

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

15th September 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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Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

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14/0973/P/FP Weald Manor Farm Bampton	
Date	01/07/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	BAMPTON
Grid Ref:	431072,202587

APPLICATION DETAILS

Demolition of redundant farm buildings and erection of seventeen dwellings with associated works.

APPLICANT

Trustees of the John Colvile Will Trust, C/O Agent.

BACKGROUND INFORMATION

This full application relates to a site located off The Weald and seeks consent for 17 stone houses of which 9 will be social rented and 8 rented by a Trust. A section 106 agreement is proposed to ensure occupation is binding. The income from the trust housing will be used to repair and maintain Weald Manor which is a grade 2* listed building.

The built form is an open courtyard fronting onto Weald Street and comprising detached, semi detached and terraced properties. Parking is generally provided off plot and a flood alleviation pond is detailed on land lying outside the application site area. Additionally further works to create a footpath and crossing points to enable pedestrians to access Canfield Road are detailed but again these are not in the site area. It is also proposed that a field can be used for village and community events and that existing over ground cables will be relocated underground. Additional tree planting is also proposed.

The application has been advertised as a departure from the adopted development plan.

1 PLANNING HISTORY

Of most relevance was application 08/0900 which was withdrawn prior to determination having been scheduled for refusal on the following summarised grounds:

- The proposal is contrary to Local Plan Policy H7 and is a departure from the development plan.
- Not all of the housing will be “truly affordable”. The private rented houses are a form of cross-subsidy of the affordable rented houses which is contrary to policy and would “wholly undermine” the principles under which affordable housing exception policies apply.
- The proposal would set an unacceptable precedent for other similar developments along Weald Street.
- The new buildings, traffic calming and access arrangements will have an urbanising impact on the area and would harm the open and rural character of this part of the Conservation Area.
- The extent of the development means that the existing low key agricultural character of the site would be replaced with a much more urban form, extending the footprint of the built form into currently open land and with “a somewhat contrived layout.

2 CONSTRAINTS

The site lies within the Conservation Area.

3 CONSULTATIONS

3.1 Bampton Parish Council

“Objection for the following reasons:

1. The visibility and access road is poor raising safety concerns for vehicular and pedestrian traffic.
2. Distance from Primary School and village amenities will increase traffic and parking issues.
3. It is rural area outside village boundaries, and the size of the proposed development will intrude into the green belt, unacceptably changing character of the area.
4. The development is unsustainable in economic and environmental terms.
5. The flooding attenuation in place was built for existing risks and does not necessarily cater for any additional risk this development will bring.
6. It may set precedent for more housing developments in the area.

If the application were to be approved the Parish Council has provided suggestions with regard to the use of the section 106 monies.”

3.2 Oxfordshire County Council Single Response

“Key issues:

- Negligible traffic impact
- Improved pedestrian access
- Appropriate vehicular access and layout

Legal Agreement required to secure:

Section 106 Town & Country Planning Act – Developer Contributions

A contribution of £2,000 is sought toward the provision of new bus stops (poles and flags etc) to be located on Clanfield Road close to the junction of Weald Street.

Section 278 Highways Act – Works in the Highway

All works in and adjacent the highway will be subject to a Section 278 Agreement with Oxfordshire County Council, this will include works for the proposed footway along Weald Street and the altered vehicular access.

Conditions:

Standard Condition G18 Junction of road with highway details

Standard Condition G212 Estate roads

Standard Condition G31 Accesses, parking areas etc before occupation

Standard Condition G37 Retain garages for parking

Prior to first occupation, the proposed footpath, as shown on submitted plan 799/P/05A, shall be fully constructed in accordance with specifications to be agreed with Local Planning Authority. Thereafter the path shall be retained and maintained for pedestrian use without restriction.

NB The applicant may wish to have this footpath adopted in which case OCC Rights of Way Team should be contacted at the earliest convenience.

A Travel Information Pack, the details of which are to be submitted to and approved by the Local Planning Authority, shall be provided to every household on first occupation.

Informatives:

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate

to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Detailed Comments:

The proposed development would have a negligible traffic impact. A pedestrian link is proposed to meet existing provision at Clanfield Road. To further enhance the accessibility of the site a contribution is sought toward the provision of new bus stops closer to the site and the applicant is expected to provide travel information packs for new residents.

Improvements to the existing vehicular access are proposed and considered acceptable subject to detail plans. Proposed parking and turning areas are appropriate.

