

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

21 July 2014

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**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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14/0399/P/FP Land at Swinbrook Road Carterton	
Date	21/03/2014
Officer	Abby Fettes
Officer Recommendation	Grant, subject to the applicant first entering into a legal agreement
Parish	CARTERTON
Grid Ref:	

APPLICATION DETAILS

Erection of 66 dwellings with associated access, open space and landscaping. Creation of extension to Kilkenny Lane Country Park and link road.

APPLICANT

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

BACKGROUND INFORMATION

The proposal site is to the north of the allocated second phase of the North Carterton Development Area and comprises land to the east of Swinbrook Road, with the Country Park and Shilton Park to the east, with open space to form an extension to the country park to the west. To the north of the site lies the allotments and open countryside, and the existing built up area of Carterton and recently approved scheme on the allocated site is to the south. The site area is 21.82ha.

The proposal is full application for the erection of 66 dwellings, 7 x 2 bed, 49 x 3 bed and 10 x 4 bed units. As the site is beyond the allocation the application has been advertised as a departure.

1 PLANNING HISTORY

- 1.1 08/1439/P/OP Erection of 200 dwellings, access road, parking, landscaping and associated works. Withdrawn prior to the submission of the current application
- 1.2 09/1139/P/OP Outline planning application for erection of up to 200 dwellings, access road, parking, landscaping and associated works. Lowlands sub committee resolved to approve the application in March 2010. The application is still live as the legal agreement has not been signed and therefore the decision has not been issued.
- 1.3 13/1752/P/FP 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. Resolved to approve at March sub committee, awaiting legal agreement to be signed.

2 CONSULTATIONS

2.1 Carterton Town Council

Council supported application but made following observations:

- *“The area of land designated POS is still being referred to as an extension to the country park. This land is required by the town for sports and recreation, allotments and a cemetery and as such may see some later development to facilitate those requirements. The LPA is asked to confirm that this designated land will be available to the town for the above provision as indicated during the public consultation.*
- *The access to the site should be constructed prior to development of the site to ensure construction traffic does not enter via Swinbrook Road.*

- Concerns regarding surface water drainage need to be addressed and a robust flood risk and surface water drainage strategy post development should be put in place prior to commencement.
- Employment provision in Carterton is insufficient to serve the existing population with 316 houses the situation will worsen. The LPA should support sustainable economic development in Carterton by producing a clear strategy for allocating sufficient land for employment prior to considering this application.
- It is disappointing yet again there are no 5 bed houses in the development mix. Residents in smaller houses are faced with moving out of the town if they want to move up housing ladder and therefore free up houses lower down the chain for newcomers.”

2.2 WODC Public Art

“£13,200 requested towards enhancements to functional street furniture such as wooden posts.”

2.3 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 new homes required in Carterton ranges from one bedroom apartments to four bedroom family housing. The ideal mix would be a ratio of 65% smaller homes to 35% 3 bed with a very limited number of 4 bed. If this mix were to be achieved, then Housing services would be able to fully support this application for new homes in this location.

An example of a scheme mix based upon 26 affordable homes would be:

- Rent = 17, of which 11 x one and two bed homes, 5 x three bed homes and 1 x four bed home.
- S/O = 9, of which 6 x two bed homes and 3 x three bed homes.”

2.4 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 £153,000 per 1000 population or £612 per dwelling (at an average occupancy of 2.5 persons per dwelling).

Therefore two Football Pitches provision and maintenance costs per dwelling = £1,224.00
 $£1,224.00 \times 66 = £80,784.00$ off site contribution towards Sport/Recreation/Community facilities within the catchment.

Research carried out within the country park via surveys and general feedback from users highlights the need for improvements/additional facilities. Contribution required £45,000.”

2.5 Environment Agency

“We have no objections to the proposed development. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.”

2.6 Thames Water

“Following initial investigation, 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 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.”

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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.”

2.7 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 £6,300 towards ANPR camera and a bike.”

2.8 OCC single response

Highways – *“No objection subject to conditions and contributions.”*

Archaeology – *“No objection subject to condition.”*

Minerals and Waste – *“No objection.”*

Education – *“No objection subject to contributions.”*

Property – *“No objection subject to contributions.”*

Ecology – *“WODC should seek their own ecological advice.”*

3 REPRESENTATIONS

3.1 One letter received from 51 Swinbrook Road objecting on following grounds:

- Developer has been underhand, first application was for 200 houses, now find in same area a total of 316 houses.
- 66 dwellings in this area too high density and not proportionate.
- Area is prone to flooding.
- Water pressure is extremely poor.
- Existing sewerage system unable to cope and not been taken into account by developer.
- Concerned that contractor vehicles will be parked in Swinbrook, Kilkenny and Manor Roads, we want written assurances that these vehicles will not be permitted to park or use Swinbrook road for deliveries.

3.2 One letter received from 9 Sedge Way commenting that:

- Application should be assessed alongside previous app for 250 homes so a total of 316 homes will be built at North Carterton which is too many homes and will cause issues around transport for local residents.
- Concern about loss of habitat for farmland birds and mammals, have raised the lack of a strategic approach by WODC.
- Welcome increase to country park however thought needs to be given to types of habitat created and long term management of the park.
- Significant population of house martins and swallows in the vicinity and it would be fantastic if provision could be made for additional homes on the site.
- I believe if biodiversity is taken into account it can be advantageous to wildlife and local residents.

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
- 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:

4.3 Flood Risk Assessment

- Proposed development will incorporate Sustainable Drainage Systems and a foul water pumping station designed and constructed to adoptable standard.
- The proposed development will not be subject to unacceptable flood risk and does not increase risk of flooding elsewhere.

4.4 Transport Assessment

- Demonstrates that 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.
- It is considered that there are no transport and highways grounds for refusal.
- The FTP will promote more sustainable modes of transport and will be secured by a S106 agreement.

4.5 Ecology

- There are 7 separate reports covering breeding birds, badgers, invertebrates, reptiles, desk study, vegetation and phase 2 ecological studies. Several have been updated since the previous application, however the conclusions are the same, that the development can be accommodated without detriment to ecology subject to mitigation measures.

5 **POLICY**

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

H1 (Phasing), H2 (General residential development standards), H3 Range and type of accommodation), H11 (Affordable housing on allocated and previously unidentified sites), BE2 (General development standards), BE4 (Open space within and adjoining settlements), BE3 (Provision for parking and movement), BE13 (Archaeological assessments), BE19 (Noise), NE1 (Safeguarding the countryside), NE2 (Countryside around Witney and Carterton), NE6 (Retention of trees, woodlands and hedgerow), NE10 (Water resources), NE12 (Renewable energy), NE13 (Biodiversity conservation), NE15 (Protected species), T1 (Traffic generation), T2 (Pedestrian and cycle facilities), T3 (Public transport infrastructure), Proposal 15 (North East Carterton Development Area – off Swinbrook 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).

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
Residential amenity
Highways
Ecology
S106

Principle

6.2 The proposal site is beyond the allocated area for development as defined by proposal and is therefore a departure from Local Plan policy.

6.3 However, para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.4 Carterton is the second largest settlement within the district and arguably the second most sustainable town. Therefore, in the absence of a five year land supply and any other substantive reasons for refusal, officers consider that this small extension to a previously allocated site can be viewed favourably. Additionally a large area of open space to the west of Swinbrook Road forms part of the application which will be a substantial additional recreational benefit for future residents and the town and surrounding area.

6.5 It is proposed that 39.5% of the houses are to be affordable which is in accordance with the Draft Local Plan and above the requirements of proposal 15 of the Adopted Local Plan which only required 30% to be provided on the adjacent allocated site. Therefore 26 affordable units are proposed, comprising 7 x two bed units and 19 x 3 bed units. It is proposed that there will be affordable rented and shared ownership properties, the mix will be secured by legal agreement.

6.6 The proposal is considered to be in accordance with the NPPF.

Residential amenity

6.7 The layout and design have been specifically planned to tie in with the adjacent site that was approved under application 13/1752. The mix of 2, 3 and 4 bed houses is considered to meet a local need.

6.8 There are only four existing properties on the east side of Kilkenny Lane that are immediately adjacent to the site and likely to be affected by the proposal, however the proposal has taken account of this and there are not considered to be any detrimental impact to their amenities. No representations have been received from these properties.

6.9 The application is considered to be in accordance with policies H2 and BE2.

Ecology

6.10 As summarised in paragraph 4.5 a variety of ecology report have been submitted in support of the application. It is not considered that the proposed development would result in harm of protected species or habitats and the mitigation measures recommended in the reports can be secured by condition.

6.11 The proposal is considered to accord with policies BE13 and BE15.

Highways and parking

6.12 The proposal includes sufficient parking for the proposed dwellings, 132 spaces in total. (The link road and access was approved under application 13/1752/P/FP). The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. They have recommended conditions (which are to be clarified) and seek contributions toward public transport improvements and a Carterton Area Transport Package, a strategic effort to mitigate the impacts of future growth in the sub area. 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.

6.13 The proposal is considered to accord with Policy BE3.

S106 Heads of Terms

6.14 The following contributions have been requested:

Organisation	Contribution requested	To provide
OCC Highways	£214, 810.86	Public transport and Carterton Area transport package
OCC Education	£316, 460	Primary school provision and special educational needs
OCC Property	£85, 337	Fire and Rescue, Libraries, Waste Management, day care and museum resource centre
WODC Leisure	£125, 784	Sports pitches and country park improvements
WODC Public Art	£13, 200	Functional art
Thames Valley Police	£6300	A bike and ANPR camera
Total	£761, 891.86	

6.15 Furthermore the applicant has offered a sum towards maintenance/future enhancements to the extended country park.

6.16 Confirmation has yet to be received from the applicant that they are prepared to meet all the requests in accordance with Policy BE1.

Conclusions

6.17 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that whilst the proposal is a departure from policy, this is justified given the councils current 5 yr land supply and because the development is sustainable in accordance with the NPPF. The proposed development is considered acceptable on its planning merits.

RECOMMENDATION

Grant subject to the applicant entering into a legal agreement.

Conditions will be reported in the Additional Representations report but will cover:

Highways
 Drainage
 Archaeology
 Ecology

14/0492/P/FP Church Farm House Church Road North Leigh	
Date	01/04/2014 10/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438589,213397

APPLICATION DETAILS

Alterations and erection of rear extension and detached garage, conversion of barn to dwelling and associated works.

APPLICANT

Mr Radulph Hart-George, The Old Rectory, Water Stratford, Buckinghamshire, MK18 5DX.

BACKGROUND INFORMATION

This application was deferred consideration at the June Sub Committee meeting for a site visit. The site visit is to be carried out on Thursday 17 July.

The application consists of three elements which are as follows:

A single storey extension to the rear of the existing dwelling;

Conversion and refurbishment of an existing single storey outbuilding to provide ancillary accommodation to serve the dwelling;

A two storey, freestanding garage and store building.

The application is accompanied by a design and access statement, an ecology report and an arboricultural survey and report.

The application has been referred to the Sub Committee at the request of Councillor Barry Norton for the following reason- 'I would appreciate this coming to Committee as Dr Harrison has issues with process and I can tell him he can public participate'.

1 CONSTRAINTS

Church farmhouse is a grade II listed building.

2 CONSULTATIONS

2.1 Parish Council

"It is difficult to visualise the kitchen extension from the drawings and elevations supplied however whilst it appears overly contemporary for the listed farmhouse it is attached to a 'service wing' on the rear of the property and should therefore be unsighted. The remaining work seems to be sympathetic and complimentary to the property.

We see no issue with the conversion of the barn to a granny annex and anticipate the joint heating system should ensure that it is not sold as a separate dwelling. For the avoidance of doubt however, we would recommend a condition preventing the barn being sold as a separate unit."

2.2 OCC Highways

"No objection."

2.3 West Oxfordshire District Council- EHO

"No objections."

2.4 Thames Water

"No objection subject to an informative."

2.5 OCC Archaeology

"No objection subject to a watching brief being maintained during the period of the construction."

3 REPRESENTATIONS

Representations have been received from Paul and Sandra Harrison of Harcourt House, Michelangelo of Monte Cristo and J Wilks of Harcourt Cottage. Their comments are briefly summarised as follows:

- The plans and elevations of the proposed garage are not on the website;
- I strongly object to altering the house in view of its long history in the village;
- We have no objections to the construction of the garage or modifications to the barn but we object to the proposed rear extension;
- Our primary objection is overshadowing and overbearing;
- We estimate the extension to be 5.5m high and 7.8 m long;
- The overbearing and overshadowing are significantly exacerbated by several factors:
- By the location of Church Farmhouse to the south/south west of our house. The part of our garden closest to our house and our patio area, are already in the shadow of the existing Church Farm House in the morning. The sun would not emerge beyond the proposed extension, and give any sunlight until late afternoon. For example, last weekend, it would have been after 6pm before the sun was actually visible from the house or patio area. Even at the height of summer, there would be significant shading along much of the width of the garden throughout the afternoon;
- By the fact that the extension runs right up against our shared boundary wall- there is therefore no mitigation against the overbearing overshadowing effect;
- The effect of the extension on our property is exaggerated because Church Farm House is set back relative to our house such that the back of Church farmhouse is currently 9.5 m further back than ours. The proposed extension will increase this to 16.5 m-i.e. a substantial increase , as well as absolute amount;
- The effect of the height of the extension on our property is exaggerated because the back of our house and patio are at a lower level than Church Farmhouse;
- There is a tunnelling effect, because the large barn conversion (The Barn) which runs along the other side of our garden (one property further along), is parallel with the proposed extension;
- We would suggest that the extension is an inappropriate 'scale of development', given the location; given that Church Farm House and our property are both Grade II listed; and given that it is only intended to be a single –storey extension to enlarge the kitchen;
- An extension on the other side linking the property to the barn, would not raise the same issues- nor would it have major effects on any other neighbouring properties.

4 APPLICANT'S CASE

The application is accompanied by a very detailed design and access statement which includes a historical development report, an arboricultural survey and report and an ecological survey. The statement can be made available upon request.

5 POLICY

The key policies in respect of this application are BE2, BE3, BE7, BE8, BE13, H2, NE6, NE15 and relevant paragraphs of the NPPF.

6 PLANNING ASSESSMENT

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

1. The impact on the architectural integrity and setting of the listed building;
2. The impact on neighbour amenity;
3. Impact on highway safety;
4. Impact on archaeology, ecology and trees.

Impact on architectural integrity and the setting of the listed building

- 6.2 The conversion works proposed to the existing outbuilding in order to provide annexed accommodation to serve the house are considered sympathetic in terms of the proposed works to the outbuilding and to the setting of the listed building and thus can be supported at officer level.
- 6.3 The free standing two storey garage and storage block is located amongst a prominent group of trees located to the south east of the house. Both its pitched roof form and materials (wooden clad walls and artificial slate roof) are considered appropriate in context and given that the trees are to be retained as part of the scheme, it is considered that the building will be easily absorbed within the historic context of the site and not harm the setting of the listed house.
- 6.4 The single storey rear extension is of a simple gabled form in natural stone with folding doors in the flanking elevation, with a reconstructed stone slate roof and concealed gutters. The end gable is fully glazed. In design terms, whilst somewhat contemporary in its design detailing it is considered an acceptable addition to the listed building.
- 6.5 The internal alterations to the listed building which include minor changes, the most significant of which is the large opening to create the open plan kitchen diner are considered acceptable in listed building terms.

Impact on neighbour amenity

- 6.6 The immediate neighbour has raised concerns about the impact of the rear extension on their property raising concerns about overbearing and overshadowing. The extension is 5.1m to ridge and 2.3m to eaves and 8.3m long as it projects from the rear of the existing roof slope of the service wing.
- 6.7 The extension which runs along the south western boundary of the neighbour's property is set some distance away from the main living room windows and the more private part of the garden serving 'Harcourt House', in fact it is located approximately half way down the garden. Further, the wall of the extension, whilst visible from the garden serving 'Harcourt House', is in reality set behind the existing garden wall by approx half a metre, thus reducing any impact along the common boundary. The eaves height of the extension is only slightly higher than a standard 2 m boundary enclosure which would normally not require planning permission. In addition the roof line is moving away from the common boundary, once again reducing any impact on the middle section of the garden in terms of any overbearing or overshadowing impact.
- 6.8 The extension by reason of its proximity to the neighbours south western boundary will result in some additional overshadowing of the middle section of the garden, but it will not impact on either the windows or the private patio area serving that dwelling. As such, the residential amenity of 'Harcourt House' will not be so adversely affected by the development such that a refusal of planning permission is warranted or could be sustained at appeal.

Impact on highway safety

- 6.9 The County Highways officer has raised no objections to the proposals and has not required the imposition of any conditions.

