

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

14th April 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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13/1494/P/OP Land between Saxel Close & Aston Village Hall Aston	
Date	17/10/2013
Officer	Mr Phil Shaw
Officer Recommendation	Approval subject to a legal agreement
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).

Members will recall that the application was deferred at the last meeting in order for members to undertake a site visit and to investigate the sewerage capacity.

1 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 Thames Water Update

No response to date.

3.4 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 x 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 x 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.

3.5 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.”

3.6 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.”

3.7 English Heritage

No comment.

3.8 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 (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.”

3.9 Environment Agency Update

“In response to the revised information submitted by the applicants post their winter modelling of the water table etc confirm that they have “no objections” to the proposed development.”

3.10 Thames Valley Police

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

3.11 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.”

3.12 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.

$£64 \times 90$ (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.

$£5 \times 90$ (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.

$£1,100 \times 7$ (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.

$£16 \times 63$ (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

26 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.
- Village hall is too close and there will be neighbour amenity issues.
- Brown field sites should be used in preference to this development.

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. 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 Framework², 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 and NPPG.

Council's Position on Housing Land Supply

6.2 With particular regard to issue of the 5 year land supply and 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 calculate the Council's housing land supply position using the South East Plan and that instead, as an interim measure, the Government's household projections as adjusted through the Strategic Housing Market Assessment for Oxfordshire (SHMA) should be used prior to the housing requirement for the District being determined through the Local Plan process.

6.3 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 would then 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.

6.5 Members will be aware that the key headline findings of the SHMA have recently been published and provide an objective assessment of the number of new homes (market and affordable) needed in West Oxfordshire in the period 2011 – 2031.

6.6 However the SHMA does not set housing targets and recent Government Practice Guidance published on 6/3/2014 confirms that the amount of weight afforded to such studies should reflect the fact that they may not have been tested or moderated against relevant constraints. As such it is considered appropriate to continue to calculate the 5 year land supply position using the Governments interim household projections until such time that a new housing requirement has been agreed through the Local Plan process.

6.7 Further advice to Members will be provided in the form of a report to Cabinet on an Interim Housing Land Supply Position Statement.

6.8 However, at present 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 H6 of the adopted Local Plan with a greater degree of flexibility than would otherwise be the case.

6.9 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. The sewerage position will be updated if TW provide further information but their stated position is

that there is no objection subject to the imposition of a Grampian style condition to ensure that the foul water issues are considered before further connections are made to the network.

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 specific 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
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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.

Funding towards 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 acceptable having regard to the housing land supply position as set out.

RECOMMENDATION

Approval, subject to a legal agreement on the terms set out above and to the following conditions.

- 1 (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 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 Development shall not be commenced until such time as a drainage strategy detailing 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 and to ensure that sufficient capacity exists to serve the development and avoid adverse impact on the local community.
- 4 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 dwellings hereby approved and shall be maintained in accordance with the management plan thereafter.
NB: It is likely that the details required to discharge the above condition will involve the extensive use of SUDS and should make provision for peak rainfall plus 30% and measures to be used should drainage features fail.
REASON To ensure proper provision for surface water drainage and ensure flooding is not exacerbated in the locality.
- 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 any of the dwellings are occupied.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 Development shall not begin until a construction phase management plan and travel plan have been submitted to and approved in writing by the Local Planning Authority and the approved plans shall be implemented prior to works commencing/the dwellings being occupied respectively.
REASON: In the interests of highway safety.

- 7 Prior to commencement of development, including site clearance, a detailed method statement incorporating the mitigation strategies set out in the reports accompanying the application and aimed at enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the biodiversity mitigation/enhancement measures shall be carried out in accordance with the approved details.
REASON: In the interests of biodiversity.
- 8 As part of the submission of the reserved matters full details of the water and energy saving measures to be employed shall be submitted.
REASON: To promote energy and water saving.

NOTE TO APPLICANT

You are advised that in the submission of reserved matters it is anticipated that the details should closely follow those set out in the plans accompanying this application and referred to in the accompanying reports. Full consideration will need to be given in the detailed design of the dwellings closest to the village hall to ensure that they give regard to potential noise generation from that source.

13/1595/P/FP The Former Dairy Site Oxford Hill Witney	
Date	13/11/2013
Officer	Abby Fettes
Officer Recommendation	Provisional approval
Parish	WITNEY
Grid Ref:	436532,209952

APPLICATION DETAILS

Removal of existing buildings and erection of 14 dwellings including associated car parking, cycle and bin storage, access and landscaping.

APPLICANT

Chesside Homes Ltd, Denham House, Village Road, Denham, Uxbridge, UB9 5BN.

BACKGROUND INFORMATION

The site fronts Oxford Hill and it is outside the Witney Conservation Area, and adjacent to Flood Zone 2. There a footpath that runs along the western boundary of the site.

The application seeks planning permission for the demolition of the former dairy building and replacement with 14 no. 2, 3 and 4 bedroom dwellings with associated parking and gardens.

The scheme has been amended twice, firstly to reflect highway and design comments and more latterly to alter the red line site area to avoid the parts of the site that were within Flood Zone 2. The publicity period ends on 17th April.

1 PLANNING HISTORY

None specifically relevant to this application.

2 CONSULTATIONS

2.1 Witney Town Council

“WTC welcomes the application as a vast improvement. However it would like to see pedestrian and cycle access from the end of the cul de sac onto the existing path between Oxford Hill and Northfield Farm lane to enable access for children to local schools and amenities. The TC would like to see pedestrian access in two places onto the path from the two parking areas.

The TC request S106 contribution of £63,000 towards the development of the Leys recreation ground, the corn exchange refurbishment and the implementation of the Madley Park teen zone project. The TC also request that the path from Oxford Hill to Northfield Farm is upgraded to tarmac.”

2.2 Thames Water

“No objection subject to condition.”

2.3 OCC single response

“No objections subject to conditions and S106 requests towards highways, education and property totalling £134,159.”

2.4 WODC Leisure

“No objection subject to S106 contributions towards pitch provision and play provision in Witney.”

2.5 WODC Environmental Health

“Recommend condition regarding road noise to protect houses closest to Oxford Hill.”

2.6 Environment Agency

“No objection subject to conditions.”

2.7 WODC Drainage

“No objection subject to conditions.”

3 REPRESENTATIONS

3.1 20 neighbouring properties were notified of the application and four representations have been received from Miss Haley of 5 Oxford Hill, Nicky Mellings of 29 Cherry Tree Way, Miss Green of 11 Court Gardens and Cllr and Mrs Enright of 85 Newland. Their comments are summarised as follows:

- Plot 1 is not appropriate aesthetically and would stand out.
- The old dairy runs close to my boundary and there are protected species living there including dormice and nesting birds so care must be taken when demolishing the wall.
- The current zebra crossing on Oxford Hill is inadequate and unsafe.
- Cars frequently speed at this point of Oxford Hill and users including children and the elderly take their life in their hands.
- In order to conform with ALARP a toucan crossing for cyclists and pedestrians should be Implemented.
- It seems like an awful lot of houses to be crammed onto the site.
- Traffic should not come through Court Gardens.

- Welcome the conversion to residential.
- Concerned about potential for exacerbating the flooding problems of 83 and 85 Newland.
- Would welcome a green edge to the site.
- Parking and access difficulties at 85 Newland because of people dropping off at the bus stop, would like the developer to provide a low gate to our property.
- Request that windows at end of proposed property on south western edge of development do not overlook 85 Newland.
- Welcome raising of the zebra crossing.
- Welcome upgrading of the bus stop.
- Simplifying the signage and reducing street clutter will help to make the road safer.