Drainage

Objection.

Key issues:

- The location of an existing Surface Water Storage Pond is shown the Indicative Surface Water Drainage Strategy; but it is outside the boundary of the application site.
- There are no calculations submitted, showing that there is additional storage capacity within the in Pond to serve this proposed development.
- Consent/Approval of the landowner of the Pond is required for the connection of the surface water discharge from the proposed development.

Conditions:

If the LPA are minded to approve this application, the following condition is required.

1. Full SUDS design, layout and legal agreement to be submitted for approval before commencement.

Archaeology

Objection.

Key issues:

A Lidar survey of the area suggests archaeological features may be present within the application area. In line with Para 128 of the NPPF and Local Plan Policy BE13 we would recommend that a predetermination archaeological field evaluation is undertaken.

Conditions:

The results of the evaluation may indicate that conditions are required.

Detailed Comments:

The application area does not contain any known archaeological features.

The Davis Map of 1797 does indicate that there were early post medieval buildings within it. A Lidar survey of the area also indicates that there may have been structures on the site or that activities may have occurred within it. It is difficult to be more precise than this.

The evidence does not suggest that archaeological features that are demonstrably of equivalent significance to scheduled monuments are present and we would therefore recommend in accordance with the NPPF Para 128 and Local Plan Policy BE13 that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

If the applicant makes contact with us, we shall be pleased to provide information on the procedures involved, draft a brief upon which a costed specification can be based and provide a list of archaeological contracting organisations working in the area.

Education

Approval subject to the conditions.

Key issues:

£61,616 Section 106 required for necessary expansion of permanent primary school capacity in the area. Bampton CE Primary School is the catchment school for this development and has very limited spare places. No secondary contributions required at the current time. £3185 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£61,616 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 5.32 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index. If extension of an existing school is not feasible, and instead a new school is required, a contribution would be required towards the new build costs of this, at a rate reasonably related to the scale of this development. £3185 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.11 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Detailed Comments:

Primary

Bampton CE Primary School has 150 places available in permanent accommodation, and as of October 2013 has 140 children on roll. Pupil forecasts indicate that the school will exceed 150 children from 2016 onwards.

The school is therefore effectively operating at its permanent accommodation capacity, and needs additional permanent accommodation to be able to accommodate more children in a sustainable manner.

The planning application for 160 dwellings north of New Road Bampton (13/1465/PIOP) was approved February 2014, and is projected to generate a demand for 62 primary school places (age 4-10). This will require the school to expand. Additional accommodation would allow the school to expand to an intake of 30 (compared to its current published admission number of 20), and to a total capacity of 210 places. An expanded school would therefore be expected to remain broadly full as a result of already permitted development, but may be able to accommodate pupils from small scale local development.

Developer contributions are therefore sought towards additional permanent accommodation at the school, both to replace the existing temporary accommodation and to allow the school to expand. (It should be noted that an application for 127 dwellings at land off Aston Road Bampton (13/1309/PIOP) was refused December 2013, and is pending appeal. Should this be approved on appeal, expanding the school to 1 form entry is unlikely to be sufficient, and the feasibility of expanding the school beyond this has not been tested.)

Secondary

This area feeds to Burford Secondary School (an academy), which is expected to have sufficient capacity to accommodate the likely level of local housing growth. No developer contributions are currently sought.

Special Educational Needs

Across Oxfordshire, 1.11% of pupils are taught in special schools. All developments are expected to contribute proportionately to the costs of increasing capacity in these establishments.

Property

No objection subject to conditions.

Key issues:

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

It is calculated that this development would generate a net increase of:
45.08 additional residents including:

- 3.06 resident/s aged 65+
- 30.30 resident/s aged 20 or over +
- 4.20 resident/s 13-19 years

Legal Agreement required to secure:

Waste Management - £ 2,885

Libraries - £ 3,832

Integrated Youth - £ 832

Museum Resource Centre - £ 225

Health & Wellbeing Resources - £ 3,366

TOTAL - £ 11,140

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

Administration & Monitoring - £1,500

Financial contributions would need to be indexed-linked to maintain their real values (so that they can in future years deliver the same level of infrastructure provision currently envisaged). Amounts shown are to be index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Conditions:

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

Access for Firefighting:

Oxfordshire Fire & Rescue Service (OFRS) assumes that access to the proposed sites and to the premises will be in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 & 2.