Impact on archaeology, ecology and trees

- 6.10 The application has been accompanied by reports in respect of both the ecology of the site and the impact of the development on the trees on the site. Conditions have recommended in respect of the mitigation measures proposed in the ecology report and in order to ensure that the trees on the site are not adversely affected by the development.
- 6.11 The County Archaeologist has requested a 'watching brief' condition as the application site lies just to the south of a shrunken medieval village.

Conclusion

- 6.12 In light of the above, 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) PL002, PL010, PL011 (RevA), PL012 (RevA), PL013, PL014, PL015, PL016, PL017, 0664-02, 0664-03revA, 0664-04revA and ecological mitigation measures contained in the 'avianecology' report.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The roof(s) of the building(s) and extension hereby approved shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the architectural integrity of the listed building and its setting. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls of the extension hereby approved 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 listed building and its setting. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)
- 5 Prior to the commencement of development samples of the roofing and external walling materials to be used in the construction of the garage and store building hereby approved shall be submitted to and approved in writing by the LPA and the building shall be constructed in accordance with the said approved details.
REASON: In the interests of the setting of the adjacent listed building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details with elevations of each assembly at a min 1:20 with sections of each component at a min 1:5, roof lights, solar panels, verge and eaves details of the extension to the existing dwelling (including the cross gutter detail), rainwater goods including details of external finishes and colours, replacement greenhouse shall be submitted to and approved in writing by the

Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the architectural integrity of the listed building and its setting. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)

- 7 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 elevation(s) of the extension to the listed house hereby approved.
REASON: To safeguard privacy in the adjacent property and the architectural integrity of the listed building. (Policies BE2, H2 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 8 The garage / store building and outbuilding converted as a residential unit hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied separately.
REASON: In the interests of the residential amenity of the existing dwelling and the setting of the listed building. (Policies BE2, H2 and BE7 of the adopted WOLP 2011)
- 9 No development shall take place until a programme of archaeological work has been carried out in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.
REASON: To afford the opportunity for archaeological investigations and recording during the development. (Policy BE13 of the adopted West Oxfordshire Local Plan 2011)
- 10 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)
- 11 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 contributes to the character of the area and the setting of the listed building. (Policies NE6 and BE7 of the adopted West Oxfordshire Local Plan 2011)

14/0493/P/LB Church Farm House Church Road North Leigh	
Date	01/04/2014 10/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438589,213397

APPLICATION DETAILS

Internal and external alterations to include erection of rear extension and detached garage, conversion of barn to dwelling and associated works.

APPLICANT

Mr Radulph Hart-George, The Old Rectory, Water Stratford, Buckinghamshire, MK18 5DX.

BACKGROUND INFORMATION

This application was deferred consideration at the June Sub Committee meeting for a site visit. The site visit is to be carried out on Thursday 17 July.

For background information, constraints, consultations, representations and policy see report under 14/0492.

I PLANNING ASSESSMENT

- 1.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:
- The impact of the proposed development on the architectural integrity of the Grade II listed building and on the setting of the listed building.
- 1.2 The conversion works proposed to the existing outbuilding in order to provide annexed accommodation to serve the house are considered sympathetic in terms of the proposed works to the outbuilding and to the setting of the listed building and thus can be supported at officer level.
- 1.3 The free standing two storey garage and storage block is located amongst a prominent group of trees located to the south east of the house. Both its pitched roof form and materials (wooden clad walls and artificial slate roof) are considered appropriate in context and given that the trees are to be retained as part of the scheme, it is considered that the building will be easily absorbed within the historic context of the site and not harm the setting of the listed house.
- 1.4 The single storey rear extension is of a simple gabled form in natural stone with folding doors in the flanking elevation, with a reconstructed stone slate roof and concealed gutters. The end gable is fully glazed. In design terms, whilst somewhat contemporary in its design detailing it is considered an acceptable addition to the listed building.
- 1.5 The internal alterations to the listed building which include minor changes, the most significant of which is the large opening to create the open plan kitchen diner are considered acceptable in listed building terms.
- 1.6 In light of the above the application for Listed Building Consent is recommended for conditional approval.

RECOMMENDATION

Grant subject to the following conditions:-

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 That the development be carried out in accordance with plan No(s) PL002, PL010, PL011 (RevA), PL012 (RevA), PL013, PL014, PL015, PL016 and PL017.
REASON: For the avoidance of doubt as to what is permitted.
- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 4 The roof(s) of the extension and converted outbuilding shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the listed building and its setting. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 5 The external walls of the extension 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 listed building. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details with elevations of each assembly at a min 1:20 with sections of each component at a min 1:5, rooflights, solar panels, verge and eaves details of the extension to the existing dwelling (including the cross gutter detail), rainwater goods including details of external finishes and colours, replacement greenhouse shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the architectural integrity of the listed building and its setting. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)

14/0519/P/FP 3 High Street Aston	
Date	10/04/2014 10/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	ASTON, COTE, SHIFFORD AND CHIMNEY
Grid Ref:	433921,203032

APPLICATION DETAILS

Erection of two storey extension to existing dwelling and erection of attached dwelling with associated parking.

APPLICANT

Jack James Homes Ltd, C/O Agent.

BACKGROUND INFORMATION

This application is proposing extensions to an existing cottage to provide additional accommodation to serve the existing cottage and an attached separate dwelling house. The materials are to match the existing cottage and the designs of the extensions are of a form and scale to match the existing cottage. There are two car parking spaces proposed to serve each dwelling.

1 CONSTRAINTS

The site is located within the Conservation Area.

2 CONSULTATIONS

2.1 West Oxfordshire District Council (Architect)

"No Objection subject to conditions."

2.2 West Oxfordshire District Council (Engineer)

"No objection subject to conditions."

2.3 West Oxfordshire District Council (Environmental Health Officer)

"No objection."

2.4 Thames Water

"No objection."

2.5 Parish Council

*"The Parish Council **objects** to the application for the following reasons:*

- *the proposed access to the off-street parking within the design presents a potential danger to both pedestrians and vehicles, as the visual splay is inadequate*
- *an increase in the size of the existing property and construction of a new separate dwelling will increase the number of people potentially living in the properties, with a potential increase in the number of vehicles requiring parking in the vicinity. Any potential increase in the amount of on-street*

parking at this location presents a potential road safety hazard, given the location of the site on the main road through the village which has limited parking capacity, and its position opposite the entrance to a cul-de-sac and in close proximity to bus stops

- *the proposal that the new attached dwelling will extend further into the rear gardens than the existing dwelling will create a visually unappealing structure, which will be detrimental to the conservation area.’”*

2.6 OCC Highways

“This application should be refused.

Grounds for Refusal

A site visit has been undertaken.

The proposal seeks the alteration to the existing dwelling along with the creation of a new 4-bedroom dwelling.

The proposed vehicular access arrangement it does not meet standards regarding pedestrian and vehicular awareness vision splays and thus would have a high risk regarding pedestrian and vehicular safety.

Ease of access into the proposed parking spaces for the existing dwelling would be difficult given the narrow space between the proposed car-port and the boundary wall.

It is likely that vehicles which would have been parked in this space are likely to be located within the vicinity of the proposal, which is likely to lead to on-street parking or parking within the nearby residential cul-de-sac.”

2.7 County Archaeologist

“Should planning permission be granted we recommend the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction.”

3 REPRESENTATIONS

Letters and E-mails have been received from Mr and Mrs Wilson of 1 High Street and Miss Alex Polsom of 2 High Street. Their comments are very briefly summarised as follows:

The plans show no clear access to the garden of 3 High Street;

Permission was given for a single storey only at 1 High Street;

The previous owner applied for permission to erect a two storey extension, permission was granted for a single storey extension;

A two storey extension would give shade over the gardens of other properties;

The plans amount to ‘over-development’;

I would point out that if the new extension was proposed as a single storey, then I would have less of an issue;

The creation of parking spaces as proposed will increase the hazards to an already dangerous road which has a bus stop very close to a dangerous bend;

The development appears to enhance the village but our objections largely concern the scale of development, the allowance for parking and the potential traffic disruption as a consequence;

Whilst two spaces are provided for both dwellings it is hard to imagine anyone using it due to inconvenience it would cause, the result being that it is more than likely that at least one car will be parked on the road;

The proposal could result in up to 7 cars having to be parked either in front of no.1 or the Limes or opposite the entrance to Vicarage Close.

There appears to be no way of accessing the garden of No3. It is understood that the covered passageway between No2 and No3 is the property of No2 and there is no right of way;

We hope that parking provision will not affect the existing lines of trees, but no mention has been made of this. The removal of said trees will undoubtedly have a large effect on the current character of the area;

We fear that although the additional traffic movements generated may be minimal, the access issues from the carport and parking area on to High Street could be significant. Additional parked vehicles along the road will severely restrict vision;

It is a pity this plot could not be developed as a single family home with effective off street parking, rather than trying to shoehorn two dwellings with a large combined number of bedrooms into the same area, with the attendant issues.

4 APPLICANT'S CASE

The application is accompanied by a detailed design and access statement which in a précised form can be briefly summarised as follows:

Principle of works to No.3

Previously this property has been extended at the rear with an unsympathetic two storey and single storey extension, both of which are currently visible within the street scene and the wider Conservation Area. The proposed two storey gable ended extension will be a sympathetic appropriately designed and scaled extension set away from the shared boundary with the neighbour to ensure that no neighbour amenity issues arise as a result of the proposals.

Proposed additional dwelling

It is evident on site that the existing terrace of properties originally consisted of a terrace of four dwellings, with the end one demolished some time ago. As such, the extension of the terrace to form a new dwelling will be in keeping with the existing scale and pattern of development. The scale and design is in keeping with the character and appearance of the surrounding area such that the new development will either preserve or enhance the character of the Conservation Area. An area of private amenity space will be provided to the rear, with two on plot parking spaces provided by way of a carport.

Traffic generation and highway safety

On plot parking is proposed to serve both units, providing two spaces per unit. This complies with standards. There will be no detrimental impacts from the low number of additional traffic movements on the adjoining adopted road. Furthermore it is important to note that that the plot did originally accommodate four dwellings, therefore the amount of vehicle movements resulting from the new development will equal that originally generated by the original development on site.

Conclusions

The proposed removal of unsympathetic extensions will make a positive contribution towards the overall character and appearance of the Conservation Area.

The proposed two storey extension will be sympathetically designed in terms of scale and materials and has been designed to ensure no neighbour amenity issues arise.

The principle of new residential development is policy compliant. The provision of an additional dwelling upon the site will provide additional residential development on a sustainable well located site, contributing towards the retained vitality of the existing village and its services.

5 POLICY

BE2, BE3, BE5 and H2 of the West Oxfordshire Local Plan 2011 and the provisions of the NPPF are of most relevance.

6 PLANNING ASSESSMENT

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

Principle
Design
Neighbours
Highways

Principle

- 6.2 The site is located within one of the more sustainable villages within the District and in the current position where there is a lack of a five year housing land supply, it is considered that the presumption in favour of sustainable development set out in the NPPF applies and that, in principle, an additional dwelling on the site could be supported, provided that there are no substantial and demonstrable harms that would outweigh the presumption.

Design

- 6.3 The design, materials and scale of both the proposed extension and attached dwelling are considered appropriate in terms of both physical extensions to the existing terraced block and the Conservation Area context. The loss of the existing unsympathetic extensions and the replacement with more appropriately designed extensions is considered by officers as a positive enhancement of the character and appearance of the Conservation Area.

Neighbourliness

- 6.4 The development has been designed to have regard to the sites context and in particular the neighbour at No.2 High Street. The majority of the proposed two storey extension to the rear of No.3 is set further from the common boundary with No.2 than the existing extensions and the majority of windows serving the new extension look down the garden .The only side facing window which lights the kitchen looks onto the boundary fence between the two properties.
- 6.5 The new attached dwelling is set far enough away from the neighbours to the side and rear so as not to adversely affect the residential amenity of those properties.

Highways and parking

- 6.6 Members will note that OCC Highways has objected to this proposal on two grounds regarding the inadequacy of the vision splay to serve the development and the inconvenience/inadequacy of the parking arrangements. In light of this the development is considered contrary to saved policy BE3 and relevant paragraphs of the NPPF.

Conclusions

- 6.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is **unacceptable** on its planning merits due to reasons relating to highway safety and convenience.

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of the inadequate vision splays to serve the development the proposal is considered detrimental in highway safety terms. As such the development is considered contrary to policy BE3 of the adopted WOLP and relevant paragraphs of the NPPF.
- 2 By reason of the inadequate parking arrangements to serve the development the proposal is likely to result in vehicles parking on the local road network to the inconvenience of both future occupiers and existing occupiers located within the vicinity of the site. As such, the development is considered contrary to BE3 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.

14/0529/P/OP Land to the North of 71-81 Park Road North Leigh	
Date	11/04/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	NORTH LEIGH
Grid Ref:	439203,212961

APPLICATION DETAILS

Residential development of 20 dwellings with vehicular access and open space.

APPLICANT

Cover Construction Co Ltd Filkins Mill, Filkins, Lechlade, Glos, GL7 3RF.

BACKGROUND INFORMATION

The site is an agricultural field behind residential dwellings 71-81 Park Road. There is residential development to the west at Wilcote View, and open countryside to the north. The site is currently bisected by a footpath that connects Park Road with Church Road. The application would result in the realignment of this footpath.

The application seeks outline planning permission for a residential development of 20 houses with access taken from Park Road. Access to the site is detailed but all other matters are reserved. Illustrative plans detail a cul de sac of detached, semi detached and terraced dwellings grouped around a central green area with development projecting less far towards the escarpment edge than Wilcote View but further than the existing residential built form to the front and east of the site at this part of the village.

Members will recall that the application was deferred at the last meeting for members to undertake a site visit before determination of the application

I PLANNING HISTORY

- 1.1 13/1589 Construction of detached dwelling behind 71-81 Park Road Refused and appeal dismissed 3/6/2014 with the impact on the character of the edge of the settlement and the setting of the adjoining footpaths being key issues.
- 1.2 Previous applications for housing development in the mid 1980's were refused and dismissed at appeal and a proposal for a village hall on the land was withdrawn before determination.
- 1.3 The site has been tabled for inclusion in the SHLAA.

2 CONSULTATIONS

2.1 North Leigh Parish Council

"The parish considers this to be back land development, neither infilling nor rounding off and contrary to the local plan policies. They also have serious concerns about highway access at that point and the traffic that would be generated by such a development. The PC strongly resists building on this particular Greenfield site.."

2.2 OCC One Voice

"No objection subject to Highway conditions and S106 contributions to Education, Highways and property. However, Archaeology requires a field evaluation prior to determining the application."

2.3 Thames Water

"Waste Comments

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. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Surface Water Drainage - 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.”

2.4 Environmental Health

“Have no objections.”

2.5 WODC Architect

“The proposed site sits on the very edge of the ridge occupied by the village, and it commands wide and long views across the falling countryside to the north. Conversely, there are of course long views of the site from the land to the north, particularly from Church Road and Boddington Lane – and notably from the vicinity of the Grade I listed church. There are also views of the site at various points along the very well used footpath that runs from the site to Church Lane. And it is notable that in these views from the north, the village edge is not hugely prominent – the built fabric is discontinuous, broken up by mature vegetation and by the buildings stepping back and forth. My feeling is that the proposed site extends somewhat too far to the north, and that in those longer views the infill between the existing development to the east and west would be very apparent. I think that this would give a much more solidly developed, more urban, feel to the village edge in these views from the north, with buildings becoming much more dominant in the landscape. In addition, and with respect to the impact upon the immediate village environs, I think that the gap in the existing development, with the field coming right up to the road (and through which the important footpath passes), make important contributions to the character of the settlement. Again, infilling here would give a more urban feel. In summary, development here is problematic in principle, from our point of view.”

2.6 WODC Drainage

“No objection subject to conditioning surface water drainage incorporating SUDS.”

2.7 Crime Prevention Design Advisor

“No objection subject to condition requiring “Secured by Design” compliance.”

2.8 WODC Public Art

“Contribution of £4000 towards public art for community festivals and events.”

2.9 WODC Leisure

“Request £8990 towards play and leisure facilities and £5601 towards maintenance and enhancement of play and recreation facilities within the village.”