4 APPLICANT'S CASE

Planning and Heritage statement

- 4.1 The application site is in a sustainable location for development and is available for development. The development of 14 houses would help meet a district wide need by providing a wide choice of high quality homes in a sustainable location. The proposal would be in keeping with the prevailing pattern of development in the area. The proposed landscaping will enhance the ecological value of the site. The proposed development will have no material impact on highway safety. The proposal would provide betterment for surface water run off. The development has been carefully considered against local and national planning policies and the presumption should be in favour of the grant of permission.

Design and Access Statement

- 4.2 There has been careful consideration of historic context along with various opportunities and constraints that the site offers. We have also displayed further consideration of how delivering an accessible, sustainable and quality residence with landscaping which can positively enhance the appearance and future use of this area of Witney.

Flood Risk Assessment

- 4.3 The site has an area of 3,896m² which is entirely impermeable. The proposed development will result in a decrease in impermeable areas to 1848m². The proposal would therefore result in a reduction of the risk of surface water flooding posed to the surrounding area and to the site itself. (NB. 2% of the site was lying within Flood Zone 2 but the amended plans have resulted in the whole site being Flood Zone 1.)

Transport Statement

- 4.4 Visibility from the site entrance exceeds the required visibility. The accident data did not reveal and safety issues on the local road network. As part of the development a number of improvements are proposed. The existing Zebra crossing will be raised to reduce speeds on the road, the northern entrance will be narrowed and the bus stop will be better integrated.

Bat Survey

- 4.5 The results indicate that bats are unlikely to present a material consideration for this development. This conclusion is based on the absence of bats and signs of roosting bats, the well sealed areas of the main building, the presence of cobwebs in favoured bat roosting areas and general unsuitability of the buildings. As a result, it is not thought likely that a European Protected Species license should be required.

5 POLICY

5.1 Relevant policies of the West Oxfordshire Local Plan 2011:

Policy BE2 - General Development Standards
Policy BE3 - Provision of Movement and Parking
Policy BE5 - Conservation Areas
Policy BE19 – Noise
Policy BE21 - Light
Policy NE6 - Retention of Trees, Woodland and Hedgerows
Policy NE15 - Protected Species
Policy T2 – Pedestrian and Cycle Facilities
Policy H2 - General residential development standards
Policy H3 - Range and type of residential accommodation
Policy H7 – Service Centres
Policy H11 – Affordable housing on allocation and previously unidentified sites
Policy E6 – Change of use of existing employment sites
Policy TLC7 – Provision for Public Art

5.2 Policies of the NPPF 2012 are also considered of relevance to this application.

6. PLANNING ASSESSMENT

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

Principle of development
Design
Neighbourliness
Environment
Ecology
Highways

Principle

6.2 The site is located in the built up predominantly residential area of Witney which is a sustainable location for new housing and therefore complies with Policy H7 of the Local Plan. However, this does not mean that this site which satisfies the locational policy is necessarily acceptable for new housing.

6.3 The proposal will result in the loss of an employment site and therefore to be considered favourably, the proposal should comply with the criteria listed in Policy E6 of the West Oxfordshire Local Plan 2011. The applicant considers that this site is unlikely to make an important contribution towards the creation of employment as this is not a key employment site but one where employment generation and employee numbers will be relatively low. They also make the case that the majority of the site has been vacant for 18 months and reference is made to the Council's Commercial Register which lists the vacant employment floor space currently available in Witney. The applicant's agent has also commissioned Carter Jonas to prepare a marketing exercise in which they state that this exercise only resulted in a few tentative enquiries, although it is not clear what the period of marketing was or whether it was marketed as an employment site or as a site for redevelopment.

6.4 The loss of similar employment sites across Witney over recent years has resulted in a shortfall of these types of secondary employment sites which offer smaller businesses flexibility when

considering suitable premises. However, in exceptional circumstances, the loss of such employment sites may be supported if substantial planning benefits can be secured which outweigh the loss of the employment site. To this end the applicant has offered a sum of £140,000 towards off-site affordable housing provision. Your officers consider that the contribution towards affordable housing in this instance is sufficient to overcome the loss of the small scale employment site.

Design

- 6.5 The site is located adjacent to the Conservation Area boundary and locally listed buildings. The first point to note is that the site is currently occupied by commercial buildings of no great quality, with much concrete hard standing for vehicles – so there is considerable potential for aesthetic betterment, and also for introducing more character to the streetscape.
- 6.6 The proposed development is relatively low density and this is compatible with the immediate surrounds. The houses are of a vernacular design and range from 2 to 2.5 storeys across the plot. They are proposed to be constructed in natural and artificial stone, red brick and cream render with grey slate roof tiles. The designs are considered to be in keeping with the general street scene and properties in the locality.
- 6.7 The design proposes dwellings fronting the road which will reinforce the street scene as the existing buildings are weak and set well back from the road. Public art can be secured by condition.
- 6.8 The proposal is therefore considered to accord with policies BE2, TLC7 and H2 of the local plan.

Neighbourliness

- 6.9 The proposal site has neighbours on three sides. All of these are residential properties. Overlooking has been carefully considered and none of the neighbouring properties are considered to be at risk of unacceptable levels of overlooking from the proposed dwellings.
- 6.10 In terms of their siting, it is not considered that any of the proposed dwellings will result in unacceptable levels of overshadowing or could be perceived as overbearing to existing properties.
- 6.11 The proposals are therefore considered to accord with policies BE2 and H2 of the Local Plan.

Environment and climate change

- 6.12 The site is adjacent to Flood Zone 2, and properties within the vicinity of the site have been subject to surface water flooding in recent years. Amendments to the scheme have taken it out of the Flood Zone so the Sequential test set out by the Environment Agency no longer applies. And the Environment Agency and WODC engineers have recommended a sustainable drainage condition which will help to improve the surface water run off from the site. The proposal does result in a net decrease of hard standing which will also improve the situation.
- 6.13 Waste storage can be achieved on plot for all the properties.
- 6.14 Environmental Health officer has requested a noise condition to protect future residents of the properties that from Oxford Hill from traffic noise, and a lighting condition to protect the amenities of adjacent properties and future residents.
- 6.15 Officers consider the proposal to be in accordance with the guidance set out in the NPPF and with policies BE19 and BE21.

Ecology

- 6.16 A bat survey has been submitted with the application and there is no evidence of bats on site. However a condition has been attached requiring the provision of bat and bird boxes on site to help mitigate the development in general terms.
- 6.17 It has been suggested there may have been sightings of dormice on land adjacent to the site. A note will be added to the decision to draw this to the applicants attention.
- 6.18 The application is therefore considered to accord with policy NE13.

Highways and parking

- 6.19 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. There is considered to be sufficient on site parking for each property and the proposed alterations to Oxford Hill and the existing pedestrian crossing are considered to improve highway safety in the locality where there is a conflict between traffic travelling to and from the A40 and pedestrians travelling to and from the town centre and local schools.
- 6.20 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 be in accordance with policy BE3.