Water Supplies for Fire fighting:

We strongly recommend the provision of adequate and appropriate water supplies (fire hydrants) in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 & 2. We would also recommend that the development conforms to British Standards BS 9999:2008 (Code of practice for fire safety in the design, management and use of buildings – Section 23 Water supplies for fire and rescue service use - 23.2 Location and access to external water supply) & BS 9990 (Code of practice for non-automatic fire-fighting systems in buildings – Section 5, Private fire hydrants - 5.2 Provision and Siting).

Automatic Water Suppression Systems:

Oxfordshire Fire and Rescue Service also believe that fitting of Automatic Water Suppression Systems (AWSS) will materially assist in the protection of life, property and fire fighter safety. AWSS such as sprinklers and water mist systems do save lives; therefore OFRS strongly recommend the provision of such systems particularly in new build properties for the proposed sites.

Flood Management:

OFRS advise that planning developments will take into account the provisions of the Flood Management Act 2010.

Emergency Response:

It should be acknowledged that the development may have an adverse effect on our emergency response times. This would be due to an envisaged increase in traffic which will potentially delay Retained Duty System Fire fighters reaching their fire station and the subsequent mobilisation en-route to an incident.

Informatives:

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

Detailed Comments:

Libraries

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas, totalling 27.5 m². Bampton library is significantly under-size in relation to its catchment population and this development will place additional pressures on the library.

Costs are based upon the costs of extending a library is £2,370 per m² at 1st Quarter 2012 price base. The development proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. This equates to £85 per person at 1st Quarter 2012 price base

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

$£85 \times 45.08$ (the forecast number of new residents) = £ 3,832

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which resident in its area may deposit their household waste and for the disposal of that waste.

This development will increase demand for Household Waste Recycling Centre (HWRC) facilities in the district. Currently the nearest HWRC that serves Carterton is Dix Pit HWRC at Stanton Harcourt.

Contributions should be made on a pro-rata basis per dwelling towards increasing HWRC capacity to meet the demand arising from the new development, either at Dix Pit HWRC or an alternative location as determined by the HWRC strategy in due course.

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

$£64 \times 45.08$ (the forecast number of new residents) = £2,885

Integrated Youth Support Service

The county council as a local CSA has a statutory duty. Currently set out in the section 508 of the Education Act 1996, to “secure that facilities for primary, secondary and further education provided for their area include adequate facilities for recreation, social and physical training.” The Government considers that facilities made available through the youth support service form an important part of the education system.

The proposal would create further demands on youth support service facilities (expected to generate 165 people aged 13-19), the impact of which need to be addressed providing contributions towards improving the existing centres to create additional capacity.

Youth provision in the locality is currently supported and delivered by the local community at Carterton. Contributions will be used to improve and expand (if required) this service. Contributions are based on a new provision of 235sqm costing £595,000 at 1st Quarter 2012 price base. This increase will provide 3,000 places (for 13-19 year olds); this equates to £198 per place.

$£198 \times 4.20$ (the forecast number of new residents aged 13-19) = £832

County Museum Resource Centre

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

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

$£5 \times 245.08$ (the forecast number of new residents) = £225

Social & Health Care – Resource Centres

Resource Centres including Day Care facilities are required to support the delivery of a range of services which are vital to the well-being of local people, particularly older people and those with disabilities, with a view to preventing ill-health and enabling people to lead active, healthy, fulfilling and independent lives. It contributes to building thriving, healthy communities and contributes to reducing inequalities and tackling deprivation. The Resource Centres now provide therapy that was provided at community hospitals.

Contribution is required to meet the additional pressure created by this development in providing the services outlined above. The County Council is looking to improve day care facilities at Witney Health & Wellbeing Centre.

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

$£1,100 \times 3.06$ (the forecast number of new residents aged 65+) = £3,366

Administration

Oxfordshire County Council requires an administrative payment of £1,500 for the purposes of administration and monitoring of the proposed S106 agreement.

Indexation

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

General

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

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

Ecology

Key issues:

The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

3.3 Thames Water

Waste Comments

“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.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

Waste: We are currently revising the process model for the sewage treatment works in Bampton. At this stage it is unknown what impact this site will have on the existing works. More detail will be known by the end of August.”

3.4 WODC Housing Supports Application

“There are currently 122 households on the Council’s waiting list that would qualify for housing in Bampton were it available today, of this number 54 households require either one or two bedroom accommodation.”