3 REPRESENTATIONS

3.1 50 letters received from local residents objecting on grounds summarised as follows:

- Site is very close to the sharp bend in the road and almost opposite Park Close.
- There are already 5 junctions in the vicinity and this would significantly add to the congestion and amount of traffic using Park Road.
- Parked cars already have difficulty negotiating Park Road as do buses.
- Park Road traffic is at capacity and is an accident waiting to happen.
- This development would seriously endanger other road users hinder traffic flow and create an increase in volume of traffic.
- Park Road is used as a rat run.
- 20 parking spaces is not sufficient, will be at least 30 cars.
- There is a significant level of pedestrian activity as footpath links eastern end of village with the church.
- The footpath has been there since at least 1833 and possibly since 1759 and locals do not want the course altered.
- These fields are an integral part of the village.
- The development is encroaching on the green belt, this area should be preserved not encroached upon.
- Will spoil views and character of the village.
- There is diverse ecology on site that will be affected.
- Trees and hedgerows will be affected (not mentioned on application form so survey work not done).
- The woodland behind 89-99 Park Road would be affected.
- Lack of information on proposed materials.
- Concerns that other estate type development will seek to expand the village.
- Will set a precedent for further development which will eventually erode villagers quality of life.
- Proposal is contrary to local plan and NPPF.
- Previous applications have been refused.
- Site not in SHLAA 2012.
- The school is over subscribed and this development will place more pressure on local system.
- North Leigh lacks a doctors surgery or a park, this site would be better used for that.
- Will result in loss of privacy to local residents, increased noise and light pollution.
- Historical issues with sewerage system in North Leigh.
- Six of the twenty proposed properties would look into our property (67 Park Road) and only 5 of the proposed properties are not overlooking existing houses.
- Proposed dwelling will be overbearing as the scale, size and mass is out of character with area.
- The houses will sit up on the sky line and ruin the view from the church.
- There are five birds on the RSPB red list in this area, and Barn Owls which are on the yellow list.
- North Leigh Bird Survey has recorded 45 different species.
- The proposed site is an important breeding ground for many species of mammals, insects, invertebrates and reptiles including frogs, newts, grass snakes, hedgehogs, weasels, foxes.
- There is Japanese Knotweed on the site.
- Properties 75-81 are old properties with shallow foundations that may not survive the adjacent building works or future traffic from proposed development.
- New houses would look ridiculous behind the lovely old cottages.
- Inadequate broadband and electricity provision in village.
- Water will pool in gardens of Wilcote View instead of running off into field.
- North Leigh can't cope with another 70 residents.

- There has been no community engagement.
- Will impact on whole community not just those closest to proposed development.
- The village does not need growth it needs to maintain its current status.

3.2 80 copies of a standard letter objecting on grounds summarised as follows:

- Proposed site is very important part of the character of North Leigh.
- Gives the village its beautiful natural setting with outstanding views to Evenlode Valley.
- Children and adults can walk freely across the footpath that crosses the field.
- Entrance to the proposed site would be opposite Park Close near bus stop and sharp bend.
- The busy road is narrow and cluttered with parked cars at peak times making it difficult to negotiate in order to reach the A4095.
- This location would create a very dangerous junction for drivers and pedestrians.
- Park Road is used as a short cut to access the A4095, A40 and A44.
- Village school at capacity.
- Village sewerage system won't cope with further 20 houses.
- Will open floodgates for further developments in village.
- We are against destruction of such a valuable part of the village.
- The District wide issue of providing enough new housing is not a reason to develop on sensitive rural sites such as this one.
- A more measured approach as a District would be to consider further development potential of the three service centres, the seven other centres and then to consider Group A and B villages.
- A balanced approach would be to suggest looking at North Leigh as a whole. This site exhibits special natural characteristics that may not apply elsewhere in the village.
- Surely an ecological report is needed?
- It appears an archaeological report is also needed – we understand Roman remains have been found.
- The Consultants state the development will merge with the countryside – it will but in a harmful way, seriously degrading the countryside.
- The proposed site is part of the Wychwolds Uplands Landscape Character Area. The consultants admit the site “has impact on views”. The land folds over down into the valley. Development would be clearly visible from roads, villages and hills in the far distance. We suggest the impact is a valid reason to refuse consent.

3.3 Two letters of support has been received on the grounds that:

- I grew up in Yarnton, live in Clanfield and work in Kidlington.
- This development would give me and my family the opportunity to purchase a house in a sustainable and thriving village.
- I believe North Leigh is well suited to a sympathetic and well planned expansion rather than a large scale development that may come forward in line with the National Planning Policy Framework.
- The developer is proposing 40% affordable housing.
- The site is well positioned for Witney, Oxford and Hanborough train station.
- It is an obvious site to address the lack of 5 year land supply within West Oxfordshire.
- The site is wholly sustainable and reflects the pattern of development within the settlement such as Wilcote Close.

4 APPLICANT'S CASE

The documents may be viewed in full on line or upon request to the case officer but the key points are summarised below:

4.1 Planning Design and Access Statement

The Council have a housing Land Supply shortage so there is a presumption in favour of sustainable development.

The proposal accords with the NPPF in that it would be sustainable development.

The site is not in a conservation area nor the AONB.

Village is a sustainable location for development.

The density would be in region of 21 dwellings per hectare, the scale would be 2 storey houses but appearance and layout are reserved matters.

Access is wide enough to provide for development and the existing footpath.

Vegetation could be retained.

Good public transport exists.

4.2 Sustainable Construction

The applicants intend to meet at least 5 of the 7 requirements of the West Oxfordshire District Council's Sustainable Construction Interim Planning Advice.

4.3 Foul Sewerage and Utility Statement

There is a foul water sewer running through the site and Thames Water do not anticipate connection of additional 20 houses to be problematic.

There is no surface water sewer as the ground conditions are suitable for soakaways.

All other utilities are available and will be provided via the access road.

4.4 Heads of Terms for SI06

40% affordable housing.

Open space.

Contributions towards matters arising through consultation.

Legal fees.

4.5 Writing in response to viewing the report at the last meeting the agent advises:

Affordable Housing

The application was submitted with Heads of Terms for a Legal Agreement suggesting 40% affordable housing. Other avenues could also be investigated and negotiated to bring the amount up to 50% provision that is sought if the Committee resolve to grant permission.

Ecology

There has been no request for an ecological report to be submitted nor was the application invalidated due to the absence of one. The applicant company would be happy to instruct an Ecologist to carry out an assessment in advance of planning permission being granted and this would incorporate any mitigation measures that would be necessary.

Archaeology

The applicant company is prepared to undertake archaeological investigations before planning permission is granted should the Committee resolve to grant permission.

Negotiated Legal Agreement

In many years dealing with planning applications, I have never see the content of a Section 106 Agreement finalised in advance of a Planning Committee Meeting when the application is first considered as it is usually the subject of a Committee Resolution.

5 POLICY

It is considered that policies BE1, BE2, BE3, BE4, BE13, NE1, NE3, NE13, H2, H11, TLC7 and TLC 8 are of relevance along with the provisions of the NPPF. Members will note however that policy H6 is not being cited as a key policy. As with the recent cases elsewhere in the District since Christmas and with the case elsewhere on this agenda at Aston the Council is not currently able to demonstrate that it has a 5 year land supply. As such, in accordance with the provisions of the NPPF, the strategic housing policies can no longer be afforded full weight and there is a presumption in favour of sustainable development unless there are significant and demonstrable harms (Paragraph 14 of the NPPF) The fact that the scheme is contrary to the strategic housing policy would of itself no longer be a reason to refuse development that was contrary to that policy.

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
Landscape
Layout and siting
Residential amenity
Highways
Ecology
Archaeology
106 package

Principle

- 6.2 The application seeks outline consent to establish the principle of residential development on this site. The development is of a scale and is in a location that the policies of the adopted local plan would not have allowed but in the absence of a 5 year land supply this policy objection is not, of itself, considered to represent a reason to withhold consent. The principle of development – provided that it is sustainable and does not cause harms sufficient to outweigh the presumption in favour of sustainable development set out in the NPPF, is considered to be acceptable.
- 6.3 However the scheme is only proposing 40% affordable housing. This is not in accordance with policy and on green field sites such as this -where infrastructure costs are low, a policy compliant 50% would normally be expected. No viability analysis has been put forward as to why a full affordable housing policy compliant provision cannot be met and as such the proposal is considered contrary to affordable housing policy H 11.

Landscape impact

- 6.4 The proposal will inevitably have a substantial urbanising impact on the setting of the very well used public footpath that goes from Park Road across the fields to the Church. The footpath would require a diversion to facilitate the development and instead of passing very quickly from the street frontage to the wider spaces of the countryside beyond would pass along a much more suburbanised route before the expansive views of the open countryside to the north were encountered.
- 6.5 The designation of the site under the 1998 Landscape Assessment is as semi enclosed Limestone Wolds (small scale). To clarify, this site is not in Green Belt but it is designated as countryside and the Inspector in the very recent appeal decision on part of the same site made some telling comments about the development of one plot of the site lying close to the built form of the village. The comments have particular resonance to the consideration of the impact of the larger scheme now under review.
- 6.6 Specifically the Inspector noted at paragraphs 5 and 6 of the decision letter that the development then under consideration was sited at the northern edge of the settlement in a part of the village characterised by linear development and planned cul de sacs. In particular note was made of the gappy frontage allowing views through to the countryside beyond and that the site is important in providing a gradual transition between the built form of the settlement and the more open landscape beyond which the WOLA refers to as visually sensitive and where the principle factors that potentially threaten landscape quality in this area are suburbanisation of rural settlements and the roads.
- 6.7 The Inspector went on to note the lack of a 5 year land supply and the reduced weight that could be applied to policy H6 but considered that the development then proposed would be “incongruous” and would weaken the landscape quality of the area eroding the area of transition from open farmland to built area causing material harm to the character and appearance of the surrounding area which would therefore mean it was not sustainable development as required by the NPPF.
- 6.8 In your officers opinion, if a single house located much closer to the existing built form and on the site of an existing shed has sufficient harm that it is considered unsustainable in the terms set out in the NPPF then it is clear that a development developing much further, of more impact upon the scarp edge and footpath (see Conservation Architect comments) and of a scale whereby the gappy nature of the frontage at this point would be substantially eroded can only logically be considered similarly or more unsustainable. In that the presumption in favour of development set out in the NPPF requires development to be sustainable your officers would conclude that this scheme would not, in light of the very recent findings of an inspector for less intrusive development of a less conspicuous part of this site, comply with the definition of sustainable development that the NPPF seeks to support.

Layout and siting

- 6.9 The application is in outline and as such the plans that have been submitted are illustrative only. The layout and form of the development is not however very inspiring taking the form of a standard cul de sac arranged loosely around a green area that is dominated by the road layout and where the existing rights of way network is compromised. However Officers consider that if the principle of development were acceptable then it would be possible to create a better layout that addressed these concerns.

Residential amenity

- 6.10 Officers similarly consider that if the principle of residential development was acceptable on this site that it could be designed to protect the privacy of existing adjacent properties and could be accommodated on the site without substantive harm to residential amenity.

Environment and climate change

- 6.11 The Councils engineers are satisfied that the site can be managed through the submission of a drainage strategy to employ SUDS techniques to retain water on the site, therefore it will not result in off site surface water run off.
- 6.12 Waste storage and collection could be designed in to any scheme and provision of wildlife boxes and energy and water saving measures secured by condition.
- 6.13 A sustainable strategy has been submitted with the application.

Highways and parking

- 6.14 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and whilst noting that it is disappointing that a detailed plan of the access was not submitted with the application they have assessed that a suitable access could be provided and the level of development would not result in significant harm to highway safety. Furthermore, North Leigh is relatively well connected to neighbouring settlements by fairly frequent buses, (there are two per hour to Witney during peak hours) and (in their view) the proposed diversion of the public footpath is acceptable in principle subject to the Section 257 of the Town and County Planning Act.
- 6.15 For the reasons set out above, the Highway Authority is not objecting 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.

Ecology

- 6.16 No ecology report has been submitted in support of this application. Therefore it has not been demonstrated to the satisfaction of the LPA that the development can be undertaken without harm to protected species. Many of the representations received have referred to the wildlife reported to be present on the site and the impact of development on this site for biodiversity needs to be considered but this is not possible in the absence of a credible ecological assessment as would normally be anticipated for a development of this scale on a green field site.
- 6.17 It is not considered that the benefits of the development outweigh the potential harm and as such the proposal is contrary to policy NE 15 of the WOLP and the advice of the NPPF.

Archaeology

- 6.18 Members will note that the county archaeologist has indicated that the site has archaeological potential. Specifically an extensive spread of Roman roof tile has been found immediately to the north of the application site which is normally indicative of the presence of a building of some status as most were thatched. Paragraph 128 of the NPPF requires that such finds are investigated prior to determination but no such evaluation has been undertaken. The development is therefore considered contrary to policy BE13 and the provisions of the NPPF regarding heritage assets.

Section 106

- 6.19 Were the application to be recommended for approval there would be a need for a legal agreement to secure affordable housing at the required rate, to enable County Council funding to mitigate the impact of the development, towards public arts funding etc. However there is no such agreement in place and as such, if these matters are to be fully addressed in any subsequent appeal as may be made, a refusal reason needs to be imposed to address the shortfall.
- 6.20 Lack of a mitigation package and the necessary affordable housing is contrary to policies H11, BE1 and TLC7.

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 contrary to policy H6 but this of itself does not preclude development as the Council cannot currently demonstrate a 5 year land supply. However the proposal does not meet the affordable housing policy and no justification has been provided as to why this is not viable. The scale and extent of the scheme is such that it would compromise the attractive rural loose knit character of this part of the settlement and urbanise the adjoining footpath network. These harms were considered on a very recent but much less intrusive development to be sufficient material impacts to render the development unsustainable and it is considered that logically a larger scheme can only be similarly considered unsustainable. The ecological and archaeological impacts are unknown where there is evidence that both of these issues need greater certainty before an informed decision could be taken. There is no agreed legal agreement to secure the mitigation measures to offset the harms arising from the development.
- 6.22 Your Officers therefore consider that the application is unacceptable on its planning merits and are recommending refusal.

RECOMMENDATION

Refuse for the following reasons:-

- 1 In appeal reference APP/D3125/A/14/2214214215 the Inspector commented that the development of a small portion of the site would cause sufficient harm in terms of its landscape impact and harm to the setting of the footpath and village edge as to represent unsustainable development contrary to the aims of the NPPF. In the opinion of the LPA the proposed development now under consideration is of a scale and nature and extends over a wider and more sensitive area such that the same concerns apply with more force and render the proposals unsustainable development contrary to policies BE2, BE4, NE1, NE3, H2 and TLC8 of the WOLP and the provisions of the NPPF.
- 2 In the absence of adequate information to assess the impacts of the development it has not been demonstrated to the satisfaction of the LPA that the scheme will not give rise to undue harms to the potential archaeological and ecological interest of the site. The scheme is thus considered contrary to policies BE13 and NE13 of the WOLP and the provisions of the NPPF.
- 3 In the absence of a viability appraisal it has not been demonstrated that 50% affordable housing should not be provided and as such the proposal is contrary to policy H11 of the WOLP and the provisions of the NPPF.

- 4 In the absence of a negotiated legal agreement or other agreed mitigation strategy the scheme fails to make adequate provision to mitigate the adverse impact of development. It is therefore contrary to policies BE1 and TLC7 of the WOLP and the provisions of the NPPF.

14/0530/P/FP 67 Brize Norton Road Minster Lovell	
Date	14/04/201428/04/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	MINSTER LOVELL
Grid Ref:	431303,210364

APPLICATION DETAILS

Erection of two bay detached carport.

APPLICANT

Mr Ken Oswin, 67 Brize Norton Road, Minster Lovell, Oxfordshire, OX29 0SG.

BACKGROUND INFORMATION

The application is to be heard before the Committee as the Parish Council have objected to the proposal and as such Cllr Robinson has requested it to come before Members.

1 PLANNING HISTORY

13/0397/P/FP – Erection of single storey extension – Grant
(A freestanding 3 bay carport was withdrawn from this application)

2 CONSULTATIONS

2.1 Parish Council

“Minster Lovell Parish Council strongly objects to this application on the following basis:-

It is considered that the historic character of properties along the Brize Norton Road have an open and undeveloped frontage relating to the design of the Chartist Estate. Development in front gardens has historically been limited to the extent of the building line only and Minster Lovell Parish Council strongly feels that this practice should continue. To otherwise allow development would be incongruous and set a dangerous precedent that will irreversibly change this area of the Village.

The Council therefore considers that the application is contrary to the National Planning Policy Framework as it does not:-

17 – Take account of the different roles and character of different areas.

58 – Respond to local character and history and reflect the identity of local surroundings.

60 – Seek to promote or reinforce local distinctiveness.

61 – Address the connection between people and places and the integration of new development into the natural, built and historic environment.

It is also considered that the application is contrary to the West Oxfordshire Local Plan 2011:-

BE2 – a) The proposal does not respect the existing pattern and character of the surrounding area.

b) If granted the application could set a precedent for similar development which would adversely affect the setting of the village.