Conclusions

- 6.21 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, subject to no substantive planning issues being raised prior to the end of the revised publicity expiry on 17th April, and to conditions and the signing of a S106 to secure contributions as follows:

Request	Amount
OCC Primary Education	£57,910
OCC Secondary Education	£52,365
OCC Special Educational Needs	£3,066
OCC Strategic transport package	£20,818
WODC – Off Site Affordable Housing	£140,000
WODC leisure – Sport and recreation	£6,286
WODC Leisure – Play	£3920.84
WTC – Corn Exchange, Leys Recreation and Madley Park Teen Zone Project	£63,000
Total :	£347,365.84

RECOMMENDATION

Provisional approval subject to S106 and following conditions, and any other conditions raised following reconsultation:

- I 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) 12085-01-001 rev B, 12085-02-001 rev B, 12085-02-002 rev B, 12085-02-003, 12085-02-004, 12085-02-005, 12085-02-006 rev D, 12085-02-007 rev C, 12085-02-008 rev C, 12085-02-009 rev C, 12085-02-010 rev C, 12085-02-011 rev A, 12085-02-012 rev C, 12085-02-013 rev B, 12085-02-014 rev C, 12085-02-015 rev A, 12085-02-016 rev C, 12085-02-017 rev A, 12085-02-018 rev C, 12085-02-019 rev B, 12085-02-020 rev C, 12085-02-021 rev C, 12085-02-022 rev C, 12085-02-023 rev B, 12085-02-024 rev C, 12085-02-025 rev B, 12085-02-026 rev A, 12085-02-027 rev B, 12085-02-028, 12085-02-029, 12085-02-030 rev B.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011)
- 6 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref X-212614A/PS/TB/SK/Nov 13 revision A undertaken by Hannah Reed Associates and the following mitigation measures detailed within the FRA:
Finished floor levels are set no lower than 83.30 m above Ordnance Datum (AOD).
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
REASON: The geology under the site is the Cornbrash (Secondary A Aquifer) on the South Eastern part of the site and the Forest Marble Mudstone (Secondary A Aquifer) on the North Western part of the site. The former dairy is likely to have been mechanised; there would have been many vehicle movements on site; and there is the possibility that fuels were used or stored on the site. Therefore there is the potential for contamination to be encountered in soils on this site. The presence of mudstone under the site will likely prevent any vertical migration of pollutants. However, since locally the groundwater in the Cornbrash is likely to drain towards the Madley Brook, any contamination disturbed during demolition and construction should be dealt with in an appropriate manner.
- 9 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 and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. 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 Framework and Planning Policy Statement 25 Technical Guidance)
- 10 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE of the adopted West Oxfordshire Local Plan 2011)
- 11 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 {{insert}}.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 12 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts 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)
- 13 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 14 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- 15 Development shall not begin until a scheme for protecting the proposed dwellings along the southern boundary from noise from the B4022 has been submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
REASON: To ensure the creation of satisfactory living conditions in the dwellings. (Policies BE2 and BE19 of the adopted West Oxfordshire Local Plan 2011)
- 16 Before development commences a scheme for the provision of on site public art shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use.
REASON: To comply with policy TLC7 of the West Oxfordshire Local Plan.
- 17 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)

NOTES TO APPLICANT:

- 1 Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Madley Brook, designated a 'main river'.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.
- 2 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 be 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 No increase in surface water run-off is permitted to enter onto or into the existing highway.
- 4 It has been suggested that there may be dormice in the vicinity of the site. Dormice and their breeding sites and resting places are fully protected. Without a licence it is an offence for anyone to deliberately disturb, capture, injure or kill them. It is also an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. Please contact wildlife@naturalengland.org.uk for further information.

13/1752/P/FP Land at Swinbrook Road Carterton	
Date	12/12/2013
Officer	Abby Fettes
Officer Recommendation	Grant, subject to S106 agreement
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 expired on 19th March.

The application was deferred at the March sub committee meeting for clarification on a number of issues. These points are picked up from paragraph 6.22 at the end of the report.

I 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 09/1139/P/OP 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.
- 1.3 14/0399/P/FP Erection of 66 dwellings with associated access, open space and landscaping. Creation of extension to Kilkenny Lane Country Park and link road. To be considered by committee at a later date (publicity expires 24.04.14).

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

"Contributions are sought towards the provision of improvements at Carterton Leisure Centre based on the following formula:-

Capital cost of provision divided by population multiplied by number of residences in the scheme and household average occupancy:-

$$3,500,000/15,000 = 233.33 \times 2.5 = 583.32 \times 250 = \pounds 145,830.00$$

$$\text{Contributions sought} = \pounds 145,830.00$$

Outdoor Facilities

Capital cost of provision for divided by population multiplied by number of residences in the scheme and household average occupancy:-

$$494,960/15000 = 32.99 \times 2.5 = 82.47 \times 250 = \pounds 20,617.50$$

$$\text{Contributions sought} = \pounds 20,617.50$$

Total contributions for improvements to Carterton Leisure Centre £166,447.50

£495.66 x 250 = £148,698.00 for the provision and maintenance of a LEAP located west of the Swinbrook Road, ref sketch master plan dated 11/10/07

NOTE – the developer should be required to procure the on-site LEAP, to comply with WODC specification and final design sign off prior to the sale of any residences local to the site.

Should the developer procure the on site LEAP to the Councils Specification a contribution for maintenance only will be sought:-

£287.66 x 250 = £71,9150.”

2.4 OCC single response

“No objection subject to S106 requests and conditions, however Ecology raise an objection on the following grounds:

Unfortunately, the revised plans do not overcome the issues that I raised in my consultation response and my advice to the District Council is still that they refuse the application unless further amended plans and information is submitted. The existing Outline consent on the site does not divert from the current application needing to be considered in relation to planning policy and legislation. The existing planning permission was for outline consent, the current application is for full permission. The same issue of the ecological value of the site would remain a concern if a Reserved Matters application was submitted for layout.”

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.*

4.4 *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

4.5 *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.*

4.6 *The site is included as a vital part of the Districts 5 year land supply of housing for 200 dwellings.*

- 4.7 *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.*
- 4.8 *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

- 4.9 *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

- 4.10 *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:

HI (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 have raised no objection to the proposed development subject to conditions and S106 contributions towards bus stops, a strategic bus network, the Carterton Area Transport Package and cycle racks.

Addendum to report

- 6.22 At March sub committee there were a number of issues on which Members sought clarification. These were the proposals for the junction with Swinbrook Road, the provision of a toilet block for the country park and parallel consideration with the second phase of this development.
- 6.23 In respect of the junction, it is to be an unlit junction, which addresses the concern of Shilton Parish Council. Furthermore, a change in the speed limit has been proposed on the Shilton Road so that the 30mph zone will start to the north of the proposed junction, slowing traffic down before arriving at the junction. The Highway Authority are satisfied that this meets highway standards and have raised no objection. Officers believe this allays the concerns raised at the March committee in respect of highways.
- 6.24 The toilet block has been redesigned and is now a two bay block which will both be accessible to disabled users and those with young children. It has been designed as a paid facility so the monies can also be used towards maintenance and upkeep of the facility. Officers are awaiting confirmation from Carterton Town Council that it meets their specifications.
- 6.25 The ecological issues regarding the translocation of the calcareous grassland have been considered, but on the grounds that the site has been allocated in the Local Plan for many years, and that the applicant has proposed mitigation measures, officers believe that in this instance the provision of housing outweighs the perceived ecological harm.
- 6.26 Members expressed a wish to consider this application alongside the recently received application for 66 units and the extension to the country park. You officers do not feel that this is necessary as they are totally separate applications, however the application has now been registered and we will be in a position to show the plans at the April sub committee. The application is likely to be brought to either the May or June Lowlands meeting as the publicity period does not expire until 24th April.
- 6.27 Members requested further information on the heads of terms for the application. The following S106 contributions have been requested:

Request	Amount
OCC Primary Education	£1,135,036
OCC Special Educational Needs	£61,312
OCC fire and rescue	£148,978
OCC libraries	£60,775
OCC Adult learning	£6336
OCC Waste management	£45,760
OCC Day care	£72,600
OCC Museum resource centre	£3575
OCC Strategic transport package	£821,677.50
WODC –Affordable Housing	30%
WODC leisure – Sport and recreation	£166,447.50
WODC Leisure – LEAP Maintenance	£71,915
CTC – Allotments	On site provision
CTC – toilet block and maintenance contribution	On site and £10k
Thames Valley Police	£32,100
Total :	£2,626,512

- 6.28 Your officers are still in negotiation on the exact figures. The application that committee resolved to grant with a draft S106 and some consideration of previous requests must be taken into account. The County requests have in particular increased dramatically since the last application was considered in 2010. The local member raised the matter of contributions or provision of football pitches in association with this application, but officers believe that this is a consideration for the application that has just been received (14/0399) which includes the extension to the country park.