4 REPRESENTATIONS

4.1 Five neighbours have been notified of the application and various site notices erected around the application site.

4.2 Twenty letters of objection have been received in relation to the application. These can be summarised as follows:

- Number of dwellings is excessive and disproportionate in relation to the size of Weald.
- The proposal does not enhance or preserve the rural character of Weald.
- It is not possible to create a new footpath.
- The street lighting and furniture would urbanise Weald.
- The addition of a footpath would be dangerous and illegal.
- Development would cause a real danger for traffic.
- No requirement for further affordable housing.
- There are errors and omissions in the application.
- Travel survey is different to that carried out by a resident.
- Would create an increase in traffic.
- Smaller development may be supportable.
- Track is dangerous.
- No space to build a footpath.
- Unsustainable location.
- No jobs in Bampton.
- Increase traffic in Weald.
- Potential to cause flooding.
- Not a designated site in the WODC plan.
- Development would set precedent.
- 1 house has already been declined so why allow more.
- People will use their cars and not walk.
- Will impact horse movements.
- Increased pressure on local services.
- Out of character with area.
- Development will intrude on green fields.
- Nothing for young people to do.
- Increase traffic.
- Poor visibility at junction.
- School is some distance away.
- Outside village envelope.
- Too far from bus stop.
- Local traffic survey undertaken.

4.3 Nine letters of support have also been received and these can be summarised as follows:

- Development is sympathetic and in keeping.
- Small scale developments have allowed successful integration of new residents.
- There is a need for affordable homes.
- Development will be on a brownfield site.
- Introduction of footpath will be beneficial.
- Extra traffic would be negligible.
- Well designed and well screened.
- A larger scheme would not be supported.
- The buildings are serving no practical purpose.
- Would fit in well with surrounding development.
- Would provide homes for families in the area.
- Housing in suitable location.
- Small scale so would not compromise character of village.

5 **APPLICANT'S CASE**

Writing in support of the proposals the applicants have tabled a considerable volume of information that may be viewed in full on line. The conclusion of the agents Planning Statement is reported in full below:

“The proposed development of 17 affordable and Trust rented houses will help to restore the five year supply of housing land as required by the Framework and help to meet the significant additional need for market and affordable housing (particularly in the short term) that has been identified in the new SHMA. The site is available to be developed now, and the proposed development is viable, it will be delivered within five years, and it makes effective use of an untidy area of previously developed land. Under the terms of the Framework, therefore, the proposal is sustainable, deliverable and developable.

The proposal is a unique scheme to provide high quality homes for local people to rent. It makes good use of an unused site and will provide much needed affordable homes whilst having only a marginal impact on the Conservation Area and landscape setting of Bampton. In addition, the proposal brings with it a number of additional public benefits. There will be no adverse impacts which ‘would significantly and demonstrably outweigh the benefits’ of the development (paragraph 14 of the Framework).

In accordance with the Framework, therefore, planning permission should be granted.”

6 **POLICY**

Key Policies in the consideration of this application

Policies of the West Oxfordshire Local Plan 2011:

- Policy BE2 - General Development Standards
- Policy BE3 - Provision of Movement and Parking
- Policy BE5 - Conservation Areas
- Policy BE6 - Demolition in Conservation Areas
- Policy BE13 - Archeological Assessments
- Policy NE1 - Safeguarding the countryside
- Policy NE3 - Local Landscape character
- Policy NE6 - Retention of Trees, Woodland and Hedgerows

Policy NE13 – Biodiversity Conservation
Policy NE15 - Protected Species
Policy H2 - General residential development standards
Policy H3 - Range and type of residential accommodation
Policy H4 - Construction of new dwellings in the open countryside and small villages
Policy H11 - Affordable housing on allocation and previously unidentified sites
Policy H12 – Affordable housing on rural exception sites
Policy E6 – Change of Use of Existing Employment Sites
The provisions of the NPPF are also of key 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:

Principle/land designation/Policy

7.2 This application seeks permission for the demolition of redundant farm buildings and erection of seventeen dwellings with associated works. Of the seventeen units, nine are proposed to be affordable rented and eight are proposed to be Trust rented homes. The application is situated in Weald which is a small hamlet located just under a mile from the southwest of Bampton. The site, which is surrounded by open countryside, is situated on a former agricultural holding accessed off Weald Street and located within the Conservation Area.