H2 – a) *If granted, the application would erode the character and appearance of the surrounding `area.*
f) *It would set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area.”*

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:

Impact to neighbouring properties' residential amenities
Impact to the open character of the streetscene

Principle

4.2 Officers consider that in principle, building a garage/carport location adjacent to the host dwelling is an acceptable form of development along Brize Norton Road. As stated by the Parish Council, the majority of properties along this part of the road have open and long frontages which add to the open visual appearance of the streetscene. This part of Minster Lovell is not within a Conservation Area, and the host dwelling is not a Listed Building. This was one of the reasons that the previous application, which proposed a three bay carport was withdrawn, as officers were concerned about the scale of the building and how it would have encroached into the open visual amenity of the streetscene.

4.3 This revised carport has been reduced to a two bay building with a hipped design roof form. The height of the car port is approx 3.9 metres and it is located near to the dwelling, not by the front boundary hedge of the property by the highway. Its impact is therefore reduced to what is considered an acceptable level.

Impact upon neighbouring properties' residential amenities

4.4 Due to the existing boundary treatments, the modest scale and design of the car port, officers do not consider that an adverse impact will result to neighbouring properties' residential amenities in terms of loss of light or overbearing issues.

4.5 In terms of comments relating to the proposal setting a precedent, each site and proposal is assessed separately and on their own merits.

Impact upon the open character of the streetscene

4.6 Officers consider that as the proposed building will set adjacent to the front of the host dwelling, it will not adversely affect the open visual amenity of the streetscene to warrant refusal of the application. The building relates to the host dwelling well and reads as a secondary element. If the proposed building were to be positioned immediately adjacent to the front hedge and highway, officers would have concerns that in this position it would be more likely to detract from the open character of the locality.

- 4.7 Officers have recommended that a condition regarding landscaping to the west elevation (side towards the road) of additional trees/hedges be submitted to further safeguard the character of the area.

Conclusions

- 4.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits with the attached conditions.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 26 June 2014 ref 01 Revision B & site plan received on 11 May 2014.
REASON: The application details have been amended by the submission of revised details.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 That a scheme for the landscaping to the west of the proposed garage including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character of the area.

14/0639/P/FP 66 Corn Street Witney	
Date	22/10/201308/05/2014
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435348,209598

APPLICATION DETAILS

Erection of rear extension and extractor unit. (Retrospective)

APPLICANT

Mr & Mrs Najjar, 13 Cloemans Hill, Headington, Oxon, OX3 8AR.

BACKGROUND INFORMATION

The application relates to a listed commercial property within Witney's Conservation Area. Although officers have no objection to the use of the building, the retrospective work that has been undertaken to support the use is of concern. There are two other applications for the same site, 14/0640/P/LB which relates to the Listed Building consent for the erection of the rear extension and flue, and also 14/0641/P/AC for signage, also retrospective. Witney Town Council has objected to the planning application and listed building consent.

1 PLANNING HISTORY

05/0318/P/LB – Erection of illuminated fascia sign and hanging sign (Part Retrospective) – Granted.

05/0317/P/AC - Erection of externally illuminated fascia sign and hanging sign (Part Retrospective) – Granted.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council objects to this application as it is unsure what the extension is made of and is doubtful of the integrity of the building. It is also concerned about the base of the extension as it appears that it could be made of loose concrete slabs. The Town Council also objects to the height of the extraction flue as it appears higher than the eaves of the surrounding properties.”

2.2 WODC EHO

“I initially wrote the attached letter to the architect David Bradley on 4 April seeking details about the kitchen ventilation system. I then visited the site with him on 19 May to offer further advice. Despite both these interventions the information they have sent is quite inadequate for me to make an informed judgement on the adequacy of the ventilation system. Looking at the physical installation of the system (see picture) it is of poor quality in the following regards:

- *The discharge point (for the flue terminal) is low, discharges horizontally and had a blanking plate obstructing the terminal.*
- *The specification of the odour control component of the system (if any) is unknown.*
- *There are seemingly no noise silencer(s) fitted to the ducting.*
- *The noise emissions data for the fan is unknown.*
- *Considering all these matters in their entirety I recommend that this application is refused.”*

3 REPRESENTATIONS

Two letters have been received from Judy Chappell of 68 Corn Street & Mr Keating of 72 Corn Street. The comments have been summarised as:

- I was disappointed on two accounts not to be notified as a 'neighbour' on the WODC website planning application. Firstly my family and I live at number 72 Corn Street with just one premise between us and number 66. Given the view from my rear garden (see attached photo) I'd be interested to know why I was not informed in writing of the application. I'm not sure who is responsible for replacing those planning applications posted outside a premise that are removed but clearly this was overlooked.
- I feel it is relevant to document the background to my comments. Last July the person running the shop began a two week project in the rear garden. In essence a two week of burning greenery – day and night. When asked what he was doing (as his actions resulted in doors and

windows being kept closed) he explained that he was landscaping the garden to be able to enjoy it as a place of relaxation. On returning from holiday in August the extract duct had been erected and we could see the roofline of a new building in the rear garden. Clearly the plan had been to carry out this work with no thought of planning, the neighbours, or the environment, and no intention of making the building work common knowledge given the reasons given for the clearing of the garden.

- Extract Duct – The image attached is a view of the duct taken from the patio outside the back door of my premise. The previous duct that was located in the pitched roof, was unobtrusive, and did not omit the odours that the new duct omits. As a resident we should be able to enjoy our garden without the monstrosity of a duct in view from all angles of our garden. I am amazed that such a duct can be erected in a conservation area which includes residential properties.
- Building housing refrigeration – This building has been attached to a listed building with no thought to the design and is not in keeping with the original building. I'm unsure how this enhances or preserves the conservation area.
- Signage – I have no objection to the signage running along the top of the building. The two signs stating 'Buy one get one free' and 'We open lunchtime' are not in keeping with the conservation area, look cheap, and not in keeping with surrounding buildings. Other businesses (including takeaway and restaurants in the vicinity) do not resort to unsightly signage that devalues the environment.
- Conservation area – The WODC website quotes 'Conservation Areas (CAs) are places of special architectural or historic interest, which have a particular character or appearance worthy of preservation or enhancement. Groups of buildings, walls, trees and hedges, open spaces, views and the historic settlement patterns all combine to create an individual sense of place. It is this character, rather than individual buildings, that CA status seeks to protect.
- Conservation Area status does not mean that no further change or development will be permitted in that place, but rather that any potential changes will be managed in a way that preserves or enhances the CA. An accumulation of poorly judged additions or losses of traditional features, each apparently minor in its own right, can cause significant harm to the character of the CA as a whole'.
- The signage, extract duct, and signage cannot in any way said to preserve or enhance the CA.
- I do not feel that the applicant has taken into consideration the existing architecture, has respected the environment, and shown complete disregard for both the CA and their neighbours.
- I am writing for the third time now concerning my objections to the extraction duct and wooden shed that appeared in the back garden adjacent to my own.
- These buildings are listed buildings and are supposed to be protected from development which detracts from their historic appearance.
- My building is a domestic dwelling and the impact on my garden and the environment within my house is very noticeable. Noise from the extractor fan which is outside my back door and close to my eldest son's bedroom window; I can't sit on my patio without the noise of this fan which is loud and constant and it disturbs my enjoyment that I usually have from sitting in my garden.
- The constant smell of food in my house.
- The ugly aluminium construction which appears to be held together with peeling duct tape in places, is visible in my garden and from Holloway Road.
- There is a hideous wooden shed with corrugated roofing and this towers above the stone wall surrounding my garden; my old espalier apple tree was butchered by the persons responsible for constructing this monstrosity.

4 APPLICANT'S CASE

A Design and Access Statement has been submitted as part of the application. It has been summarised as:

- The illuminated sign to Corn Street is similar to that previously approved. The housing to the refrigeration units is of a size necessary to house them. The extract duct is that required for environmental health purposes.
- The layout has been dictated by the need for the refrigeration units to be near the kitchen.
- The rear extension is of dark painted timber and the extract duct is of stainless steel.

5 POLICY

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

Policy BE2 – General Development Standards
 Policy BE5 – Conservation Areas
 Policy BE8 – Development affecting the Setting of a Listed Building
 Policy BE18 – Pollution

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:

Impact of the extension and flue upon the existing Listed Building
 Impact of the flue upon neighbouring properties

Principle

- 6.2 The principle of an extension and flue to accommodate the use of the premises as a food takeaway is acceptable. However as the existing building is Grade II Listed, both the extension and flue should be sympathetically designed.

Design

- 6.3 The existing building was formally a house, now converted to a takeaway commercial premise which is part of a prominent period terrace within the Conservation Area.
- 6.4 The extension is to the rear of the host building and is single storey in scale with a slight sloped roof. It has been constructed of painted timber walls – black in colour. Officers consider that it is not of a design that is sympathetic to the host dwelling, or of a traditional design or materials.
- 6.5 The flue is located upon an existing extension, however the flue has not been designed to respect the host building and officers have concerns regarding the impact that the flue has upon the adjacent residential properties.

Neighbourliness

- 6.6 Officers have consulted Environmental Health regarding the flue, and the officer had advised that the information they have sent is quite inadequate to make an informed judgement on the adequacy of the ventilation system. There are various issues with the flue which are set out below:
- The discharge point (for the flue terminal) is low, discharges horizontally and had a blanking plate obstructing the terminal.
 - The specification of the odour control component of the system (if any) is unknown.
 - There are seemingly no noise silencer(s) fitted to the ducting.

- The noise emissions data for the fan is unknown.

6.7 In view of the above officers are unable to fully assess the impact of the flue's operation upon the residential amenities of the neighbouring dwelling and as such consider that the application should be refused.

Conclusions

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

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of the scale, low quality and design of the extension and flue, the development adversely affects the character and appearance of the host Grade II Listed Building and as such is contrary to Policies BE7 and BE8 of the West Oxfordshire Local Plan 2011 and the provisions of the NPPF.
- 2 It has not been demonstrated by sufficient detailing that the flue is adequate in terms of its ventilation system and as such is likely to adversely affect the residential amenities of the neighbouring residential properties. The proposal is contrary to Policies BE2 & BE18 of the West Oxfordshire Local Plan 2011 and the provisions of the NPPF.

14/0640/P/LB 66 Corn Street Witney	
Date	22/10/201308/05/2014
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435348,209598

APPLICATION DETAILS

Alterations to include erection of rear extension and extractor unit and erection of signs. (Retrospective)

APPLICANT

Mr & Mrs Najar, 13 Cloemans Hill, Headington, Oxon, OX3 8AR.

BACKGROUND INFORMATION

The application relates to a listed commercial property within Witney's Conservation Area. Although officers have no objection to the use of the building, the retrospective work that has been undertaken to support the use is of concern. There are two other applications for the same site, 14/0639/P/FP which relates to the planning application for the erection of the rear extension and flue, and also 14/0641/P/AC for signage, also retrospective. Witney Town Council has objected to the planning application and listed building consent.

I PLANNING HISTORY

05/0318/P/LB – Erection of illuminated fascia sign and hanging sign (Part Retrospective) – Granted.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council objects to this application as it is not in keeping with the surrounding properties and is therefore contrary to Policy BE8 of the WOLP.”

3 REPRESENTATIONS

Two letters have been received from Judy Chappell of 68 Corn Street & Mr Keating of 72 Corn Street. The comments have been summarised as:

- I was disappointed on two accounts not to be notified as a ‘neighbour’ on the WODC website planning application. Firstly my family and I live at number 72 Corn Street with just one premise between us and number 66. Given the view from my rear garden (see attached photo) I’d be interested to know why I was not informed in writing of the application. I’m not sure who is responsible for replacing those planning applications posted outside a premise that are removed but clearly this was overlooked.
- I feel it is relevant to document the background to my comments. Last July the person running the shop began a two week project in the rear garden. In essence a two week of burning greenery – day and night. When asked what he was doing (as his actions resulted in doors and windows being kept closed) he explained that he was landscaping the garden to be able to enjoy it as a place of relaxation. On returning from holiday in August the extract duct had been erected and we could see the roofline of a new building in the rear garden. Clearly the plan had been to carry out this work with no thought of planning, the neighbours, or the environment, and no intention of making the building work common knowledge given the reasons given for the clearing of the garden.
- Extract Duct – The image attached is a view of the duct taken from the patio outside the back door of my premise. The previous duct that was located in the pitched roof, was unobtrusive, and did not omit the odours that the new duct omits. As a resident we should be able to enjoy our garden without the monstrosity of a duct in view from all angles of our garden. I am amazed that such a duct can be erected in a conservation area which includes residential properties.
- Building housing refrigeration – This building has been attached to a listed building with no thought to the design and is not in keeping with the original building. I’m unsure how this enhances or preserves the conservation area.
- Signage – I have no objection to the signage running along the top of the building. The two signs stating ‘Buy one get one free’ and ‘We open lunchtime’ are not in keeping with the conservation area, look cheap, and not in keeping with surrounding buildings. Other businesses (including takeaway and restaurants in the vicinity) do not resort to unsightly signage that devalues the environment.
- Conservation area – The WODC website quotes ‘Conservation Areas (CAs) are places of special architectural or historic interest, which have a particular character or appearance worthy of preservation or enhancement. Groups of buildings, walls, trees and hedges, open spaces, views and the historic settlement patterns all combine to create an individual sense of place. It is this character, rather than individual buildings, that CA status seeks to protect.
- Conservation Area status does not mean that no further change or development will be permitted in that place, but rather that any potential changes will be managed in a way that preserves or enhances the CA. An accumulation of poorly judged additions or losses of traditional features, each apparently minor in its own right, can cause significant harm to the character of the CA as a whole’.
- The signage, extract duct, and signage cannot in any way said to preserve or enhance the CA.

- I do not feel that the applicant has taken into consideration the existing architecture, has respected the environment, and shown complete disregard for both the CA and their neighbours.
- I am writing for the third time now concerning my objections to the extraction duct and wooden shed that appeared in the back garden adjacent to my own.
- These buildings are listed buildings and are supposed to be protected from development which detracts from their historic appearance.
- My building is a domestic dwelling and the impact on my garden and the environment within my house is very noticeable. Noise from the extractor fan which is outside my back door and close to my eldest son's bedroom window; I can't sit on my patio without the noise of this fan which is loud and constant and it disturbs my enjoyment that I usually have from sitting in my garden.
- The constant smell of food in my house.
- The ugly aluminium construction which appears to be held together with peeling duct tape in places, is visible in my garden and from Holloway Road.
- There is a hideous wooden shed with corrugated roofing and this towers above the stone wall surrounding my garden; my old espalier apple tree was butchered by the persons responsible for constructing this monstrosity.

4 APPLICANT'S CASE

A Design and Access Statement has been submitted as part of the application. It has been summarised as:

- The illuminated sign to Corn Street is similar to that previously approved. The housing to the refrigeration units is of a size necessary to house them. The extract duct is that required for environmental health purposes.
- The layout has been dictated by the need for the refrigeration units to be near the kitchen.
- The rear extension is of dark painted timber and the extract duct is of stainless steel.

5 POLICY

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

Policy BE2 – General Development Standards
 Policy BE5 – Conservation Areas
 Policy BE7 – Alterations and extensions to Listed Buildings

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:

Impact to the Listed Building
 Impact to the Conservation Area

Principle

6.2 The principle of an extension and flue to accommodate the use of the premises as a food takeaway is acceptable. However as the existing building is Grade II Listed, both the extension and flue should be sympathetically designed.

Design

- 6.3 The existing building was formally a house, now converted to a takeaway which is part of a prominent period terrace within the Conservation Area.
- 6.4 The extension is to the rear of the host building and is single storey in scale with a slight sloped roof. It has been constructed of painted timber walls – black in colour. Officers consider that it is not of a design that is sympathetic to the host dwelling, or of a traditional design or materials.
- 6.5 The flue is located to an existing extension; however the flue has not been designed to respect the host building.
- 6.6 In terms of the retrospective signage, officers consider that the signage is not appropriate to the context and nor does it relate in terms of size of fascia/illumination to that permitted in 2005. The building itself has the character of a period house and as such does not have a proper shop front, just an enlarged ground floor window. The fascia sign that has been erected is longer than the window and the previous consent for a fascia sign. The trough light also installed, does not appear on the 2005 consent.
- 6.7 In addition to the fascia sign are two signs either side of the window which relate to offers and opening times. These are considered to clutter the historic character and appearance of the Listed Building, and do not preserve or enhance the visual character and appearance of the Conservation Area and are not of high quality materials or design.