Conclusions

- 6.29 In light of these observations and clarifications, 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 S106 package being agreed and conditions based upon the following:

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) [insert].
REASON: For the avoidance of doubt as to what is permitted.
- 3 No part of the development hereby permitted shall be commenced until a scheme showing the phasing of the implementation of the overall development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall describe the stages in which the development will be implemented.
No part of the development shall be carried out other than in accordance with the approved phasing scheme and no building shall be occupied until all works within that phase of the development have been completed, unless otherwise approved in writing by the Local Planning Authority.
REASON: To ensure that all components of the overall development are provided in an appropriate manner. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension shall be constructed.
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding the details submitted on drawing no.SL-MAT-01 P3, prior to the commencement of development, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 7 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 8 No development shall take place until details of facilities for refuse bins to be stored and placed awaiting waste collection have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; vehicle and pedestrian access and circulation areas; and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 10 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 11 The fencing or other means of enclosure shown on the approved plans shall be erected before occupation of the dwelling on the adjoining plot and all means of enclosure shall be erected before completion of the final dwelling in the development and shall be retained thereafter.
REASON: In the interests of the appearance of the development and to secure a reasonable standard of privacy for occupants of the dwellings concerned. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 12 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: "Trees in Relation to Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The 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. (Policy NE6 of the adopted West Oxfordshire Local Plan 2011)

- 13 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 14 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- 15 Before development commences, details of the provision of boxes for bats and birds shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed as approved before first use or occupation of the building and so retained thereafter.
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011)
- 16 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)
- 17 Prior to development; a construction phase travel plan shall be submitted to and approved by the Local Planning Authority. Throughout development the approved plan must be adhered to.
NB The travel plan is likely to require the construction of the access prior to commencement of development. Wheel washing facilities should be provided for site vehicles.
REASON: To ensure construction traffic does not obstruct or drag debris onto the highway in the interests of highway safety and convenience.
- 18 Prior to development; full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.
REASON: To ensure satisfactory lighting is provided in the interests of vehicular and pedestrian safety.
- 19 Prior to development; details of boundary treatments adjacent to the highway shall be submitted to and approved by the Local Planning Authority.
REASON: To ensure boundary treatments do not obstruct visibility of the highway at points of vehicular access in the interests of highway safety.
- 20 Prior to first occupation; the accesses to Elmhurst Way and Shilton Road shall be provided in accordance with the submitted plans and the road between shall be completed in accordance with a detailed plan to be submitted to and approved by the Local Planning Authority.
REASON: To ensure an adequate access in the interests of highway safety.
- 21 No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the approved plans and details and constructed to at least base course level.
REASON: To ensure that the access road is completed to a standard suitable for safe access to the dwelling, in the interests of highway safety.

- 22 No dwelling of the approved development shall be used or occupied until the car parking and associated turning area for that dwelling has been completed and marked out in accordance with the approved plan(s). The car parking area and turning areas shall thereafter be retained in accordance with the approved plans and available for use as car parking and turning.
REASON: To ensure adequate car parking and turning within the curtilage of the site, in the interests of highway safety.
- 23 A Travel Plan shall be operated in accordance with the submitted plan.
REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the National Planning Policy Framework.
- 24 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF. (2012)
- 25 Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF. (2012)
- 26 Development shall not commence until a drainage strategy detailing any 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. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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

APPLICATION DETAILS

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

APPLICANT

Mr David Keates, C/O Agents.

BACKGROUND INFORMATION

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

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

Members will recall that they gave initial consideration to the application at the February meeting where a number of members considered it was an interesting initiative but others queried the departure from policy, the sustainability of the location and were concerned that the concept would work in practice and justified a departure from policy.

1 PLANNING HISTORY

None of relevance.

2 CONSTRAINTS

None of relevance.

3 CONSULTATIONS

3.1 Parish Council

“Raise the following concerns: The design of the cul de sac is not in keeping with the rest of the village. Councillors are concerned this could set a precedent for similar developments. The parking allocation is inadequate and will no doubt cause problems in the future. If the development does go ahead the Council would like to make a case for S106 funding and would appreciate being contacted to discuss this.”

3.2 OCC

“No objection subject to conditions regarding access specification, parking as plan and SUDS drainage.”

3.3 WODC drainage

“Request a drainage condition.”

3.4 WODC Environmental Health

“No objections.”

3.5 WODC Housing

“Having looked at the submission and spoken with colleagues in Housing and the County Council, my response is as follows:

- *Whilst we do acknowledge a growing need for more overall housing provision for the over 55’s, we are not convinced that this scheme will address the needs of those on the Council’s waiting list, who overwhelmingly do not have the means to secure accommodation of this kind.*
- *We can see the merits of developing accommodation that will be a ‘forever home’, capable of adapting to their changing care needs as time passes.*
- *The ability to ensure that these units remain continuously available for over 60’s going forwards, has in our experience proved problematic, and inevitably the properties are sold unfettered by use.*
- *We feel that we have to uphold policy H11 in regard to the provision of affordable housing in this location.*
- *With regard to the County Council’s comments they “think the plans seem innovative but not sure how viable/popular the approach will be.”* (Nigel Holmes Commissioning Manager)

4 REPRESENTATIONS

Letters of objection have been received from D Stubbs of The Close, Ray Robinson of Dutton House and Andrew and Elaine Hackling of Glebe House. It is considered that their objections may be summarised as follows:

- Application is for gain rather than to meet needs.
- There are few local facilities to meet the needs of the elderly.
- It is a mile to the bus stop.
- It is not infilling or rounding off.
- Will affect the spacious character of the village.
- Hub will end up as a fifth dwelling.
- Adverse precedent will be set.
- Foul water drainage is inadequate.
- Previous refusals in the area.
- Previous dismissed appeals.
- Contrary to H6.
- Road danger will increase.
- Loss of an open space contrary to H4.
- Surface water run off will increase.

5 APPLICANT’S CASE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 POLICY

It is considered that policies H5, H2, BE2, H1 I and the advice of the NPPF are considered to be of most relevance.

7 PLANNING ASSESSMENT

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

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

Principle/land designation/Policy

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

Design and impact on streetscene

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

Neighbourliness, pollution and Environmental Health

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

Ecology and climate change

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

Highways and parking

- 7.9 OCC highway team consider that the scheme will not generate a significant number of vehicle movements such as to be detrimental to the safety and convenience of other road users and the access is within the 30mph limit with appropriate vision etc standards. No highway objections are therefore raised.