7.3 Considering the past planning history, the most relevant planning application is considered to be 08/900/P/OP for the erection of sixteen dwellings on the site which was withdrawn in July 2008 due to a recommendation of refusal. A key question is whether the concerns raised then have been overcome as part of this application or whether there has been a material change in planning policy or circumstances that would warrant a different decision.

7.4 The most directly relevant policy is Policy H4 of the WOLP 2011 which states that new dwellings will only be permitted where there is a genuine essential agricultural worker to live on the site and:

- the need cannot be met through the use of existing buildings on or close to the enterprise or in any other way; and
- the proposed dwelling is of a size appropriate to both its functional requirement and the financial viability of the enterprise; and
- the enterprise is in operation, is economically viable and is capable of being sustained for a reasonable time period.

7.5 The proposed development does not fall into any of these categories and is therefore contrary to Policy H4.

7.6 It is relevant to note however that at the present time the Council does not have a 5-year housing land supply (4.7 year supply only). This position was formally agreed by the Council's Cabinet at a meeting on 9th April 2014. As such, in line with Paragraph 49 of the NPPF, all other adopted Local Plan policies relating to the supply of housing can only be given limited weight and there is a general presumption in favour of planning permission being granted unless:

- specific policies in the NPPF indicate development should be restricted;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 7.7 The key issue therefore is whether there are any specific policies in the NPPF that indicate development should be restricted and whether the proposed development would have a significant and demonstrable adverse impact that would outweigh any potential benefits.
- 7.8 With regard to the policies in the NPPF, due to the isolated and unsustainable location of the proposal its development would be contrary to Paragraph 55 of the NPPF which aims to avoid development in isolated locations. There are additionally other concerns as set out later in this report that would additionally give rise to the demonstrable and significant harms that in your officers opinion would lead to the presumption in favour of sustainable development not applying in this case.
- 7.9 A further factor in favour that might give weight to an approval is the provision of affordable housing. The Head of Housing has identified that there is still a housing need in Bampton even with the residential scheme recently approved at New Road in Bampton for 160 dwellings (50% of which will be affordable units in accordance with Policy H11 of the WOLP 2011). However officers would query whether this is the most suitable site for affordable housing due to the lack of local services and most importantly public transport serving the site and that it would be better located on a more sustainable site which does not adversely affect the character and quality of the local environment (Policy H12 c) ii of the WOLP 2011).
- 7.10 With regards to the “enabling” element of the scheme in terms of the repair and maintenance works, Officers do not consider that a reasonable case has been made to allow housing in an unsustainable location which will cause significant harm to the countryside and Conservation Area. In reality it may be very difficult to require the applicant to spend the income generated from the development on Weald Manor. Also, it is not clear whether this is a financially viable option as the applicant has provided no information regarding the repair/ maintenance costs required to upkeep Weald Manor or the estimated income generated from the proposed houses. In addition, due to the impracticalities of monitoring such a scheme, it may not be an enforceable option. No evidence has been provided as to why this income is required and why other conventional means of securing the future of a building - such as using other income (e.g. from the holiday let already approved) securing grant aid or selling on the property or other assets could not be used in preference to an exception to normal policies.
- 7.11 In addition, if this application were allowed, this would result in the loss of the site in serving other more suitable uses such as low key rural related employment and currently the site is occupied by an upholstery business (Policy E6 of the WOLP 2011).
- 7.12 In conclusion as regards this section officers acknowledge that the strategic housing policies of the plan can now be given little weight. However the proposals do not conform to the definition of sustainable development and the benefits in terms of affordable housing and enabling (along with those set out in the introduction to the report) are not considered sufficient to outweigh what officers consider are the significant and demonstrable harms arising from the scheme. It is therefore recommended for refusal as being unacceptable in principle.

Design and impact on Heritage Assets

- 7.13 As detailed above, the site is situated in a rural location which falls within the Conservation Area. Currently the site consists of some loosely arranged agricultural buildings which sit quietly in the landscape.
- 7.14 Officers are concerned that notwithstanding the design of the individual buildings (which follow neo vernacular principles and are considered acceptable in themselves) that the scale and form of the scheme along with the associated footpath improvements will represent urbanisation of this site, which is surrounded by open countryside and will seriously detract from the rural qualities of

the landscape and fail to preserve the Conservation Area. It appears that little attempt has been made to assimilate the development into its landscape setting, with dwellings situated hard on the boundary which will create a very uncompromising urban edge. Notwithstanding this, even if these properties were set back off the boundary to allow some vegetation screening, the form and design of the properties are more akin to an urban/ suburban development and do not relate well to the very loose knit agricultural rural character of this part of the Conservation Area or to the neighbouring buildings such as Weald Manor Farm (Policies BE2, BE5, NE1, NE3 of the WOLP 2011).