Conclusions

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

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of the scale, low quality materials and design of the extension and flue, the development adversely affects the existing character and appearance of the host Grade II Listed Building and as such is contrary to Policy BE7 of the West Oxfordshire Local Plan 2011 and the provisions of the NPPF.
- 2 By reason of the scale of the fascia sign, illumination and design & low quality material of the signs either side of the ground floor window, the signage adversely affects the visual character and appearance of this part of Witney's Conservation Area and the historic character and appearance of the Grade II Listed Building. As such the proposal is contrary to Policies BE2, BE5, BE7 & BE15 of the West Oxfordshire Local Plan 2011 & Guidance of the West Oxfordshire Design Guide and the provisions of the NPPF.

14/0641/P/AC 66 Corn Street Witney	
Date	22/10/201308/05/2014
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435348,209598

APPLICATION DETAILS

Erection of signs. (Retrospective)

APPLICANT

Mr & Mrs Najar, 13 Cloemans Hill, Headington, Oxon, OX3 8AR.

BACKGROUND INFORMATION

The application relates to a listed commercial property within Witney's Conservation Area. Although officers have no objection to the use of the building, the retrospective work that has been undertaken to support the use is of concern. There are two other applications for the same site, 14/0640/P/LB which relates to the Listed Building consent for the erection of the rear extension, signs and flue, and also 14/0639/P/FP for the extension and flue also retrospective. Witney Town Council has objected to the planning application and listed building consent.

1 PLANNING HISTORY

05/0318/P/LB – Erection of illuminated fascia sign and hanging sign (Part Retrospective) – Granted.

05/0317/P/AC - Erection of externally illuminated fascia sign and hanging sign (Part Retrospective) – Granted.

2 CONSULTATIONS

2.1 Town Council

"No objections."

2.2 OCC Highways

"No comments received."

3 REPRESENTATIONS

Two letters have been received from Judy Chappell of 68 Corn Street & Mr Keating of 72 Corn Street. The comments have been summarised as:

- I was disappointed on two accounts not to be notified as a 'neighbour' on the WODC website planning application. Firstly my family and I live at number 72 Corn Street with just one premise between us and number 66. Given the view from my rear garden (see attached photo) I'd be interested to know why I was not informed in writing of the application. I'm not sure who is responsible for replacing those planning applications posted outside a premise that are removed but clearly this was overlooked.
- I feel it is relevant to document the background to my comments. Last July the person running the shop began a two week project in the rear garden. In essence a two week of burning greenery – day and night. When asked what he was doing (as his actions resulted in doors and

windows being kept closed) he explained that he was landscaping the garden to be able to enjoy it as a place of relaxation. On returning from holiday in August the extract duct had been erected and we could see the roofline of a new building in the rear garden. Clearly the plan had been to carry out this work with no thought of planning, the neighbours, or the environment, and no intention of making the building work common knowledge given the reasons given for the clearing of the garden.

- Extract Duct – The image attached is a view of the duct taken from the patio outside the back door of my premise. The previous duct that was located in the pitched roof, was unobtrusive, and did not omit the odours that the new duct omits. As a resident we should be able to enjoy our garden without the monstrosity of a duct in view from all angles of our garden. I am amazed that such a duct can be erected in a conservation area which includes residential properties.
- Building housing refrigeration – This building has been attached to a listed building with no thought to the design and is not in keeping with the original building. I'm unsure how this enhances or preserves the conservation area.
- Signage – I have no objection to the signage running along the top of the building. The two signs stating 'Buy one get one free' and 'We open lunchtime' are not in keeping with the conservation area, look cheap, and not in keeping with surrounding buildings. Other businesses (including takeaway and restaurants in the vicinity) do not resort to unsightly signage that devalues the environment.
- Conservation area – The WODC website quotes 'Conservation Areas (CAs) are places of special architectural or historic interest, which have a particular character or appearance worthy of preservation or enhancement. Groups of buildings, walls, trees and hedges, open spaces, views and the historic settlement patterns all combine to create an individual sense of place. It is this character, rather than individual buildings, that CA status seeks to protect.
- Conservation Area status does not mean that no further change or development will be permitted in that place, but rather that any potential changes will be managed in a way that preserves or enhances the CA. An accumulation of poorly judged additions or losses of traditional features, each apparently minor in its own right, can cause significant harm to the character of the CA as a whole'.
- The signage, extract duct, and signage cannot in any way said to preserve or enhance the CA.
- I do not feel that the applicant has taken into consideration the existing architecture, has respected the environment, and shown complete disregard for both the CA and their neighbours.
- I am writing for the third time now concerning my objections to the extraction duct and wooden shed that appeared in the back garden adjacent to my own.
- These buildings are listed buildings and are supposed to be protected from development which detracts from their historic appearance.
- My building is a domestic dwelling and the impact on my garden and the environment within my house is very noticeable. Noise from the extractor fan which is outside my back door and close to my eldest son's bedroom window; I can't sit on my patio without the noise of this fan which is loud and constant and it disturbs my enjoyment that I usually have from sitting in my garden.
- The constant smell of food in my house.
- The ugly aluminium construction which appears to be held together with peeling duct tape in places, is visible in my garden and from Holloway Road.
- There is a hideous wooden shed with corrugated roofing and this towers above the stone wall surrounding my garden; my old espalier apple tree was butchered by the persons responsible for constructing this monstrosity.

4 APPLICANT'S CASE

A Design and Access Statement has been submitted as part of the application. It has been summarised as:

- The illuminated sign to Corn Street is similar to that previously approved. The housing to the refrigeration units is of a size necessary to house them. The extract duct is that required for environmental health purposes.
- The layout has been dictated by the need for the refrigeration units to be near the kitchen.
- The rear extension is of dark painted timber and the extract duct is of stainless steel.

5 POLICY

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

Policy BE2 – General Development Standards
 Policy BE5 – Conservation Areas
 Policy BE8 – Development affecting the Setting of a Listed Building
 Policy BE15 – Advertisements and Signs

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:

Impact of the signage upon the visual character and appearance of the Conservation Area, and to the setting of the Listed Building.

Principle

- 6.2 The principle of advertisements within a Conservation Area and to a Listed Building is acceptable. However any signs should respect the host building and the visual appearance of the Conservation Area.

Design

- 6.3 The existing Listed building was formally a house, now converted to a commercial premise which is part of a prominent period terrace within the Conservation Area.
- 6.4 In terms of the retrospective signage, officers consider that the signage is not appropriate to the context and nor does it relate in terms of size of fascia/illumination to that permitted in 2005. The building itself has the character of a period house and as such does not have a proper shop front, just an enlarged ground floor window. The fascia sign that has been erected is longer than the window and the previous consent for a fascia sign. The trough light also installed, does not appear on the 2005 consent.
- 6.5 In addition to the fascia sign are two signs either side of the window which relate to offers and opening times. These are considered to clutter the historic character and appearance of the Listed Building, and do not preserve or enhance the visual character and appearance of the Conservation Area and are not of high quality materials or design.

Highway Safety

- 6.6 No comments have yet been received in terms of the impact of the signs to highway safety. However if any comments are received, officers will update Members at the meeting.

Conclusions

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

RECOMMENDATION

Refuse for the following reason:

- I By reason of the scale of the fascia sign, illumination and design & low quality material of the signs either side of the ground floor window, the signage adversely affects the visual character and appearance of this part of Witney's Conservation Area and the setting of the historic character and appearance of the Grade II Listed Building. As such the proposal is contrary to Policies BE2, BE5, BE8 & BE15 of the West Oxfordshire Local Plan 2011 & Guidance of the West Oxfordshire Design Guide and the provisions of the NPPF.

14/0643/P/FP 229 Thorney Leys Witney	
Date	22/04/201408/05/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	434268,209190

APPLICATION DETAILS

Erection of two storey semi detached dwelling.

APPLICANT

Mr Dan Miles, 229 Thorney Leys, Witney, Oxon, OX28 5NY.

BACKGROUND INFORMATION

This application relates to an area of side garden associated with an end of terrace property and seeks consent to extend the terrace with a further dwelling of a similar size and scale as those in the remainder of the terrace. Whilst 2 parking spaces are shown they are not readily accessible and the private rear amenity area to serve the 2 bedroomed unit measures only 2.2m x2.5m.

The application is brought before Members as the Town Council has not objected.

I PLANNING HISTORY

None of relevance.

2 CONSULTATIONS

2.1 Town Council

"No objection."

2.2 OCC Highways

"Object that the parking spaces are substandard, the cycle store parking overhangs the highway and the vision from the parking court is impeded."

2.3 WODC Drainage

“No objection subject to a condition.”

3 REPRESENTATIONS

Letters of objection have been received from the Cook, Meulen, Garner, Sanders and Downer households. It is considered that the main points raised may be summarised as follows:

- Plot is too small and unsuitable for the development.
- No additional parking is being created.
- Loss of mature planting to front of existing dwelling.
- House will be closer to boundaries than shown.
- Cul de sac is already over parked.
- Applicant has only just purchased the plot.
- Parking is not in their ownership.
- Drainage should be checked.
- Hedge should be preserved.
- Will add to problems of on road parking.
- Spaces shown are inadequate.
- Drains and trees will prevent the new space being created.
- Vehicles will overhang highway.
- 3 and not 4 spaces will be created.
- Space is too small for the development.
- Will unbalance the street.
- Road safety will be compromised.

4 APPLICANT'S CASE

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

- Better to use the space than let it become overgrown.
- Layout will be virtually identical to neighbours.
- It will fit nicely with the streetscene.
- There is a courtyard garden to the rear.
- House takes up less than 50% of plot.
- There will be no impact on neighbours.
- Materials and details will match.
- Existing house can use on road parking.
- Cars can park and turn to serve the new property.
- Sustainable construction will be used.

5 POLICY

Policies BE2 and H2 of the WOLP and the provisions of the NPPF are of most relevance.

6 PLANNING ASSESSMENT

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

Principle
Design
Neighbours
Highways

Principle

- 6.2 The site is located in the largest and most sustainable settlement in the District and in the current position where there is a lack of a full 5 year housing land supply. It is considered that the presumption in favour of sustainable development set out in the NPPF applies and that, in principle, development could be supported provided that there are no substantial and demonstrable harms that would outweigh that presumption.

Design

- 6.3 The house itself has been designed in a very similar form to the neighbouring dwellings and of itself is not objectionable. However, there is a material difference in the context within which this unit would site when compared to neighbours. Essentially the displacement of parking, the lack of adequate amenity area to serve a family dwelling, the loss of existing landscaping and the provision of inadequate space to enable the cycle and vehicular parking to function all demonstrate that the scheme is a gross overdevelopment of what is already a relatively small plot. The consequences of these inadequacies in terms of pressure on on street parking, loss of landscaping/amenity would all serve to reduce the quality of life for neighbours and would result in a poor standard of residential amenity for the occupiers. These harms are considered contrary to saved policies BE2 and H2 of the local plan and the provisions of the NPPF to create high quality sustainable development. The harms are such as they would outweigh the presumption in favour of sustainable development in your officers opinion.

Neighbourliness

- 6.4 The orientation and scale of the proposed house is such that it would not give rise to the usual issues of overlooking, overbearing, overshadowing etc. However, the fact that the existing and proposed units have inadequate parking facilities would put pressure on the already stretched on street parking and detract from the amenity of existing residents.

Highways and parking

- 6.5 Members will note that OCC in its capacity as Highway Authority has objected on three grounds regarding inadequacies in the parking and manoeuvring arrangements. Your Officers would concur with that assessment and consider the scheme contrary to saved policy BE3 and the provisions of the NPPF. Officers consider that the proposed development will create undue danger within the site and will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Refuse for the following reasons:

- 1 That by reason of the limited dimensions of the plot the development will appear in the street scene as a cramped and contrived form of development with a poor level of amenity afforded to the future occupiers. As such, the development is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.
- 2 By reason of the following it is considered that the proposal is unacceptable on highway safety and convenience grounds and as such is contrary to policy BE3 of the adopted West Oxfordshire Local Plan 2011 and the provisions of the NPPF:
- The proposed parking spaces are below the required minimum standard and given the lack of vehicle tracking information submitted with the application it is considered that it is unlikely that a vehicle can access the parking spaces as proposed;
 - The doors to the cycle store open out over the carriageway which results in an adverse impact on the safety and convenience of vehicle and pedestrian movements in the vicinity of the site;
 - The forward visibility between vehicles and pedestrians accessing/ egressing the parking court will be adversely affected due to the siting of the dwelling on the land to the detriment of the safety and convenience of highway users.

14/0678/P/FP 8 Corndell Gardens Witney	
Date	06/05/201423/05/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	435098,209603

APPLICATION DETAILS

Removal of existing dwelling and garage and erection of two semi detached dwellings with associated parking.

APPLICANT

Mr Paul Laithwaite, 46 Pensclose, Witney, Oxon, OX28 2EQ.

BACKGROUND INFORMATION

This application relates to a modest existing bungalow located in a backland position relative to Corn Street but fronting onto Corndell Gardens. It seeks consent to demolish the existing bungalow and replace it with a 2 ½ storey pair of dwellings each with 2 off street parking spaces. The units are proposed in recon stone with tiled roof and are of a neo vernacular front elevation but a much more heavily fenestrated rear elevation- including full height windows serving the first floor bedrooms.

1 PLANNING HISTORY

A scheme seeking retention of the existing dwelling and insertion of a new dwelling adjacent to it was refused under delegated powers under application ref 13/1060 due to the relationship with adjoining properties and the inadequate parking arrangements.

2 CONSTRAINTS

The site adjoins but lies outside of the Conservation Area and within the setting of listed buildings.

3 CONSULTATIONS

3.1 Town Council

“No objections.”

3.2 WODC Engineers

“No objections subject to conditions.”

3.3 OCC Highways

“No objections subject to conditions regarding means of access, vision splays and drainage.”

3.4 Env Health

“No objection.”

4 REPRESENTATIONS

Letters have been received from the Johnson, James, Everett, Durman, Robinson, Rafanelli, Lally and Willis households. It is considered that the main points raised may be summarised as follows:

- 3 storey is out of keeping.
- In providing driveways it also reduces on street parking spaces.
- Increased use of hazardous access.
- Loss of outlook.
- Conflict with lorries using APR.
- Lorries damaged wall where houses are proposed.
- Lorries get jammed in the road.
- Congestion associated with New Inn and other commercial premises.
- Will exacerbate an already fraught situation.
- Only one property is allowed access to our sewage pipe.
- Already have sewage problems.
- Will add to parking demand in the area.
- Where will builders lorries and skips go?
- Worse than scheme already refused.
- Damp is not a reason to demolish existing building.
- Concerned emergency vehicle access will be obstructed.
- Loss of hedgerow.
- Loss of light from such a tall building.
- No other houses have windows in the roofspace.
- This is an opportunistic application.
- Will have an overdominating and overbearing impact.
- Will be taller than adjoining dwellings.

5 APPLICANT’S CASE

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

- Car parking is off street.
- 4 spaces will be provided.
- Both houses will front the road and access is via Corndell Gardens.

- Construction materials can be stored on site.
- Design is mindful of the proximity to Corn Street CA using similar styles design and finishes.
- Landscaping will be retained where possible.
- Existing dwelling suffers from damp.

5 POLICY

It is considered that policies BE2, BE5 and H2 of the WOLP and the provisions of the NPPF are of most relevance.

6 PLANNING ASSESSMENT

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

Principle
Design
Neighbourliness
Parking

Principle

- 6.2 This application proposes dwellings in the most sustainable settlement in the district close to the town centre and its amenities. Given the current lack of a 5 year land supply and the presumption in favour of sustainable development set out in the NPPF it is considered that the development is acceptable in principle unless the harms arising are significant and demonstrable such as to outweigh the presumption in favour.

Design and impact on Conservation Area

- 6.3 The existing building is of no great merit and so its loss would not be considered problematic as there is the potential for some enhancement of the setting of the Conservation Area. However, in contrast to the modest/undistinguished existing building the proposed dwellings are of a far greater scale and impact. They have been modelled on the higher status dwellings fronting Corn Street but in this secondary location a much less assertive and prominent form is considered more appropriate. Your officers are concerned that they would look incongruous and that this would be exacerbated by the lack of space around the units which may make them appear over developed and with some of the detailing- especially to the rear, which again detracts from the plain form that would be expected in this secondary location.
- 6.4 Whilst a pair of smaller (probably 2 bed) units could be successfully accommodated on site this scheme fails to preserve the setting of the Conservation Area and as such is considered unacceptable.