Section 106

- 7.10 If the principle is considered acceptable then there will need to be detailed further negotiations to ascertain whether sufficient controls could be exercised in the longer term to ensure that the units do not leak back to mainstream housing, as such would not have secured consent as it is contrary to policy. In that regard the agent advises that:

- Any single or couple household where one of the residents is over 60 can live in the development. In the event that there is a couple where only one person is over 60 and dies, the other person will be able to remain in the homes.
- People who live in the community will be able to take full responsibility for themselves and their own welfare and need to be able to live independently.
- The homes have been designed to enable short term live in carers if required.
- The resident needs to be committed to being neighbourly and can in return expect reasonable support from the group.
- Occupiers moving into the development will have to fulfil the following criteria;
60 years old or over.
Fit and healthy – capable of independent living
Have sufficient funds to pay the on-going service charge.
All residents will provide their own care package.
(This criteria is standard for retirement homes)
- In the housing model subject of this application, the residents will own the leasehold of their property and an equal share in the freehold of the land, Communal Hub and communal gardens. This enables the residents to decide on how their annual service charge is calculated and used. This might mean that they decide what colour the hub should be redecorated in, how they distribute the fruit and vegetable grown in their allotment, what plants to grow in their communal gardens, **which energy provider they decide to use/to change to, to get the best deal.** Keeping control of our lives as we age is very important, in this housing model residents remain in full control.
- The dwellings will be available to purchase on a leasehold basis. There would be an age restriction provision included within the S106 agreement that would be attached to the planning approval. The wording could be something like this:
The dwellings shall be occupied by:
 - (i) One person aged over 60+
 - (ii) Two or more people living together as single household at least one of whom should be 60+
 - (iii) Any person living as a single household, who previously lived as a couple with a person 60+ who has died.
 - (iv) Each householder will be required to purchase a quarter share of the freehold of the development and be able to pay a charge in respect of the communal services.

- There will be an age restriction covenant in resident's leasehold agreements to ensure that the homes remain for the older person and cannot be changed to general housing.
- On the owner's death, in most circumstances a family member will inherit the dwelling, which will have to abide by the leasehold agreement and the S106 agreement when disposing of the property.
- If one of the dwellings becomes available, by a resident passing away or moving to other accommodation the following may be included within the management company responsibilities.
 1. There will be a moratorium of 3 months whereby the dwelling is offered back to the management company (residents) to find a potential purchaser. Further controls will be put in place in terms of time period for exchange of contract and completion/ move in. This will give the remaining residents some control over who will be moving into the development. *(It is highly likely that the dwelling will be sold through word of mouth)*
 2. After the agreed moratorium has expired the responsibility of selling the dwelling will revert to a named person, which will usually be a relative.
 3. It may be that a clause is included within the management company that any lost revenue due to the dwelling remaining vacant is recouped from the proceeds of the eventual sale of the property.
 Each resident will have the one off payment to purchase the leasehold of their home and 25% of the freehold of the whole development. Each resident will also be required to pay an annual service charge.

7.11 This greater clarity is welcomed by officers but the fact remains that many schemes that have been approved as specialist /niche housing in the past have in time leaked back to general housing when the personal circumstances of widows/relatives/financiers etc are cited as a justification for asserting that the restrictions are unduly onerous. Whilst the above represents some degree of additional security that this is less likely to happen it does not as yet give a guarantee that would necessarily stand the test of time. The provision of monies in lieu of affordable housing provision would also need to be addressed.

Conclusions

7.12 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 and that whilst the proposals are innovative and in another location would be worthy of support the circumstances are not such as would justify a departure from policy. Members may of course take a different view and decide that a departure is justified. As it stands however the recommendation is for refusal. If any other information by way of clarification of the AH offer is made Officers will advise Members by way of the additional representations report.

RECOMMENDATION

Refuse for the following reason:-

- I By reason of its scale and location in a village lacking in many basic services and facilities, the development does not comprise infilling in a village where only infilling is allowed and would be an uncharacteristic form of unsustainable development that would urbanise the village streetscene and set a precedent for further such applications that in equity would be difficult to resist and which cumulatively would undermine the policies of general restraint upon development in the less sustainable parts of the district. The case advanced in favour of the proposal and other material considerations are not considered sufficient to justify a departure from the development plan or the general advice of the NPPF to resist unsustainable development. The proposal is therefore considered contrary to Policies H5, H2 and BE2 of the adopted West Oxfordshire Local Plan and the advice of the NPPF to secure sustainable development.

14/0119/P/FP Witney Road Hailey	
Date	07/01/2014
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.

The application was deferred consideration at the March Sub Committee for Members site visit.

1 PLANNING HISTORY

N/A.

2 CONSULTATIONS

2.1 OCC Highways

"No objection."

2.2 Parish Council

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

HPC object to the change of use, the introduction of a commercial business in open countryside and the loss of agricultural land. It is felt that this development falls outside policy NE2, in that is at risk of leading to undesirable sprawl between Witney and Crawley."

3 REPRESENTATIONS

Following deferral of the application a number of representations of support for the proposal have been received from Mr and Mrs Ablett of 95 Burford Road, Paula Taylor, Barbara Coyne and Tony Strong. Their comments are briefly summarised as follows:

- If this facility were to close it would be a devastating loss for my son who is profoundly autistic and this facility has done a huge amount for his confidence and abilities;
- Other 'riding for the disabled' facilities have waiting lists of up to 5 years and are too physical;
- Whenever we have been on site we have found it well designed and maintained;

- The facilities installed by the applicants are no more intrusive than on neighbouring smallholdings and farms;
- We have never found traffic to be an issue;
- The benefit of granting permission would be huge;
- Parelli, given that it is based on love, language and leadership, is hugely beneficial for everyone;
- In the case of individuals with special needs it offers the opportunity to learn and practice skills which make all the difference to their personal development- by working on communication, emotional understanding, understanding consequences and taking responsibility Parelli training can empower young people;
- This will be no ordinary 'riding school' style business like others in and around West Oxfordshire;
- What is there not to like about seeing adults, children and ponies enjoying the countryside;
- I strongly believe that small businesses just starting out should be given a chance to do so in West Oxfordshire;
- This venture will give children the opportunity to learn horsemanship skills and associated values;
- The field shelters for the ponies are not an eyesore, in fact they put many farm buildings to shame;
- The site is tidy and in keeping with the area around;
- There will not be excessive traffic to and from the site;
- The business would support the business next door and vice versa;
- It is an exciting business which will increase the variety of facilities for young people in Witney.

A letter of objection 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.

14/0164/P/FP Green Acres Brighthampton	
Date	31/01/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	STANDLAKE
Grid Ref:	438471,203724

APPLICATION DETAILS

Conversion of garage/annex to dwelling with associated parking.

APPLICANT

Mr S Sarll, Green Acres, Brighthampton, Oxfordshire, OX29 7QQ.

BACKGROUND INFORMATION

This proposal is for alterations and extensions to 'Green Acres' to create a self contained, one bed dwelling unit. It is in effect a subdivision of the plot to provide two dwellings. The application is before Members for consideration because the Parish Council do not want the new unit to be sold separately from the existing dwelling.

I CONSULTATIONS

I.1 Parish Council

"The Council has no objection to the above application, but, should permission be granted, we would wish to see a condition attached that prohibits the sale of the conversion as a separate property now and in the future."

I.2 OCC highways

"No objections."

2 REPRESENTATIONS

Neighbours notified.

No representations received.

3 APPLICANT'S CASE

In a précised form the applicant's case is as follows:

The principle of additional residential development in the built –up area of Brighthampton is acceptable;

The alterations proposed to the existing building would not have any adverse impact on the character of the property or the wider street scene;

The amenities of neighbouring residential properties would not be adversely affected;

An appropriate quality of living environment would be created for future occupiers;

There would be no adverse impact on existing landscape features on the site; and

The access and parking arrangements would be acceptable.