- 7.15 As the site is in the Conservation Area, the value of the existing buildings in contributing to the character of the area needs to be considered. Most appear to be dilapidated and constructed of unsympathetic materials and as such this is not considered to be a key issue.
- 7.16 It will be noted that OCC Archaeologist is requesting a dig prior to determination. In the absence of such a dig then the impacts on archaeology are unknown and the buried heritage assets may be adversely affected. This is contrary to the advice of the NPPF and adopted policy.
- 7.17 Clearly if the enabling element did serve to provide an income source that in the absence of other sources of funding secured the upkeep of the II* building then this would be relevant but at this stage both the need for such funding and the ability to ensure that it achieved its stated end are far from clear.

Neighbourliness

- 7.18 Given the separation of the site from other third party residences there are not considered to be any overlooking, overbearing, overshadowing etc reasons that would preclude development. Whilst some of the parking is not very convenient for the dwellings that it serves such that on street parking is considered highly likely this is not considered to be so un-neighbourly for the proposed residents as to justify a refusal reason.

Landscape

- 7.19 Considering the impacts of development in this location, Officers consider that this proposal represents a harmful intrusion into the open countryside which will appear at odds with the otherwise rural landscape, creating an incongruous urbanising feature and harming the setting of the landscape and the character of the Conservation Area (Policies BE2, BE5, NE1 and NE3 of the WOLP 2011). Parts of the site are heavily vegetated and whilst the layout appears to have been designed to avoid the main cluster of trees, a development of this scale and density will be likely to have some impact on the existing vegetation. Given the close proximity of the proposed development to the cluster of trees, an Arboricultural Survey mapping out the trees on the site in relation to the proposed built forms and also to identify any new planting such as screening on the boundaries might have been expected (Policy NE6 of the WOLP 2011).

Environment and climate change

- 7.20 The site is located in Flood Zone I which is an area at lower risk of flooding. A Flood Risk Assessment has been submitted which assesses surface water drainage and suggests various mitigation measures. It also mentions a flood alleviation pond which is stated to be “an essential and integral part of the proposed development” in the D&AS but it is not included in the site application area. Members will note that OCC are objecting that the pond has not been demonstrated as fulfilling its purpose and similarly are concerned that it lies outside the red lined site area. The EA has yet to respond but as things stand the application would appear to be deficient in demonstrating that it will address previous flooding issues in the locality.

7.21 A Utilities and Foul Water Assessment has been submitted alongside this application. Sewerage infrastructure has been raised as a concern by Members recently. Thames Water has suggested a Grampian style condition which would preclude development until such time as the works to upgrade the currently inadequate system were known and implemented. This may clearly impact on the deliverability of the scheme in terms of both viability and the ability to meet the 5 year land supply and as such reduces the weight that can be attached to this factor in support of the scheme.

Ecology

7.22 The Bat and Great Crested Newt Survey tabled with the application found no roosting bats. Great crested newts were found. It is suggested in the ecology report that this matter can be appropriately dealt with by condition.

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

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

7.24 Given the above, your officers consider that an EPS offence is likely to be committed due to potential disruption to the newts.

7.25 Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

- There are imperative reasons of overriding public interest (eg health and safety, economic or social).
- There is no satisfactory alternative.
- The action will have no detrimental impact upon population of the species concerned e.g because adequate compensation is being provided.

7.26 The evidence submitted clearly demonstrates that the three derogation tests are likely to be met and given this, your officers are of the opinion that Natural England are likely to grant a licence. As such the LPA do not need to consider this matter further.

Highways and parking

7.27 A Transport Statement has been submitted which concludes that the proposed development will result in a modest level of traffic generation and provides appropriate access and parking. The Highways Authority has been consulted on the prospect of residential development on this site and they raised no objections subject to conditions. However these requirements will significantly change the rural character of the access route.

7.28 However, even with the footpath in place Officers would query whether the site is “in a reasonably sustainable location” and whether future residents would be likely to walk to amenities in Bampton. Due to the rural nature of Weald Street this may deter potential users especially during

the winter months. Moreover, to bring this up to a standard necessary to allow walking/ cycling to be a safe year round option would be detrimental to the rural character of the area and would result in the loss of important vegetation screening (Policies BE2, BE3, BE5, NE6 of the WOLP 2011).