Neighbourliness

- 6.5 The rear of the units has a series of very large windows at first floor level that would give rise to actual and perceived overlooking to the property sited perpendicular to the site in Swinburn Place. Front and rear dormers add to the sense of excessive height/clutter and would give rise to a further feeling of overlooking. This impact is considered unacceptable. Concerns have also been raised regarding overbearing and overshadowing. Whilst these are acknowledged the impacts are not considered so great as would justify a refusal reason in your officers judgement- albeit that they add weight to the overlooking concern. If lower/smaller units were proposed then again this would have advantages in this regard.

Highways and parking

- 6.6 Members will note that considerable concern has been raised from neighbours regarding the existing parking problems in the vicinity of the site and that adding a further dwelling could exacerbate existing issues of access and safety. However it will also be noted that OCC is raising no objections and in the absence of a recommendation for refusal from the Highway Authority this is not considered to represent a refusal reason.

Conclusions

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

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of its height, design, scale and massing, the semi detached dwelling will appear as an intrusive, cramped overdevelopment of the plot which is out of character with the predominantly two storey development in the vicinity of the site and which adversely affects the setting of the nearby Conservation Area. As such, the proposal is considered contrary to policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 2 By reason of it's siting on the plot and the full height first floor rear windows and dormer windows in the roof, the proposal is considered to unacceptably overlook the garden serving 13 Swingburn Place to the detriment of the residential amenity of the occupiers. As such, the development is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 and the provisions of the NPPF.

14/0726/P/FP The Bungalow Blackditch Stanton Harcourt	
Date	21/05/2014 21/05/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	STANTON HARCOURT
Grid Ref:	441106,205745

APPLICATION DETAILS

Removal of existing bungalow and erection of two dwellings with associated parking and new vehicular access.

APPLICANT

Mr David Bury, Warners Farm, Stanton Harcourt Road, South Leigh, Oxon, OX29 6XQ.

BACKGROUND INFORMATION

This application proposes the demolition of a two bed rendered bungalow on a plot of land that sits adjacent to a substantial open space at Bury Mead, Blackditch and replacement with two detached dwellings of materials and design indicative of the local vernacular. Car parking to serve the development is located to the rear of the site with access taken from an existing access that serves an existing garage parking court. The site is located within the Stanton Harcourt Conservation Area. A Design and Access statement and Bat Survey have been submitted with the application.

I PLANNING HISTORY

13/1681- Planning application for removal of existing bungalow and replacement with two dwellings was withdrawn prior to determination.

2 CONSTRAINTS

The site is located within the Conservation Area.

3 CONSULTATIONS

3.1 Highways

“No objection subject to conditions.”

3.2 Parish Council

“Object as it is against West Oxfordshire District Council policy. This is a Category A village- no new building or infilling especially in a garden in a rural setting. The building is within a conservation zone.”

3.3 West Oxfordshire District Council (Engineers)

“No objection subject to conditions.”

3.4 OCC Archaeologist

“No objections subject to conditions in respect of an archaeological watching brief.”

4 REPRESENTATIONS

4.1 Letters have been received from Mr and Mrs D Cradock as owner of 1 Bury Mead and Sean Kelly the occupant of 1 Bury Mead.

4.2 Their comments are very briefly summarised as follows:

- Object to the proposed parking of 6 vehicles to the side of our property and small rear garden;
- It would be better for the new properties to have parking near to the main road;
- Our property will be affected from noise and pollution from vehicles entering and leaving;
- We feel that it is insufficient for the leylandii trees to be retained and refurbished as necessary, as stated in the plans, because our concern is that the hedge /trees are of a size that is difficult to manage and are encroaching on our garden;
- The hedge is currently 4 m high which is effecting the amount of sunlight reaching our house;
- The root structure will also become a problem for our property foundations if it is allowed to grow in an unmanaged way;
- If this area becomes a parking area we are sure that no one will readily take on maintenance of the nuisance trees;
- A large fir tree closest to our property is also of a concern because of its potential to cause damage to our house foundations. It would seem a fitting time to remove this tree prior to the development starting. This tree serves no purpose other than to provide a roost for numerous pigeons and it is a prime candidate for toppling in high winds.

5 APPLICANT'S CASE

Writing in support of the proposals the applicant's agent advises (in summary/conclusion):

- The proposed development is entirely in accord with key national policy guidance and the adopted Local Plan;
- It constitutes an acceptable form of development on land within the existing built up area of the settlement. It is sited in a sustainable location close to the village centre and its facilities and close to public transport routes;
- It would be a logical compliment to an existing pattern of development in the area, which is characterised by linear development along Blackditch and back land developments in the form of small residential cul- de- sacs, larger housing estates and individual dwellings;
- The Bungalow is a plain modest dwelling screened by dense planting and as such, makes no positive contribution to the character of the street scene or the Conservation Area;
- In contrast the proposed dwellings are well designed and sited so as to respect the design, scale, pattern and character of the surrounding area;
- The development does not overlook, overshadow, overbear on adjoining dwellings;
- It is not detrimental to highway safety;
- The bat survey has revealed no bat activity on the site;
- No affordable housing is triggered;

6 POLICY

Policies BE2, BE3, BE5 and H2 of the WOLP and the paragraphs of the NPPF are 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:

Principle
Design/Impact on the Conservation Area
Highways
Neighbours
Ecology

Principle

7.2 Whilst not located within the most sustainable settlements within the District, Stanton Harcourt does score reasonably well within the 'Sustainability Matrix' appended to the 'Settlement Sustainability Report'. Bearing this in mind and in the current position where there is a lack of a 5 year housing land supply, it is considered that the presumption in favour of sustainable development set out in the NPPF applies and that, in principle, the development can be supported provided that there are no substantial and demonstrable harms that would outweigh the presumption.

7.3 The redevelopment of the site for one additional dwelling does not attract an affordable housing contribution.

Design /Impact on the Conservation Area

7.4 The two dwellings are of the local vernacular in terms of both design and materials. The siting and scale of the units replicate similar development within the vicinity of the site. Bearing these factors

in mind, officers consider that the houses will sit comfortably within the Conservation Area street scene. Conditions have been attached to the recommendation of approval to ensure that the key trees/shrubs peripheral to the site are safeguarded through the development process and that appropriate boundary treatments are achieved. This will ensure that the present leafy green setting of the site will be retained in the interests of preserving the character and appearance of this part of the Conservation Area.

Neighbourliness, pollution and Environmental Health

- 7.5 Concerns have been raised by both the owner and occupier of 1 Bury Mead, a dwelling to the rear of the application site, in respect of the impact of the car parking area to serve the dwellings on their residential amenity by way of noise and fumes associated with vehicular movements. They have also raised issues about an existing 4m high leylandii that runs along their boundary and that is to be retained as part of the scheme.
- 7.6 In terms of the impact on their amenity, it is accepted by officers that vehicular and pedestrian movements associated with parking on this land will be different in character to those activities associated with the former use of the land as a garden. However, this activity will be limited in its extent to the private use of the two new dwellings and the adjacent property known as 'The Old Cow Shed'. In addition the neighbouring property is shielded from this activity by a refurbished physical enclosure, the details of which will be the subject of a condition and established screening. Further the car parking areas are set off of the boundary with 1 Bury Mead by approximately 2 metres. In light of these ameliorating factors officers consider that on balance, the parking of cars for private use in this location will not be so harmful as to warrant refusal of this application.
- 7.7 Notwithstanding the above, officers have imposed a planning condition which seeks a revised parking layout to improve the ability of cars to manoeuvre around the car park in the interests of seeking to further reduce noise and disturbance from vehicular movements. In addition an alternative hard surface to gravel has been conditioned.
- 7.8 The other issue raised by the neighbour relates to the impact of the leylandii hedge on their property in terms of loss of light and root encroachment. A recommended condition in respect of this matter requires precise details of the works to all of the planting peripheral to the site to be provided and agreed with the LPA prior to the commencement of development.

Ecology

- 7.9 A bat survey has been submitted with the application which concludes that 'The Bungalow' was not identified as a bat roost and as such, no mitigation measures are considered necessary.

Highways and parking

- 7.10 OCC Highways has raised no objection to the application subject to conditions.

Conclusions

- 7.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is **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) 1325 008 A, 1325 009 A and 1325 010 A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of artificial 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.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), eaves/verges, ridges, chimneys and rainwater goods at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - II. include a timetable for its implementation; and
 - III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.
- 7 An archaeological watching brief shall be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a written scheme of investigation that has first been approved in writing by the LPA.
REASON: To safeguard the recording and inspection of matters of archaeological importance on site.
- 8 Following the approval of the Written Scheme of Investigation referred to in condition 8, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the LPA, as agreed in the written scheme of investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

- 9 Notwithstanding the car parking layout annotated on drawing No I325 008A, the car parking layout and surface materials shall be amended in accordance with details to be first submitted to and approved in writing by the LPA and the said approved details shall be retained as such thereafter.

REASON: In the interest of the residential amenity of adjoining occupiers.

- 10 Notwithstanding the details on drawing No.I325 008 A, a detailed scheme in respect of both the means of enclosure and proposed landscape works to the shrubs/ trees along all of the boundaries of the site shall be submitted to the LPA and approved in writing prior to the commencement of development and the said approved details shall be completed prior to first occupation of the dwellings hereby approved and retained as such thereafter.

REASON: In the interests of both visual amenity and residential amenity

- 11 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.

- 12 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 extensions including roof alterations, outbuildings or means of enclosure {other than those expressly authorised by this permission}} shall be constructed.

REASON: Control is needed in the interests of the character and appearance of the Conservation Area.

14/0727/P/FP The Old Cow Shed Blackditch Stanton Harcourt	
Date	21/05/201421/05/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	STANTON HARCOURT
Grid Ref:	441098,205730

APPLICATION DETAILS

Alterations and erection of two storey rear extension.

APPLICANT

Mr David Bury, Warners Farm, Stanton Harcourt Road, South Leigh, Oxon, OX29 6XQ.

BACKGROUND INFORMATION

This application is for a two storey rear extension on a property which adjoins the redevelopment of 'The Bungalow' the subject of planning application 14/0726, also for determination on the Sub Committee Agenda.

By reason of the orientation of the existing dwelling the extension reads as a side extension in the street scene.

1 PLANNING HISTORY

13/1676 – Alterations and erection of two storey rear extension – Withdrawn.

2 CONSTRAINTS

The site is located within the Conservation Area.

3 CONSULTATIONS

3.1 Parish Council

“We would like to point out that the development is within a conservation zone – we would recommend that the roof should be matched with the existing and the windows should be wooden. We feel that the new build should be the same height as the existing. Basically, we feel that the new build should mirror the existing.”

3.2 OCC Highways

“No objection.”

4 REPRESENTATIONS

Mr and Mrs Dyer of 2 The Close have objected for reasons of loss of privacy and daylight.

5 POLICY

The key policy considerations are BE2, BE3 and BE5.

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:

Impact on character and appearance of the area;
Impact on neighbour amenity;
Impact on highway safety.

Design /Impact on the character and appearance of the Conservation Area

6.2 The gable ended extension is constructed of materials to match the existing dwelling and is of a design and scale appropriate to the host building. Bearing this in mind officers consider that the proposed development will preserve the character and appearance of this part of the Conservation Area.

Neighbourliness

6.3 The neighbour at 2 The Close has raised objections to the proposal in terms of overlooking .The block plan submitted with the application evidences that the only overlooking from the proposal relates to a dormer window which is in excess of 21m from the rear face of 2 The Close. Bearing this in mind officers do not consider that the development is unneighbourly.

Highways and parking

- 6.4 OCC Highways has raised no objections to the proposal.

Conclusions

- 6.5 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is **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) 1325 102 A and 1325 103 A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls of the extension 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.
- 4 The roofs of the extension and dormer windows shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 5 The cheeks and pediment of the dormer window(s) shall be rendered in a colour and texture the specification for which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows (including cills and heads), eaves/verges, at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

14/0771/P/FP Field to the rear of the Fox Inn Main Road Stanton Harcourt	
Date	28/05/201430/05/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	STANTON HARCOURT
Grid Ref:	441232,206093

APPLICATION DETAILS

Erection of play equipment to include a multi sports wall, a seating shelter, a nest/pendulum swing and zip wire, and associated hardstandings.

APPLICANT

Stanton Harcourt Parish Council, 5 Woodlands, Standlake, Oxon, OX29 7RA.

BACKGROUND INFORMATION

This application relates to the site that secured planning consent for use as a play and recreational space under application reference 10/1414. Due to the potential impact of the siting and design of play equipment on the amenities of neighbours and the appearance of the conservation area a condition was imposed requiring all such equipment to be the subject of a planning application. The scheme proposes sports equipment, play equipment, a shelter, sports wall, ariel runway, bike track etc along with additional landscaping. Plans of the proposed layout will be used as part of the officer presentation to committee.

1 PLANNING HISTORY

10/1414 Permission given for the use of the land as a play and recreation space.

2 CONSTRAINTS

The site lies in the Conservation Area and adjoining a right of way.

3 CONSULTATIONS

3.1 Parish Council

No response.

3.2 OCC Highways

No response to date.

4 REPRESENTATIONS

None received to date. The consultation period expired 17/7/2014.

5 APPLICANT'S CASE

Writing in support of the proposals the applicant has submitted testimonials from the Head teacher and TVP, evidence of community engagement/support and a design and access statement advising that the field has had two temporary goal posts since 2010, the site is designed for older children, the project is funded through 106 monies and local fundraising, equipment has generally been sited to the west of the field to reduce noise impact to residents, planted buffer zones have been created, equipment has been sited to reduce visual impact, it is hoped road will be traffic

calmed and budget is available to meet this need, equipment is generally wooden construction to fit with the rural nature of the site, facilities are much needed in the village.

6 POLICY

Policy BE5 and TLCI along with the provisions 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:

Principle
Impact on Conservation Area
Impact on neighbours
Access

Principle

- 7.2 This site has already secured consent for use consistent with what is now being proposed. Policy TLCI is generally supportive of the provision of new small scale community facilities and as such it is considered that the principle of the proposals is acceptable - provided that the harms are minimised:

Design and impact on Conservation Area

- 7.3 Since the application for the use of the land secured consent the PC has undertaken considerable planting which means the site is much less open than was hitherto the case. The play equipment will be seen in the context of this maturing landscaping and has been designed to have a "rustic" quality that respects its rural context. Whilst clearly some of the openness of the field will be lost, this openness is only readily apparent when within the site and much less so from public vantage points. Additional planting will contain views further.

- 7.4 Your Officers conclude that the proposals will have a neutral impact on the conservation area and that in any event, weighing the tests set out in the NPPF, the public benefit of the scheme is such that even if a small degree of harm were caused it would be justified by the public benefits of the scheme.

Neighbourliness

- 7.5 In that the equipment will be an attraction over and above the current use of the field it is likely to attract further use and potential for somewhat increased activity/disturbance. However the PC has sensitively sited the equipment to minimise these issues and the planting belts will act as both a visual and aural screen as they become increasingly mature. The slight increased potential for disturbance is not considered such as would outweigh the benefits of the scheme.

Highways

- 7.6 The Local Highway Authority Area Liaison Officer has yet to assess the proposal from parking and safety perspectives and so it is not possible to advise as to whether he will object to the scheme. Therefore, officers will update the report and make a formal recommendation once the advice has been received.

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 likely to be acceptable on its planning merits subject to any comments that the County Council may make regarding highway and pedestrian safety.

RECOMMENDATION

Provisional approval.

I4/0791/P/FP Thistle Cottage Ham Lane Aston	
Date	25/04/201405/06/2014
Officer	Mr Phil Shaw
Officer Recommendation	Provisional Refusal
Parish	ASTON, COTE, SHIFFORD AND CHIMNEY
Grid Ref:	434056,202920

APPLICATION DETAILS

Development of seven dwellings extend/refurbish Thistle Cottage and associated works.

APPLICANT

Builders Ede Ltd, Eden House, Two Rivers Business Park, Station Lane, Witney, Oxon, OX28 4BL.

BACKGROUND INFORMATION

This application relates to a site that will be well known to Members having been the subject of a number of planning applications and a Members Site Visit. Consent is now sought to retain the existing last occupied dwelling (that has been the subject of fire damage since the last site visit) and to use the remains of the former cottages on site coupled with new build to create 7 further units. None of the units are proposed as affordable dwellings.

The site has a substantial tree cover but much of the understory has been removed in the recent past and is currently fenced off as a number of the former cottages have suffered elements of structural collapse.

I PLANNING HISTORY

- 1.1 The eight small cottages on the site were built in the mid-19th century for workers at the local wheelwrights. A Closing Order was made on the cottages in 1958. In February 2006, an application for a Certificate of Lawful Existing Use or Development (CLEUD) to use the eight small cottages as eight dwellinghouses was refused (application no. 05/1762/P/CLE). The reason for refusal was:

“That, on the balance of probabilities, the residential use of the land and buildings comprised in the application has not been proven to be lawful as the use is considered to have been abandoned, partly in favour of a storage use and partly in favour of a non-use.”

