the southern area of the site. This provides an opportunity to improve pedestrian access and level changes to this area of the site.
- The new buildings will vary in height to reflect their context and adjacencies to existing buildings.
- The use of natural coloured render, coloured feature panels and curtain walling defined the previous phase of redevelopment works completed in 2012. The latest proposals revisit this

architectural language and adopt a similar palette of materials to create buildings which can be easily integrated whilst projecting a degree of their own personality.

- Vehicles access will be retained from Holloway Road providing a means of ingress to car parking zones and for service vehicles. The shared access road located adjacent to Queen Emma Building will remain as a service access with limited staff parking and visitor drop-off. A restricted turning head is provided in this location to improve vehicle movements within the shared access road. Rubbish and recycling waste will be collected from two existing locations at the north and south site. The pedestrian access points will be Holloway Road and Welch Way. They will be linked by a pedestrian spine which drives the development of the proposed layout and future proposals.
- The enhanced pedestrian access will improve movement between the College and the town which in turn will make the adjacent bus stops on Welch Way more accessible. Provision has been made on site to park and turn minibuses which provide access between the College's campuses.
- Neighbours and local residents living in Holloway Road and Welch Way were invited to a public exhibition undertaken on the 28/1/14 at the college.

4 POLICY

The most relevant policies of the West Oxfordshire Local Plan are considered to be:

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy BE5 – Conservation Areas
Policy BE6 – Demolition in Conservation Areas
Policy T1 – Traffic Generation
Policy T2 – Pedestrian and Cycle Facilities
Policy TICI – New Tourism, Leisure and Community Facilities

5 PLANNING ASSESSMENT

- 5.1 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:

Principle of Development
Design and Scale
Impact to neighbouring properties
Highway matters

Principle of Development

- 5.2 The application is the latest phase of the College's redevelopment to complete the revitalising of the appearance of the whole site.
- 5.3 The proposal comprises of demolishing two buildings on the site, a former Magistrates building which fronts onto Welch Way and buildings near to the entrance of the site, Blake Building and Weavers Building. Two replacement buildings are being proposed one for Construction Skills facilities which will replace the Blake and Weavers Buildings. This building will be adjacent to the Batts School boundary. The former Magistrates Building will be replaced with a three storey building located along the Welch Way streetscene. This will accommodate training kitchens and restaurant, teaching classrooms, and on the third floor it is proposed to have IT suites. The existing building, Holloway will be refurbished and a two storey rear extension is proposed to accommodate teaching space and a gym area.

- 5.4 Officers consider that such a development is acceptable in terms of policy issues, as it is considered that the changes will not adversely affect the character of environment of the town. In terms of the levels of traffic on the local highway network, officers are still awaiting formal comments from OCC. These will be presented to Members at the meeting.

Design & Scale

- 5.5 Taking the proposed Court House Building first, this will replace the existing single storey Magistrates building which sits fronting onto Welch Way. The existing appearance of this building neither enhances or preserves the visual appearance of the Conservation Area and also does not add to the new appearance of Welch Way since the development of Marriott. It is also considered to screen the College from the streetscene. The proposed new building will be three storeys in height to “...create a stronger presence along Welch Way and to frame views into the heart of the campus.” Officers consider that the height of the proposed building is to be encouraged given the buildings opposite the site and that it will replace an old building with one of a more modern approach which adds more cohesion into the overall visual appearance of the streetscene. The materials to construct this building will be mainly render with brickwork feature panels and coloured rendered panels are proposed to the western elevation. The upper floors will be finished with a standing seam metal cladding system which breaks down the overall scale of the building. The ground floor is to have large amounts of glazing which is to create an active street frontage along this part of Welch Way.
- 5.6 Officers consider that the proposed design and scale will contribute well to this part of Welch Way and further along, due to the proposed materials and form that the building will have and will reflect the existing use of materials on the other College buildings nearby. The coloured render to the western elevation will make the College more pronounced at Welch Way and will improve public access to the College. In addition the use of glazing to the ground floor will provide a more spacious and open streetscene and will make a positive contribution to the Conservation Area.
- 5.7 The design of the other new building for Construction skills will reflect the use of the building and have the appearance of a light industrial workshop. The roof form will be a mono-pitch with overhanging eaves and there will be coloured feature panels to link the building to others on the site.
- 5.8 The existing Holloway building proposes rendering the main elevations with new windows, and the two storey extension is considered acceptable. Officers are of the opinion that these changes will greatly improve the appearance of this building.
- 5.9 Overall officers consider that the proposed designs and scales have been carefully considered within the contexts and will improve the visual appearance of the Conservation Area and the College, and by use of the scale and design will integrate the building and the College with the town centre as a whole.

Neighbour Impact

- 5.10 Officers consider that the direct residential properties that would be affected by the proposed development, mainly the replacement Court Building are the units of accommodation opposite at Marriotts Walk. After assessing various issues including the scale, design and distance between the two buildings officers consider that no undue adverse impact would result such as overlooking. However officers have not received any written representations at the time of preparing this report and if any comments are received officers will fully assess the issues, and report verbally to Members at the meeting.

- 5.11 In terms of the Construction Skills building due to the positioning, officers consider that no direct residential properties are adversely affected. Batt Church of England Junior School is located to the rear of this building, but due to the existing screening on this boundary and the design of the monopitch roof, officers do not consider that an adverse impact will result to the School. However the consultation period has not expired at the time of writing, and as per the above, officers will fully assess any comments that are received and report these verbally to Members at the meeting.
- 5.12 Previously parking has been an issue on Holloway Road and nearby locations, however officers do not consider that the proposals will general further traffic/on site parking issues. OCC Highways comments are still to be received and officers will also report these verbally to Members.

Environment and climate change

- 5.13 As per the WODC Engineers and the Environment Agency requirements, SUDs have been requested and these will be included as part of the decision if the application is approved.
- 5.14 The conclusions of the ecological report are that no evidence of protected species was recorded and that there are no ecological constraints to the proposals. The report has made some generic mitigation/enhancement measures such as bird/bat boxes to be erected and native hedgerows to be planted which officers would recommend to include these as part of the decision if Members were to approve the application.
- 5.15 Officers also note that landscaping proposals including new tree planting around the new Court House Building to Welch Way and existing trees to be retained using a protection system which officers find acceptable.

Conclusions

- 5.16 At the time of writing, the consultation period for comments from the members of public and statutory consultees has not yet expired, and as such no recommendation can be given. However it is anticipated that all comments will have been received at the time of the meeting and officers will verbally update Members of these at the meeting.

RECOMMENDATION

Officer to report.