4 PLANNING ASSESSMENT

- 4.1 The principle of an additional dwelling in this location is acceptable (no affordable housing needed).
- 4.2 The key impact on the immediate neighbour at Creg-Ny-Baa is negligible as the pitched roof is set off of the boundary and is pitched away from the neighbour. A condition precluding rooflights and additional windows in this side elevation of the proposed one bed dwelling will ensure that future privacy of this property is secured.
- 4.3 Similarly the pitched roof is set off of the boundary with the rear outlook of the existing dwelling and thus, subject to a condition precluding rooflights and additional windows in this side elevation, the amenity of the existing dwelling will be secured.
- 4.4 In respect of parking and manoeuvring to serve the existing and future occupiers, OCC Highways has raised no objections. To ensure that this provision remains in the interests of highway safety, a condition precluding conversion of the internal garage to living accommodation has been attached.
- 4.5 The new dwelling and its associated curtilage is small but not refusable in planning terms. In order to ensure that the plot is not overdeveloped to the potential disadvantage of the immediate neighbours, PD rights for all extensions and outbuildings are removed.

Conclusions

- 4.6 In light of the above 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) 13/0903/PBPI (a); 13/0903/P2.
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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension or alterations to the roof or buildings shall be constructed.
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the side elevation(s) of the dwelling hereby approved.
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional rooflights shall be constructed in the side elevation(s) of the dwelling hereby approved.
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)

14/0194/P/FP 69 Black Bourton Road Carterton	
Date	10/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Approve
Parish	CARTERTON
Grid Ref:	428290,206248

APPLICATION DETAILS

Remove existing dwelling and erection of ten flats with associated parking. Widening and improvements of existing vehicular access.

APPLICANT

Witney Building Ltd, C/O Agent.

BACKGROUND INFORMATION

This application relates to a detached chalet bungalow located adjacent to the relatively new development at Chandler Mews. It seeks consent to demolish the existing dwelling and erect a new 2 storey L- shaped building comprising 10 flats. 12 parking spaces will be provided and the existing frontage trees will be retained along with a fine tree to the rear of the site. The units are designed in a neo vernacular style using recon stone and timber windows.

1 PLANNING HISTORY

None of relevance on site. The development at Chandlers Mews was a similar redevelopment of a plot to form a more comprehensive development.

2 CONSTRAINTS

Brize Norton Noise contours.

3 CONSULTATIONS

3.1 Town Council

No response to date.

3.2 OCC One Voice (summary)

“£29,292 to Local and Public Transport, £4,742 to other County functions, Access and drainage details by condition, no archaeology or ecology issues.”

3.3 WODC Engineers

“SUDS drainage required.”

3.4 Thames Valley Police

“Secured by Design standards should apply.”

4 REPRESENTATIONS

Letters have been received from Mrs Arter of Chandler Mews, John Goodman of Chandler mews, Mrs Massingham of Chandler Mews and Mr and Mrs Morgan of 67 Black Bourton Road. It is considered that the main points raised may be summarised as follows:

- Property is set further back on the site and will overlook us more.
- Increased loss of light.
- Increased road congestion.
- Out of scale.
- The few remaining single houses are the last remnants of the original housing created by Mr Carter.
- Where will all the recycling bins go on collection day?
- Concerned ref water logging.
- Concerned car park will be illuminated.
- It is very close.
- Overdevelopment.
- Loss of peace and quiet.
- Loss of privacy.
- Fence should be retained as a screen.
- Will increase congestion associated with the Air base.

5 APPLICANT'S CASE

Writing in support of the application the Design and Access statement advises (in summary):

- Area is a mixed residential area.
- Chandler Mews is a new two storey development.
- A ransom strip prevents direct aspect to Chandler Mews but the scheme has been designed to visually address that road and link the two schemes visually.
- Site is currently under developed.
- New small dwellings are required locally.
- Each one bed flat will have a parking space and there are two visitor spaces.
- Shared garden spaces are created.
- Mature trees are retained.
- Layout has been designed to avoid overlooking.

- Bin stores are located adj the entrance.
- Site is sustainably located close to amenities.
- Size of building reflects the area.
- There are no ecological constraints.
- Design will improve and enhance the environment.

6 POLICY

Policies H2, H7 and BE2 are of most relevance along with the advice of the NPPF and NPPG.

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
Design
Neighbourliness
Highways
Legal agreement

Principle/land designation/Policy

- 7.2 The site is located well within the second largest settlement within the district within easy walking distance of its amenities. It is considered to represent a sustainable location. The proposal constitutes a logical compliment to the pattern of development set by Chandler Mews and indeed will enhance the somewhat Unfinished appearance of that development which is currently a one sided street. It is thus considered to conform to policy H7 as appropriate rounding off. The existing building is of no special merit and its demolition could not be resisted. As only 9 new units are created the scheme does not generate the need for affordable housing. The scheme is thus considered policy compliant with both national and local planning policies seeking to maximise residential development in the more sustainable locations.

Design and (if appropriate) impact on Heritage Assets

- 7.3 The existing dwelling is of no particular merit. The proposed building is somewhat larger than the one it replaces but it respects the building line and retains the key vegetation. The 1 ¾ storey form is respectful of the lower key character of Carterton and the provision of new landscaped areas should enhance the setting of Chandler Mews – replacing a current dilapidated 2m high fence. The materials will complement those used at Chandler Mews. The development is considered appropriate in context.

Neighbourliness

- 7.4 In that the proposed building form is larger and closer to neighbours and introduces first floor living accommodation there is clearly the potential for additional overlooking, overbearing, overshadowing etc. However the scheme has been carefully designed to seek to avoid undue impacts. The gable end windows nearest to the existing houses at 67 Black Bourton Road and in Chandlers Mews are to be fixed and obscure glazed. The facing windows orientated towards Chandler mews will be located some 13 m away and across a road in a front to front style relationship. The private amenity areas will not be overlooked. This is considered acceptable. Similarly the first floor windows sitting perpendicular to the adjoining houses are set well within the site (approx 9m) and the retained tree will ensure that any views are filtered by vegetation. They are no nearer to the shared boundary than Chandler Mews and the relationship is considered

acceptable. A window in the gable end of 67 Black Bourton Road will be more overshadowed than at present but again this is across the width of their drive in a fashion that is commonplace and not considered refuseable. The impacts on neighbours when considered as a whole, and the amenity of the incoming residents, are considered acceptable.

Highways and parking

- 7.5 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. 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 to an extent that would justify refusal.

Legal Agreement

- 7.6 Members will note that OCC are requesting funding towards transport and infrastructure. The scheme does not generate a net gain of 10 units so there is no District affordable housing or other requests. In that legal agreements with OCC tend to delay the issue of applications beyond the statutory period and that the Government is currently pushing housing delivery your officers would suggest that as no specific harms would arise from not acceding to the request for monies. It is therefore recommended that it is not acceded to in this instance. Members may of course make a different conclusion.

Conclusions

- 7.7 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 the plans accompanying the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before first occupation of the building hereby permitted the window(s) shown as obscure glazed shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Bat and bird boxes and measures for water and energy saving shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity/sustainability. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011)

- 6 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: "Trees in Relation to Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The 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. (Policy NE6 of the adopted West Oxfordshire Local Plan 2011)
- 7 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 building is occupied.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 8 No flat shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts 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)
- 9 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 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 and to avoid flooding.

14/0254/P/FP 48 Davenport Road Witney	
Date	20/02/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	434930,210152

APPLICATION DETAILS

Erection of single storey rear extension.

APPLICANT

Mr & Mrs Paul Harris 48, Davenport Road, Witney, Oxon, OX28 6EJ.

BACKGROUND INFORMATION

The application is to be heard before the Committee as the applicant's agent is related to a member of staff.