- 1.2 A fresh application for a CLEUD to use the eight cottages as eight dwellinghouses has been submitted to accompany this application but has not yet been determined.
- 1.3 In May 2006, planning permission was granted to convert the existing small cottages to four dwellings (application no. 06/0626/P/OP).

- 1.4 In August 2007, application nos. 07/1145/P/FP and 07/1146/P/DCA to demolish the eight cottages and build 11 new houses were withdrawn.
- 1.5 In July 2008, application no. 08/0969/P/FP to retain Thistle Cottage, convert the other cottages into three houses and build four new houses was refused for five reasons: 1) loss of trees; 2) large and out of scale houses; 3) overlooking; 4) lack of affordable houses provision; 5) insufficient information about protected species.
- 1.6 In June 2012, application no. 11/0964/P/FP to retain Thistle Cottage, convert and extend the small cottages to create four houses and build two new houses was withdrawn.
- 1.7 A planning application to retain Thistle Cottage, convert and extend the existing small cottages to create four houses and build two new houses was submitted in June 2012 (application no. 12/1024/P/FP). The Council resolved to grant planning permission in 2013 subject to the completion of a S106 agreement. The agreement, however, has not been completed so the decision on the application is still pending.

2 CONSTRAINTS

The site lies within the Conservation Area with TPO trees, listed buildings and a right of way sited in close proximity.

3 CONSULTATIONS

3.1 Aston Parish Council

“In the view of the Parish Council, the current condition of the site is a blight on the village, and the members of the Council consider that it will be beneficial for it to be redeveloped, provided that development is sympathetic to the location and to the village of Aston as a whole. However, the Parish Council OBJECTS to the current planning application for this site for the following reasons:

In adequate provision for vehicle parking and vehicle movement

The application proposes to create 8 houses on a site of very restricted size. The way the site can be used is further restricted by the number of trees on it which the developer knows they must seek to retain. Of the 8 units to be newly built or converted, it is proposed that 3 will have 3 bedrooms, 4 will have 4 bedrooms and 1 will have 5 bedrooms. It is proposed that four of the units will only have parking provision within the site for 2 vehicles, with the remaining units having parking provision for 3 vehicles (which includes garages, which are often used by people for possession storage rather than for vehicle parking). The parking provisions is clearly therefore inadequate; it is very likely that houses with 4+ bedrooms will be occupied by drivers of more than 2 vehicles per property. Due to the restricted size of the site, the tree cover and planned hedges/gardens and the limited amount and width of roadway which will be created there will be nowhere within the site for vehicles in excess of the provided spaces per property to be parked. This will be exacerbated when visitors come to the site.

Moreover, the location of the parking for units 1, 2 and 8 is impractical. The front doors of the properties lead out onto Ham Lane but the application proposes that the parking for these units will be at the rear and at the furthest point from any entrance door. If the occupiers of these units park in their designated spaces, they would have to walk across their rear gardens and enter their properties via doors into the living/dining rooms. Human nature indicates that it is far more likely that they would park on Ham Lane so that they can access their properties via the front door.

There does not appear to be any provision for the installation of a boundary fence, wall or hedge for the front of the site. The members of Aston, Cote, Shifford & Chimney Parish Council consider that it would be

extremely beneficial for the planning application to include solid wall boundaries for the front of the site, which will reduce the risk of residents of, or visitors to, the properties parking either fully on the front gardens of the properties or part on the gardens of part on Ham Lane.

In addition to this, the design of the parking provision for units 2, 4, 6 and 7 is impractical because to utilise all the parking spaces will require vehicles to block the entrance and exit of other vehicles (in the case of unit 6, the vehicles would be parked 3 deep in order for all of the parking spaces to be utilised).

The likely effect of the above is that there will be parking overspill onto Ham Lane. This road is extremely unsuitable for on-road parking. Ham Lane is narrow, has no footpath and leads out towards agricultural fields, which means it is regularly used by large agricultural vehicles. If vehicles are parked on the road this will significantly increase the safety risk for all vehicles and pedestrians.

Much as the Design and Access statement says that the “access road ... includes a vehicle turning space,” it is not in fact clear on the plans where this space is; there is no evident traditional turning circle. It certainly does not appear that there will be sufficient space for large delivery or service vehicles to enter the site, turn and exit it driving forwards. It will be very unsafe for vehicles to reverse out of the site onto Ham Lane as drivers will not be able to see any oncoming traffic, particularly given the landscaping at the front of the site.

The application does not therefore meet Policy H1 of the Local Development Plan 2011 which states that applications must not “create unsafe conditions for the movement of people and vehicles” or Policy BE3 which requires the “safe vehicular movement of all vehicular traffic within the site and on the surrounding highway network”.

Increase in traffic using a road with existing highway safety concerns

The junction of Ham Lane with the High Street in Aston is known for having extremely poor sight lines. This has been exacerbated over recent years by an increase in the number of vehicles routinely parked on the High Street. With a minimum increase in the number of vehicles based in Ham Lane of 28 (the number of parking spaces on the development), the existing road safety concerns will be significantly increased.

The application does not therefore meet Policy H1 of the Local Development Plan 2011 which states that applications must not “create unsafe conditions for the movement of people and vehicles” or Policy BE3 which requires the “safe vehicular movement of all vehicular traffic within the site and on the surrounding highway network”.

Lack of clarity on the individual unit curtilages

The planning application does not make fully clear where the individual curtilages of the properties will fall. It is not clear, therefore, what future extension/development requests could be generated by the residents. There is a particular lack of clarity over the areas of land under trees TG4 and TG6. There needs to be clear ownership of all the land/trees at the site or it is likely that some of the open spaces will not be maintained, leading to them to fall into decline.

Lack of compliance with Policy H11 of the Local Plan 2011 in relation to Affordable Housing

Policy H11 seeks to enhance the availability of affordable housing in the district by expecting 50% of new units on a development such as this one to be affordable. A previous application for this site had identified that 2 units would be built as affordable housing, however this application indicates that the developer proposes to make a financial contribution to the District Council instead of creating any affordable housing on the site. The members of Aston, Cote, Shifford and Chimney Parish Council would like to know the

amount of S106 funding which the developer will be required to contribute, and would like confirmation that this would be ring-fenced for use in Aston.

Sewerage

As the District Council is aware, there are significant concerns both within and beyond Aston about the ability of the existing foul-water system to cope with the current demands placed upon it, and even greater concerns about the ability of the system to cope with an increase in the demand due to further housing development. The members of Aston, Cote, Shifford and Chimney Parish Council request that the District Council ensures that it has proactively consulted with Thames Water on this issue in advance of considering this planning application, and obtains information on what improvements to the network will be required in order to accommodate the extra housing proposed, and who will fund those improvements.

S106 funding

The application does not refer to the potential for the development to generate developer funding for amenity improvements in Aston beyond the provision of funding in lieu of the creation of affordable housing units. We request that the District Council considers whether there should be further monies required from the developer if the application is passed, which would benefit both the residents of the new units and the wider community.

In addition to the objections detailed above, Aston, Cote, Shifford and Chimney Parish Council would comment further as follows:-

The Parish Council is aware that there is significant concern amongst the residents of Ham Lane about the detrimental impact on their living conditions which will arise during the build process. As previously stated, Ham Lane is a narrow residential road with no effective on-street parking. The Parish Council would like suitable mitigation measures to be put in place for the period of the building work to ensure that the impact of the work on the people living on Ham Lane is reduced as far as possible, with consideration being made to restrictions on times and days when deliveries can be made and the size of vehicles which will be permitted to access the Lane, for example.

Furthermore, given the restricted nature of the site and the issues with on-street parking, the Parish Council is of the opinion that the developer should be required to provide a site movement plan and detailed information on how they would propose to manage the build to reduce the detrimental impact on the residents of Ham Lane.”

3.2 OCC Highways

“No objections subject to conditions.”

3.3 WODC Housing

“We would seek 2 on site shared ownership properties or off site contributions from 3.5 of the additional units. There are currently 68 households in need in Aston.”

3.4 Thames Water

“Recommend that storm water is attenuated through on site storage and that petrol interceptors are fitted to car parking area. With regards to the concerns of the PC regarding the capacity of Sewage works they advise “with regard to sewerage infrastructure capacity we would not have any objection to the planning application.”

3.5 WODC Drainage

“No objection subject to a condition.”

3.6 OCC Footpaths

No response to date.

3.7 WODC Forestry Officer

No response to date.

4 **REPRESENTATIONS**

A very detailed letter and enclosures has been received from Mr Taylor of Ham Lane. This may be viewed in full upon request to the case officer but in a very précised form the main points raised are considered to be:

- Application is a retrograde step away from previous proposals.
- Proposed relocated access is even narrower.
- Fails affordable housing policy.
- Inadequate parking is proposed.
- Ham Lane is often obstructed and has inadequate vision and passing capability.
- Loss of rural amenity.
- Serious overdevelopment of site.
- Builders traffic will spill on to adjoining roads and find it difficult to manoeuvre into the site.
- It is not sustainable development.
- Pedestrian right of way is well used.
- Access would be better from Southlands.
- When old cottages were last occupied car ownership was not the norm.
- Eco surveys will be out of date.
- Loss of trees.
- New build is higher than the cottages
- Sewage issues in the area.
- Area between the cottages was formerly open land.

5 **APPLICANT’S CASE**

Writing in support of the proposals the agent has submitted a Design and Access Statement, an ecology report and a tree survey. These may be inspected in full on line but the key points raised are considered to be:

- Site has been overgrown for years.
- This is an opportunity to make good the site and improve the CA.
- The 8 houses will be accessed from a private road.
- Layout is similar to previous resolution to approve as is the plot ratio.
- 51 habitable rooms will be created.
- Density is 23.5/ha which is a balance between a good use of the land and the character and appearance of the Conservation Area.
- No unit is higher than 2 storey.
- New units infill between the retained ones.
- Houses have good gardens.

- Overlooking has been avoided.
- Buildings have narrow spans.
- Proportions are modest.
- No trees of quality will be lost.
- There are no ecological restraints.
- New houses respect local vernacular.
- Each house has 2 or 3 spaces.

6 POLICY

It is considered that policies BE2, BE3, BE5, H2, H1 I, NE6 and NE15 of the WOLP and the provisions of the NPPF are 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:

Principle/5 year land supply
 Impact on Conservation Area/heritage assets
 Neighbourliness
 Landscape/ecology/climate change
 Highways and Parking
 Sewage Infrastructure
 Mitigation package

Principle/land designation/policy

- 7.2 This application relates to a scale of development that would have been supported under policy H6. In any event the development of the site for a similar level of housing has previously been considered acceptable and in the absence of a 5 year land supply the Housing policies of the adopted plan would be considered out of date and the presumption in favour of sustainable development (provided that there are no significant and demonstrable harms) set out in the NPPF would apply. The principle of development of the site is therefore considered to be established.
- 7.3 However previous developments of the site have made provision for affordable housing by way of off site contributions. With the increase in the number of units the proportional contribution would also increase. No viability or other evidence has been provided as to why the provision of affordable housing would render the scheme unviable and with the increase in units the viability should be enhanced in comparison to the scheme that secured a resolution to approve. The need for affordable housing should have been known and reflected in the land value when the site was recently purchased. The lack of affordable housing is considered to be contrary to policy H1 I, particularly when there is an identified local need.

Design and impact on Heritage Assets

- 7.4 It will be evident from the planning history section of the report that getting the development of this site to a position where it is acceptable without being harmful to the Conservation Area has taken some considerable effort in the past. Key to this has been the need to ensure that the arboreal character of the site is retained, that the existing former cottages are respected in terms of their retention and setting and that the future pressure of residents using the site upon the trees does not lead to an erosion of the value that the site in its current state adds to the area. Notwithstanding that a number of the trees are not prime specimens, the value of the group of trees is a particular and valuable element in the character of this part of the conservation area. The

agent has sought to protect the key trees but the proximity of the driveways, dwellings, garden areas etc coupled with the greater number of units when compared to the last scheme would all tend to suggest that the site is overdeveloped as now proposed. The manner in which the existing former cottages have been dealt with is not as successful as the previous scheme involving a greater masking of the elevations and larger new additions. Some of the detailing of the new units (e.g. integral garages) fails to respect the extant character of the unlisted heritage assets and given the very poor structural condition of some of the units it is now debatable whether they are now all capable of conversion. No structural survey has been provided to address this issue.

- 7.5 Your officers will present the plans in detail but in essence consider that the scheme fails to respect the character and appearance of the Conservation Area or the former cottages and that this is contrary to adopted policy and the advice of the NPPF.

Neighbourliness

- 7.6 The scheme has been carefully designed such that whilst there will be some limited additional overlooking to the properties in Ham Lane arising from the introduction of the additional unit, the extent of additional overlooking, overbearing, overshadowing etc is not so great given the distances involved as to warrant refusal. The relationships within the site are similarly considered acceptable.
- 7.7 It will be noted that concern has been expressed regarding the un neighbourliness of building operations. This is not however a matter that would justify a refusal reason - albeit that it would need careful control if there were not to be either undue pressure on the trees on site or on the local road network in terms of siting the site compound.

Landscape, ecology and climate change

- 7.8 As identified earlier in the report the site is heavily tree covered and the scheme proposes substantial loss of the tree cover within the site. Key trees are shown as retained but would be under considerable pressure during development works and when the units were occupied in that roads, paths, bin stores etc all sit under the canopies and some dwellings have very little garden area that is not wholly tree dominated. Your officers consider that the extent of tree loss would be likely to be greater than detailed on the plans but are awaiting the response of the Forestry Officer before finally recommending on this aspect of the development.
- 7.9 The site has been re surveyed for ecological impact and no species or habitats of particular significance have been identified. Mitigation/enhancement measures are put forward by the ecologist and could be secured by condition. This aspect is considered acceptable. Similarly energy and water saving measures could be secured by condition.

Highways and parking

- 7.10 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. However there are a number of aspects regarding the ability of vehicles to service and turn within the site that your officers would like to take up with the Highways Officer before finalising the consideration of this aspect of the development. Similarly, given the clear problems of parking in the area and use of the lane by larger vehicles, discussions as to a construction traffic management plan in the event that consent is granted also need to be considered. A verbal update will be given at the meeting.

Sewage Infrastructure

- 7.11 Members will be fully aware of the extensive local concerns regarding the capacity of the sewage works to accommodate further development without exacerbating existing problems of capacity and discharge. Thames Water has been consulted but has raised no objections and, in this instance, has not sought a Grampian condition seeking works to improve matters. In the absence of technical support for the concerns being raised the issue of sewerage capacity is not considered to represent a reason for refusal.

Mitigation Package

- 7.12 At the time of agenda preparation the Heads of Terms of any potential I06 agreement, particularly as regards to affordable housing delivery and any local mitigation measures for the Parish Council have not been addressed by the applicant. This is likely to result in a refusal reason such that if the application is refused and goes to appeal it will ensure that such matters are fully addressed in that forum.

Conclusions

- 7.13 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 in principle on its planning merits and it is therefore likely to be brought forward with a recommendation for refusal at the meeting. However until such time as the comments of the Forestry Officer and the further comments of the Highway Officer have been sought it is not possible to formalise the recommendation. A verbal update will be given at the meeting.

RECOMMENDATION

Provisional Refusal.

14/0826/P/FP Westfield Lodge Shilton	
Date	04/06/2014 11/06/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	SHILTON
Grid Ref:	426194,208123

APPLICATION DETAILS

Erection of replacement dwelling.

APPLICANT

Mr & Mrs C Rawlings, Westfield Lodge, Shilton, Oxfordshire, OX18 4AW.

BACKGROUND INFORMATION

This application proposes a replacement dwelling for 'Squirrel Cottage', a former three bay garage approved in association with 'Westfield Lodge' in 1993. Having regard to evidence submitted with CLEUD application 13/0579, it was confirmed that 'on the balance of probabilities it has been demonstrated that the garage has been occupied as a single dwelling house without the benefit of planning permission for a period in excess of four years and as such use as a single dwelling house does not contravene any requirements of any enforcement notice'.

The furthest gable of the replacement dwelling is to be located approximately 40m to the west of the former garage building. It has an eaves height of 3metres and a ridge height of 7.7metres with rooms in the roof space. It has a significantly larger footprint than 'Squirrel Cottage' as presently constructed. The application details advise that the building is to be in natural stone with an artificial stone slate roof.

Implied in the description of development is that 'Squirrel Cottage' will be removed from site as part of this proposal/demolished.