Section 106

- 7.29 If notwithstanding the above concerns Members were minded to approve the application considerable further work would need to be undertaken to ensure that the scheme was sufficiently viable to bear the costs of the required mitigation as well as fulfil its stated aim of enabling the future maintenance of the listed building. In the absence of such an agreement being secured the impacts of the development are not properly mitigated and the scheme is contrary to policy BE1 - albeit that this element is capable of being overcome.

Conclusions

- 7.30 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that notwithstanding the lack of a current 5 year housing land supply and the other stated benefits of the scheme that the proposed development is unacceptable on its planning merits and it is therefore very likely to be recommended for refusal. At the time of agenda preparation there are still some consultation responses outstanding and these will help to inform the full nature of the likely refusal reasons- albeit that they are likely to be based upon the principle when tested against the saved policies of the local plan and provisions of the NPPF, the urbanisation of the Conservation Area, impact on archaeology, drainage, landscape impact, lack of proven need for the enabling development, loss of employment site and viability of any mitigation package.

- 7.31 A verbal update will be given at the meeting.

RECOMMENDATION

Refuse.

14/0993/P/OP Land at Aston Road Bampton	
Date	03/07/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	BAMPTON
Grid Ref:	431780,203157

APPLICATION DETAILS

Erection of one hundred and sixteen dwellings with associated works.

APPLICANT

Gladman Developments Ltd, Gladman House, Congleton Business Park, Alexandria Way, Congleton, Cheshire, CW12 1GD.

BACKGROUND INFORMATION

Members will recall that they considered a similar application on a larger site of which this site forms a part under ref 13/1309. This was refused in December of last year and a public inquiry is due to be held in October into that refusal. Members may recall that as part of the processing of the application the applicants sought to introduce a development of the nature now being sought but that this was considered

to be materially different to the scheme that had been publicised and consulted upon and so the first application was determined as submitted. The applicants advise that the proposal has been submitted to provide the Council with the opportunity to reconsider its decision and avoid the appeal process and associated appeal costs.

The scheme is in Outline with all matters except access reserved for future determination.

I PLANNING HISTORY

1.1 Whilst there had been previous refusals on site, of most relevance is application ref 13/1309. This was refused and the refusal reasons centred on the following factors:

- Site was not within built up limits of village.
- Extended village into open countryside.
- Contrary to policy H7.
- Council had a 5 year housing land supply.
- Land was at risk of flooding and the sequential test directing development to areas less liable to flood had not been passed.
- Development would harm setting of conservation area and views on routes into Bampton.
- Would harm footpath setting.
- Site suffered from odour from sewage works.
- There were likely archaeological remains.
- Development detracted from pleasant rural context of settlement contrary to a series of adopted policies.
- Scale of development as a one off delivery and likely unsustainable transport modes were contrary to policy T1 and the NPPF and would affect the social character of the settlement.
- There was no agreed mitigation package to address the impacts of the development and secure affordable housing.

1.2 In that the scheme now proposed is on the same site and for a similar development these concerns provide the context for assessing the merits of the current proposals. Key to this assessment is whether there has been a material change in circumstances that would warrant a different approach with this proposal as compared to the earlier one and the report has been structured to enable this assessment to be undertaken on an issue by issue basis. **Members are therefore strongly advised to refer to the December 16th Lowlands agenda on line for further background information and to set this report in context.**

2 CONSTRAINTS

There is ongoing debate as to whether the site lies within the floodplain (the EA considers that it is in part in zone 3) and it abuts the Conservation Area and a public right of way.

3 CONSULTATIONS

3.1 Parish Council

“Objection – Please see attached word document for our extensive list of objections.

It is difficult to understand how we can trust the information in this application. It is obviously a cut and paste job and there are a myriad of errors in it ie. it refers to the following:

- Aston Lane (it is Aston Road)/
- Cheshire East Council with Sandbach Road North in Alsager.

- Said engaged with Bampton Parish Council – did not.
- Whitney.
- Refers to discussing issues with the Town Council.
- Surgery at Landfills (it is Landells).
- Ashby Road (assume Aston Road).