1 PLANNING HISTORY

W99/1708 – Alterations and erection of two storey side and single storey front extensions- grant.

2 CONSULTATIONS

2.1 Town Council

"No objection."

2.2 OCC Highways

"No objection."

3 POLICY

Policy BE2 – General Development Standards
 Policy BE3 – Provision for Movement and Parking
 Policy H2 – General residential development standards

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:

Principle & Design and Scale
 Impact to neighbouring properties
 Parking

Principle

4.2 The application relates to a detached dwelling located within a mature residential area of Witney. The proposal is for a small single storey rear extension. Officers consider that the proposed extension will relate well to the host dwelling and will use materials to match.

Impact to neighbouring properties

- 4.3 Due to the scale and design of the proposed extension officers consider that the modest dimension, (approx 3m in depth), will not unduly affect the residential amenities of both the adjacent dwellings' in terms of loss of light etc.

Parking

- 4.4 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

- 4.5 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is 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) 1402/1.
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.

14/0284/P/FP The Cottage Burford Road Brize Norton	
Date	26/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	BRIZE NORTON
Grid Ref:	429816,208045

APPLICATION DETAILS

Construction of new dwelling with detached double garage & store.

APPLICANT

Mr Garry Griffin, The Cottage, Burford Road, Brize Norton, Oxon, OX18 3NL.

BACKGROUND INFORMATION

This application is a full application for the construction of a one and a half storey dwelling with rooms in the roof and a single storey double garage with a hipped roof detail .The development is proposed on land which is detached from but which has historically used as garden by two nearby listed properties.

The materials proposed for the external elevations of the buildings are stone, render and artificial stone slates.

I PLANNING HISTORY

85/1448- Residential development (outline) – Refused.

86/041 – Erect one dwelling- refused and refusal upheld at appeal.

90/1814 –Erection of single storey dwelling and garage refused.

92/ 1814 – Erection of a single storey dwelling and garage refused.

2 CONSULTATIONS

2.1 Parish Council

“The Parish Council have no objection to this application. Drainage – If the foul drainage is to be connected to the Rookery Farm foul drainage spar there are no concerns. However, if it is to be connected to the Manor Road sewer then a septic tank should be installed instead. This is because there is more capacity on the Rookery farm system further downstream than on the Manor Road system. This should be a condition of the build.”

2.2 West Oxfordshire District Council Engineers

“No objections subject to conditions.”

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT’S CASE

4.1 The applicant’s case is substantial in its content and is very briefly précised as part of this report. The case can be viewed in full on the Council’s website.

4.2 There is a history of refusals on the site. To bring the application up to date, planning policies that need to be considered are H5 which allows infilling within villages in group A, H2 and BE2.

4.3 The proposed building will indeed sit easily in the small group of houses that have developed around the original Rookery Farmhouse, with the converted farm buildings on one side of the road and the Farmhouse and our cottage on the south side. The new build would balance the appearance, with the large farmhouse in the middle, ‘The Cottage’ on one side, and the new build on the other side of the Farmhouse. The new build would compliment and round off our small group of houses.

4.4 In respect of policy BE2 the proposal respects the local area and indeed improves the area by its use of local stone etc. The proposal also does not need to be screened as the site is already surrounded by high attractive walls on three sides and a 6 foot wooden fence on the fourth side, which is not seen from the road.

4.5 The application does not contravene the Policy H2 as it will enhance the area, is in an ideal setting having very good access to the Burford Road, and it is unique; therefore, it would not set an undesirable precedent.

- 4.6 Indeed the Policy H2 tries to ensure that development is steered towards more sustainable locations where reliance on use of private cars can be minimised and the character of rural areas protected. With the bus stops so close and such regular services, the proposed site is in an ideal location to allow a new property.
- 4.7 The development is compliant with policy BE3.
- 4.8 Policy H4 does not relate to this application.
- 4.9 In sustainability terms Brize Norton has a very good school, two local public houses and some of the best transport links in the County. The proposed site has very easy access to both the S1 and S2 bus routes from Carterton to Witney and Oxford, which are available every 10 minutes at peak times. The time to walk to the local bus stops is 4 to 8 minutes which is incredibly close. Furthermore there are very good cycle links to get to the local shops. Furthermore, the site is convenient for the Broadshire Health Centre, which is about a mile away and would take 5 to 8 minutes by bike.
- 4.10 There are employment and leisure opportunities locally.
- 4.11 The application would not set a harmful precedent, nor would it make achieving planning for further builds along Burford Road easier ,as this application would I am sure be considered on its own unique merits.
- 4.12 The proposal is in line with the NPPF principle of a presumption in favour of sustainable development. It is clearly deliverable, is in a sustainable location and can be developed immediately, therefore helping to meet any housing shortfall.
- 4.13 We suggest that the 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 land. If it cannot be demonstrated, the provisions of para 14 and 49 of the NPPF are engaged and less weight may be afforded to Policy H7 of the adopted Local Plan. 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.
- 4.14 This application complies with section 7 of the NPPF which encourages good design.
- 4.15 The proposal pays regard to the West Oxfordshire Design Guide.
- 4.16 The proposed house will be mostly unseen from the road as it will be surrounded by very tall walls.
- 4.17 The proposal avoids the Green Belt and the AONB and is not the subject of flooding. It does not extend the built up area in to the open countryside.
- 4.18 The build will accord with the new Draft Local Plan and accords with the NPPF.

5 POLICY

The most relevant policies of the West Oxfordshire Local Plan are considered to be H5, H2, BE2 and BE8.Paragraph 55 of the NPPF and paragraphs relating to ‘Conserving and enhancing the historic environment’ are most relevant.

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.

Compliance with housing policy both locally and nationally;
Impact on rural character and appearance of the area;
Impact on the setting adjacent listed buildings.

Compliance with Housing Policy

- 6.2 One issue in respect of this application is whether the proposal accords with development plan and national planning policy guidance relating to new housing development in 'Group A' villages within the District, and if not whether there are other considerations sufficient to justify allowing it..
- 6.3 In this regard the most relevant Local Plan policy is H5 which permits the principle of new dwellings in Brize Norton in the following circumstances: infilling and the conversion of appropriate existing buildings. In this instance 'infilling' is the appropriate test.
- 6.4 Infilling is defined within the Local plan as *'the filling of a small gap in an otherwise continuous built up frontage However, all gaps may not be appropriate for infill development. Some may form important features in the village and/or allow attractive views to be gained beyond the site.'*
- 6.5 In respect of the issue of principle, given the age of the Local Plan it is necessary to consider whether or not policy H5 is consistent with the much more recent 'National Planning Policy Framework' which focuses on achieving sustainable development. In this regard the NPPF at advises at paragraph 55 that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.
- 6.6 In this regard, Brize Norton is categorised as a 'Village', sitting underneath the more sustainable 'Group C' Service Centres and Other Centres and 'Group B' Medium sized villages. Whilst the NPPF and the NPG make explicit reference to the avoidance of new isolated homes in the countryside unless there are special circumstances to approve such developments, the test in respect of settlements which are not defined as open countryside locations is less tangible.
- 6.7 The application site constitutes an area of land enclosed by a stone wall with a gated access that according the application details is used as garden serving 'The Cottage', Burford Road. Whilst there is residential development to the north (former barn conversions) and to the west (listed buildings known as 'The Cottage' and 'Rookery Farmhouse'), this development constitutes a residential enclave quite clearly separated from other parts of the village by open spaces which contribute to the historic rural streetscene along this part of the Burford Road.
- 6.8 By reason of its siting, the development site does not, in your officers opinion fall within the definition of 'infilling' as described in policy H5 of the WOLP in that it does not form part of a continuous road frontage. Therefore it is considered contrary to policy H5 of the adopted WOLP. In respect of National Planning Guidance, officers consider that because the village, in terms of the Local Plan housing policy hierarchy, falls below the more sustainable locations within the District, that the proposal is also contrary to the paragraphs of the NPPF in terms of sustainable housing location. The 5 year land supply provision is not considered to outweigh these issues as the harms identified and supported at appeal are not outweighed by the marginal impact on the 5 year supply of the additional unit.