I PLANNING HISTORY

The most relevant planning history to the plot is as follows:

93/1343- Planning permission granted for a three bay garage;

13/0579- Certificate of Lawful use granted confirming the use of the former garage as a dwelling;

13/1587- planning permission granted for erection of a detached building comprising a three bay car port and a workshop.

2 CONSULTATIONS

2.1 Parish Council

"There is not enough information in the applications at the moment for us to give a considered view. We need further detail as it appears somewhat ambiguous.

In fairness to Mr Rawlings and the Parish Council may I suggest that this is referred to committee to give us more time to obtain a greater understanding of the situation?"

2.2 West Oxfordshire District Council (Engineers)

"No objections subject to conditions and an informative."

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT'S CASE

In summary the applicant's case is as follows:

- 'Squirrel Cottage' is in a generally poor condition;
- The land around has been used as a garden;
- Extension to 'Squirrel Cottage' has been accepted under the prior notification procedure;
- Pre application discussions have taken place;
- The proposed siting is within established residential curtilage;
- The dwelling will be largely screened by an approved carport/garage/workshop to the north;
- The design is based on sustainable principles and the materials are locally sourced stone and imitation roof slates;
- There will be environmental enhancements to include a tree belt, hedgerow planting, wild meadow and a heritage orchard;
- The dwelling is designed so as to be sympathetic to local character;

- Taking account of the approved and permitted developments already agreed the footprint of the replacement dwelling will be smaller than 'Squirrel Cottage' should the permitted enlargement be carried out;
- The proposal is compliant with policies H2, BE2, H3, NE1, NE2, NE13, BE3 and the NPPF.

5 POLICY

The key policies for consideration are H2, BE2, BE3, NE1 and NE3.

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

Design and landscape impact

Principle

- 6.2 Given that this proposal is to replace an existing dwelling on the site, the principle of a one for one replacement is policy compliant having regard to policy H2 of the adopted WOLP 2011.

Design and landscape impact

- 6.3 The key consideration in this regard relates to both the size of the replacement dwelling and its location on the land.
- 6.4 Whilst the design and materials of the proposed dwelling are considered acceptable, the dwelling has a significantly larger footprint than 'Squirrel Cottage' as presently constructed. As such, officers consider that the proposal does not comply with the spirit of the supporting text for policy H2, which states that in open countryside location where dwellings are not normally permitted, the replacement should be on a one for one basis only. Clearly this is not the case here, notwithstanding the applicants agent opinions in respect of how big 'Squirrel Cottage' could be if the applicant were to build extensions under the GPDO.
- 6.5 In addition to the 'size' issue, the dwelling is to be sited some 40m west of 'Squirrel Cottage'. Whilst it is accepted that in the summer months a building of 7.7m to ridge will be reasonably well screened by existing planting, in the autumn and winter it would be visible. Of concerns to officers is that the proposed location, significantly further west than the existing dwelling, would appear from the surrounding road network to physically extend built form in to the open countryside, adversely urbanising the rural character and appearance of the area. As such, the proposal is considered to be contrary to policies BE2, NE1 and NE3 of the adopted WOLP 2011.
- 6.6 In order to seek to address the above concerns, it is anticipated that the applicants may offer to revoke the planning permission for a mobile home which is located outside of the residential curtilage of 'Westfield Lodge' and which is visible from the access road to the east and urbanising in it's own right. Also it is anticipated that additional landscaping proposals will be provided to help screen the site further. Officers consider that the permanent removal of the mobile home and the offer of additional landscaping constitute a planning gain for the site which can be argued compensates for the conflict with policy referred to above, such that a favourable recommendation can be made in respect of this proposal.

Conclusions

- 6.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that subject to receipt of written confirmation from the applicants of an agreement to revoke planning permission 11/0632 and additional acceptable planting proposals for the site, that the development can be recommended favourably subject to a legal agreement and relevant conditions.
- 6.8 The legal agreement would relate to revocation of planning permission 11/0632 and a time frame for its permanent removal from the land.

RECOMMENDATION

Provisional Approval

14/0827/P/FP Squirrell Cottage Shilton	
Date	04/06/2014 11/06/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	SHILTON
Grid Ref:	426194,208123

APPLICATION DETAILS

Erection of stables.

APPLICANT

Mr & Mrs C Rawlings, Westfield Lodge, Shilton, Oxfordshire, OX18 4AW.

BACKGROUND INFORMATION

This application is for an L shaped building which is wooden clad with a steel sheet roof. The building has a ridge height of 4.2m. The L shaped ranges are 12.5m and 13m in length. The drawings submitted with the application illustrate that one of the ranges is a three bay open barn and the other provides two enclosed stables and an enclosed tack room. The building is located at the most western extreme of the land in the applicant's ownership, some 130 m away from the curtilage associated with 'Squirrel Cottage'. Whilst the building is described as 'stables', the supporting statement with the application advises that the building is required for storage, occasional animal shelter and the maintenance of the land. The application details advise that the building is to be located on a concrete base, which historically was constructed when the site was used during the First World War. The justification given in the application for the building is that it can adequately combine the shelter, storage and maintenance needs in one structure. Further, the application makes it clear that the building is for private purposes only. The application also advises that the building is located on the lowest part of the site and is screened by existing trees and hedges.

1 PLANNING HISTORY

The planning history on this site is extensive. For the purposes of this report the most relevant history is considered to be planning permission 13/1587 for a three bay car port and workshop/secure storage area.

2 CONSULTATIONS

2.1 Parish Council

“There is not enough information in the applications at the moment for us to give a considered view. We need further detail as it appears ambiguous. In fairness to Mr Rawlings and the Parish Council I suggest that this is referred to Committee to give us more time to obtain a greater understanding of the situation.”

2.2 West Oxfordshire District Council (EHO)

“No objections.”

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT’S CASE

This is contained within the ‘Background Information’ section of the report.

5 POLICY

The key policy is NE1 of the adopted West Oxfordshire Local Plan 2011.

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 key issue is the principle of the development.

Principle

- 6.2 Whilst it is quite clear from an assessment of the sites context, that the building by virtue of its height, location and existing screening will not be highly visible from the public domain, your officers question the need for and the convenience of the building in the location proposed for the purposes proposed, particularly in light of the recent grant of planning permission for a large outbuilding to serve ‘Squirrel Cottage’ which could potentially accommodate the storage use, particularly in light of the small area of land to be maintained.
- 6.3 The description of development refers to the building as stables but there is no evidence submitted with the application that horses are to be kept on the land for private use by the applicants. The application only makes reference to use for ‘occasional animal shelter’.
- 6.4 In light of the above, Officers consider that the application as submitted constitutes sporadic development in the open countryside for which no justification has been demonstrated and as such the proposal is considered contrary to policy NE1 of the adopted West Oxfordshire Local Plan 2011. The application is recommended for refusal accordingly.

Conclusion

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

RECOMMENDATION

Refuse for the following reason:

It has not been demonstrated to the satisfaction of Local Planning Authority that the building, which according to the application details is for storage, occasional animal shelter and maintenance of the land attached to 'Squirrel Cottage' and which is located approximately 130 metres away from the curtilage associated with the dwelling in open countryside, is either conveniently located or needed given the recent grant of planning permission (ref: 13/1587) for a large outbuilding with a secure storage facility, located within the curtilage to serve the dwelling. The development proposal is, therefore, considered to constitute sporadic development in the open countryside for which no justification has been demonstrated contrary to policy NE1 of the adopted West Oxfordshire Local Plan 2011.

14/0842/P/S73 131 Abingdon Road Standlake	
Date	05/06/2014 16/06/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant
Parish	STANDLAKE
Grid Ref:	439198,202958

APPLICATION DETAILS

Non compliance of condition 5 of Planning Permission 11/1640/P/FP to allow removal of permitted development rights restriction.

APPLICANT

Mr Brian Cade, 137 Abingdon Road, Standlake, Oxfordshire, OX29 7QN.

BACKGROUND INFORMATION

The application relates to a previous planning application for a new dwelling which has now been implemented and completed. Condition 5 of the planning consent removed permitted development rights for extensions, conservatories and further garages. The reason for this condition was to retain the open character of the area and to protect the residential amenities of the adjacent dwellings. Comments from the Parish Council have yet to be received for this application.

1 PLANNING HISTORY

11/1640/P/FP – Erection of dwelling and new vehicular access (to allow attached garage) – Grant.

2 CONSULTATIONS

2.1 Parish Council

No comments received.

3 REPRESENTATIONS

One letter has been received from Mr Knight of 129 Abingdon Road. His comments have been summarised as:

- The fact should be borne in mind that planning permission for this house was only given on the basis that PD rights were removed in order to protect us from further intrusion into our lives. We were opposed to the construction of the new house, but when planning permission was granted, we were pleased that PD rights were removed to give us some protection from further development. Windows from the house already overlook our rear garden where we previously experienced total privacy with no overlooking. We now have virtually no privacy in

our rear garden and we are fearful that removal of this planning condition will allow further development with more windows allowing views over our garden and into our home.

- It is also worth noting that we lived here for ten years before this house was built and we never envisaged that a house would be built there. The detrimental effect that it has had to our quality of life is easy to see.
- It seems ludicrous to even consider an application three years later to remove this restriction because it raises the question ‘*why impose the condition in the first place, unless it is only to appease neighbours at the initial planning stage?*’
- The various arguments put forward by the applicant are similarly ludicrous because of the context of the properties that he mentions and the fact that they were all built or modified by him. There was therefore no need to protect the residents of those properties in the same way that the removal of PD rights at 131 protects us.
- I therefore ask that you remember the reasons that the PD rights were removed in the original application and that they be retained for those good reasons. This application should therefore be refused. - I will be pleased to speak at the committee meeting in opposition to this application.

4 APPLICANT’S CASE

A Design Statement has been submitted with the application and has been briefly summarised as:

- Planning application 13/1485/P/FP was granted on 2 June 2014 for two houses in the same location. WODC were not minded to add a condition to remove pd rights for extensions. For consistency and fairness this condition should now be removed from 11/1640/P/FP.
- Again with reference to 13/1485/P/FP & appeal APP/D3125/A/14/2213981, the Inspectorate removed the WODC requested condition to remove pd rights for outbuildings stating that; “I consider that any outbuildings constructed under permitted development rights would be unlikely to cause significant harm to the character or appearance of the area and thus the condition suggested by the Council is not necessary.”
- If not necessary in this location, then it is not necessary at 131 Abingdon Road.
- Full planning permission has been granted for 2 large detached houses with full pd rights at 139 & 141 Abingdon Road, then it can’t be argued that an extension and outbuildings to an identical house at 131 Abingdon Road, would conflict with Policy BE2 or H2.

5 POLICY

Policy BE2 – General Development Standards

Policy H2 – General residential development standards

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:

Impact to neighbouring properties’ residential amenity

Impact to the overall open character of the site

Neighbourliness

- 6.2 Planning application 11/1640/P/FP was approved on 1 December 2011 with various conditions included. Condition 5 states:

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 extensions, conservatories or further garages shall be constructed.

REASON: To retain the open character of the area and to protect the residential amenities of the adjacent properties. (Policies BE2 & H2 of the adopted West Oxfordshire Local Plan 2011.)

- 6.3 This condition was included by officers to protect residential amenities of No 129 Abingdon Road, and Fletchers Farm at 133 Abingdon Road, (which has now been replaced with 2 further dwellings). As No 131 was effectively an infill plot between two existing dwellings, officers considered that adding the above condition would prevent any large extension or outbuildings affecting the neighbours' residential amenities in terms of loss of light or overbearing issues.
- 6.4 Officers have carefully assessed the case made to remove the condition and taken into consideration the neighbour representation made. Officers consider that due to the recent appeal decision whereby no permitted development rights have been removed, there is no longer a justification for retaining this condition. Although permitted development rights have been liberalised there are still various restrictions in place regarding extensions and garages which would help to prevent any undue adverse impact to No 129 Abingdon Road.

Open character of the site

- 6.5 The other reason that the condition removing permitted development rights was included was to prevent the site being overdeveloped by extensions/garages, and this was specifically important regarding the open frontage of the site. With the amended permitted development rights, any garages forward of the main elevation of the dwelling would require planning permission and as such officers consider that control would still be available in terms of the siting of such buildings, to protect neighbour amenity and the open character of the site.

Conclusions

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

RECOMMENDATION

Grant.

NOTE TO APPLICANT

Notwithstanding the above approval for the removal of permitted development rights restriction, the remaining conditions and approved plans, and information relating to the discharge of conditions attached to the original planning application reference 11/1640/P/FP shall remain.

14/0843/P/FP 41 & 43A High Street Witney	
Date	09/06/201409/06/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435637,209947 435651,209954

APPLICATION DETAILS

Conversion of existing outbuilding (to the rear of 43a) and erection of first floor extension (to the rear of 41) to create three 1 bed flats.

APPLICANT

Mr Peter Rawlins, 41 High Street, Witney, Oxon.

BACKGROUND INFORMATION

This application proposes to convert and remodel (by way of increasing the roof pitch and amending the fenestration) an existing outbuilding which fronts on to the access road to Meadow Court to a one bed unit. In addition, it proposes a first floor extension to the rear to provide two one bed flats.

1 PLANNING HISTORY

14/0060- Conversion and first floor extension of existing outbuilding 43a High Street and erection of first floor extension to the rear of 41 High Street, to provide residential units - Withdrawn.

11/1297- Erection of first floor rear extension - Approved.

2 CONSTRAINTS

Conservation Area.

3 CONSULTATIONS

3.1 Town Council

No reply to date.

3.2 OCC Highways

No reply to date.

3.3 West Oxfordshire District Council (Engineers)

No reply to date.

4 REPRESENTATIONS

Extensive local consultation carried out. No representations received at the time of writing.

5 APPLICANT'S CASE

In summary the applicant's case is as follows:

- Both the buildings have consent for office use;
- A precedent has been set for a mixed commercial /residential use in the area;
- The buildings will be constructed with materials in keeping;
- There will be no obstruction to Meadow Court during construction as materials will be stored on land behind 43 High Street. Therefore there should be no upheaval to the current tenants of Meadow Court;
- Access to the proposed flats would be from Meadow Court. There is a mixture of vehicles and pedestrians that already use the access road ,without to our knowledge any safety issues;
- Provisions have been made for refuse storage;
- The tenants of Meadow Court have been consulted by the applicant prior to this application being submitted;
- The proposal will not have an increased impact on the surrounding area;
- Overlooking of adjacent properties will not be possible;
- It is solely for residential use;
- As the existing building and land are presently vacant it is intended to carry out the building work to prevent the building from falling in to a dilapidated state due to lack of use and to enhance the rear of 41 by constructing the first floor extension;
- There are two existing car parking spaces to the rear of 41 in the ownership of the applicant. These can be used for visitor parking although the proposal is only a short walking distance from bus stops and various public car parks.

6 POLICY

Key policies are BE2, BE3, BE5 and H2 of the adopted WOLP and relevant paragraphs of the NPPF.

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

Principle

7.2 The principle of mixed residential and commercial uses in town centre locations such as this is encouraged because it brings 24/7 vitality and vibrancy to such areas. In light of this the principle of three flats within this area of mixed uses in considered acceptable.

Design

7.3 In light of the fact that the two storey extension to the rear of 41 High Street is very closely modelled in terms of it's design to that approved under 11/1297, officers are of the opinion that this element of the application is acceptable in terms of it's impact within the context of the Conservation Area. In order to ensure that the details of the design are of the standard required

to either 'preserve or enhance' character, a condition is recommended which requires those details to be individually approved prior to the commencement of development.

- 7.4 The proposed remodelling of the single storey building to the rear of 43 High Street by virtue of increasing the roof pitch and giving the building a public face on to the access road is considered to 'enhance' this part of the Conservation Area.
- 7.5 In light of the above the development proposals are considered compliant with policies BE2, H2 and BE5 of the adopted WOLP.

Neighbourliness

- 7.6 The scheme has been designed to ensure that there is no unacceptable overlooking of the living spaces serving either 43 High Street or the recently approved dwelling on the opposite side of the access road.

Highways and parking

- 7.7 At the time of writing the consultation response from OCC Highways remains outstanding. However in respect of an earlier application for I4/0060 for a very similar development no objections were raised on highway safety or parking grounds. It is therefore anticipated that the same consultation response will be received in due course in respect of the above

Conclusions

- 7.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is **acceptable** 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) 2, 3, 5 and 7.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the application details 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.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), eaves/verges, at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 5 Development shall not commence until a surface water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.
- 6 The flats hereby approved shall not be occupied until works for the disposal of surface water have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To secure adequate and sustainable means of disposing of surface water from the site and to avoid flooding.

NOTES TO APPLICANT

The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.