Character and Appearance of the Area and the setting of listed buildings

- 6.9 Notwithstanding the fact that the development will be screened by an existing wall and gated enclosure, the proposed dwelling and garage will be visible from public vantage points, and will, in your officers opinion, adversely urbanise the existing rural gateway which separates this part of the village from the more developed area along the western extremity of the Burford Road. As such, the development is considered contrary to policies H2 and BE2 of the adopted WOLP.

Listed Buildings

- 6.10 At present the walled garden contributes to the open rural setting of the listed buildings located to the west of the plot. The siting of a dwelling and garage on to the site as proposed, will in your officer's opinion, introduce an intrusive urbanising element within the immediate context of the historic buildings to the detriment of their setting. In light of this the proposal is considered contrary to policy BE8 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF

Conclusion

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

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of the sites location adjacent to residential development divorced from the main built up areas of the village, the proposal does not constitute 'infilling' as defined in the adopted Local Plan and as such is considered contrary to policy H5 of the adopted West Oxfordshire Local Plan and paragraph 55 of the NPPF in that, in terms of the Local Plan housing policy hierarchy, Brize Norton falls below the more sustainable locations within the District.
- 2 The proposed dwelling and garage which will be visible from the public domain, will appear as intrusive urbanising features which would add to the existing sporadic nature of development surrounding the site, to the detriment of the open rural character and appearance of the street scene along this part of the Burford Road and harming the historic setting of the heritage assets to the west. As such the proposal is considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.

14/0313/P/FP 2A The Crofts Witney	
Date	04/03/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional approval
Parish	WITNEY
Grid Ref:	435252,209573

APPLICATION DETAILS

Erection of office and five flats with associated parking.

APPLICANT

Jack James Homes, Tree Tops, Singe Wood, Hailey, Oxon.

BACKGROUND INFORMATION

This application relates to a car showroom/garage located close to the junction of The Crofts with Corn Street. The application seeks consent to redevelop the site for 5 flats and a small lock up office. Off street parking for 5 vehicles would be provided. The building comprises 2 and 2/1/2 storey development that is set against the back edge of the pavement and a smaller rear wing running perpendicular to the street. It is proposed in stone and render with wood cladding detailing to the rear elevations.

1 PLANNING HISTORY

An application for a larger development of a similar description was withdrawn prior to determination.

2 CONSTRAINTS

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

3 CONSULTATIONS

3.1 Town Council

“Witney Town Council objects to this previously rejected application on the grounds that it is a complete overdevelopment of the site and the rear windows will overlook neighbouring properties and therefore contrary to Policy BE2 of the WOLP.

The design is also out of keeping with the street scene and could lead to loss of light to the neighbouring buildings which is also contrary to Policy BE2 of the WOLP.

Witney Town Council also objects to the application as there is insufficient parking for the number of flats and the office (less than the recommended 1.5 spaces per unit) and there is insufficient turning space for cars and is therefore contrary to Policy BE3 of the WOLP.

The Town Council also objects to the proposal as there is no amenity space for residents which is contrary to Policy BE4 of the WOLP.”

3.2 OCC

No response to date.

3.3 WODC Environmental Health Officer

No response to date.

4 REPRESENTATIONS

A letter has been received from Emma Wilsdon of 68 The Crofts raising concerns that:

- Parking is already at a premium.
- Application would make situation worse.
- Adjoining junction is unsafe for pedestrians and vehicles.
- HGV traffic in the area due to the Eagle industrial estate.
- Site needs developing as it is an eyesore but this is overdeveloped.
- Road is only small and thin and was intended for only 100 houses.

5 APPLICANT'S CASE

Writing in support of the proposals the applicants advise (in summary):

- Layout is designed to create a traditional street front.
- Site is located close to shops and services.
- Building has been carefully designed to avoid impact to neighbours.
- Buildings have been removed from the outlook of Crofters Mews.
- Materials are in keeping.
- Sustainable construction will be used.
- Adequate car and cycle parking is provided.
- OCC has confirmed proposals conform to highway requirements.
- Existing building is an eyesore.
- Proposals will enhance conservation area.
- Site is not viable for employment/redevelopment for employment.
- Substantial highway benefits from loss of existing use.
- Amenity of neighbours will be enhanced.
- There will be no direct overlooking to properties in Corn Street.
- Roof forms are lower than adjoining buildings.

6 POLICY

It is considered that policies H2 H7, BE2 BE3 BE5 and E6 are of most relevance along with the advice of the NPPF and NPPG.

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
Design/Conservation Area
Neighbourliness
Highways

Principle/land designation/Policy

7.2 This site lies within the most sustainable settlement in the district and is surrounded by properties – mostly in residential use. The principle of housing development is therefore considered to accord with policy H7 and the advice of the NPPF. The existing business is subject to policy E6 which in general terms seeks to keep employment sites in employment use unless there are substantial benefits of a redevelopment to an alternative use. In this instance the combination of the retention of an element of employment, the general thrust of the NPPF to release more sites for housing, the visual benefits to the conservation area, the loss of the non conforming commercial use and the highway/parking benefits of providing a lesser traffic generator with on plot parking all combine to sufficient of a reason to allow the redevelopment in your officers assessment.

Design and impact on Heritage Assets

7.3 The existing building is visible from within Corn Street as well as The Crofts and detracts from the character and appearance of the area. The use is similarly unsightly. Whilst the proposed redevelopment is a taller frontage building and therefore more visible, it is of a significantly better design such that your officers conclude that it will enhance the Conservation Area. Similarly, whilst

close to an adjoining listed building the form and scale of the redevelopment are such that they are considered much more complimentary to the setting of the building than the existing flat roofed building form.

Neighbourliness, pollution and Environmental Health

- 7.4 The loss of a trading commercial motor facility clearly offers the potential of some betterment to neighbours in terms of disturbance etc. The key issue is therefore whether the additional massing and windows at first and second floor level will give rise to additional overlooking, overbearing, overshadowing etc. In this regard Officers will make use of the submitted plans at the meeting to carefully explain the key relationships as the built form context and relationships are somewhat complex in the vicinity of the site. However, the conclusion is that the extent of harms are insufficient to justify refusal and in any event are outweighed by the benefits of loss of the commercial use.

Highways

- 7.5 The Local Highway Authority Area Liaison Officer has yet to assess the proposal from parking and safety perspectives. Therefore, officers are not as yet in a position to advise as to whether the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. It is assumed that they will be raising no objections but a verbal update will need to be given at the meeting.

Conclusions

- 7.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable in principle on its planning merits but a full recommendation cannot be made until such time as outstanding consultation responses have been received. A verbal update will be given at the meeting.

RECOMMENDATION

Provisional approval.

14/0314/P/DCA 2A The Crofts Witney	
Date	04/03/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	WITNEY
Grid Ref:	435252,209573

APPLICATION DETAILS

Demolition of existing garage.

APPLICANT

Jack James Homes, Tree Tops, Singe Wood, Hailey, Oxon.

BACKGROUND INFORMATION

Please see report under 14/0313/P/FP for background information.