In addition we do not believe there has been any consideration given to the recent planning permission for 160 houses in New Road so this cannot be described as ‘appropriate housing growth’. Nor are we convinced that adequate research has been undertaken, not only because of the errors about and the admission that reports have not been updated to take into account the additional 160 houses in New Road, but also because they cite a ‘Crescent off Aston Road’ (on junction of Aston and Buckland Road) as a good example of development in Aston Road. Yet this floods and parking is so stretched that residents have to park in the road up to a busy corner!

The Parish Council object to this application as it is considered unsustainable due to the following, all of which are expanded upon below:

1. Extends development into the open countryside in an urban manner.
 2. Threatens protected species.
 3. Sets a precedent for further urban density developments.
 4. Lack of employment, transport services and infrastructure.
 5. Increases the likelihood of flooding to those nearby.
 6. Substantially exceeds any proven need for housing, including social housing.
 7. The development offers little or no social benefit to the community.
 8. The development increases the risk to humans and the environment.
 9. The reports included to not take into account the recently approved development of 160 houses at New Road in Bampton.
1. Contrary to the core principle of the Framework this development is beyond the limits of the built up area of Bampton into open countryside, extending the boundary of the village in a prominent and obtrusive way. The introduction of houses, access roads and associated domestic paraphernalia will urbanise the site and erode the rural character and environment of this part of Bampton which currently finishes at the edge of the conservation area.
 2. It could cause harm to the countryside because, although not identified in the ecological survey, it is understood from a local conservation group that several protected species live in this area including water voles and protected bats. This development would be detrimental to their habitat and affect their ability to survive and thrive.
 3. If allowed it would set a precedent for further development of a similar density which would lead to a level of housing far in excess of what is needed or can be supported in Bampton.
 4. Although the Local Plan for West Oxfordshire expired in 2012 and the new one has not yet been adopted, Bampton remains as described – a rural service centre considered one of the least sustainable in West Oxfordshire in terms of employment opportunities, accessibility and amenities. There are significant limitations to local employment, bus services (none in or out of the village on Sundays or in the evenings and none running late enough to allow workers from Oxford to get back to the village and none except those provided by the local education authority to or from the local catchment secondary school), train services etc. This development adds nothing to these services except a footpath leading away from the centre of the community. Based on the developer’s figures it will bring some 280 additional vehicles which will increase carbon emissions and put significant additional pressure on the existing road services, particularly those leading to Witney (through Aston) and Oxford (Buckland Road) which, like the Thames crossings at Tadpole and Radcot Bridges where there are 7.5 tonne weight limits, already extremely busy.

In addition the infrastructure and services available in Bampton have been detailed but the capacity and sustainability of maintaining these services has not. The school is almost at capacity but there is no funding for development mentioned in this submission. This is also true for the sewerage and water systems and people in Bampton are already aware of the consequences of shortcomings in those having seen the queue of tankers waiting to take away human waste at the overloaded sewerage plant at Brize Norton over the last year. In addition there is no funding mentioned for the retention of the current services eg. due to a reduction of support from the County Council, to retain the current limited bus service or add buses to link Bampton to major work centres such as Oxford at the normal start and finish of the working day etc. funding would be needed and the provision of things like the Library and Post Office are not assured. This means that sustainability will be reduced and carbon emissions increase as people have to travel by car to other local or remote centres for school, work and services.

- 5. The developer states that this development will not increase the likelihood of flooding anywhere else but it also states that it will increase run off and surface water which will flow with the topography and surface drains towards Buckland Road. As water already stands in this area and Buckland Road has a history of flooding this has meant that residents have been unable to get flood insurance and are constantly in fear when it rains, regularly receiving flood alerts from the Environment Agency (the last being in January 2013). Therefore it seems naïve to say that no effect will be felt. In addition we understand that there is some confusion about the Environment Agency's stance on this matter and that although the developer may feel they have addressed all the issues relating to flooding this is not the case and local residents have reports that demonstrate this.*
- 6. Although West Oxfordshire District Council's housing figures suggest a large requirement for housing in Bampton, it is understood that the number with an association with Bampton is limited. The recently approved development of 160 houses at New Road will provide some 80 houses and the Parish Council believe that this will not only meet the needs of those requiring low cost housing in Bampton but far exceed it.*
- 7. The LAP, being at the end of the development next to water attenuation ponds is not accessible to the majority of the village so adds little social benefit to the community tending to isolate the development from the community. There is only mention that the District Council may want to take this on but no provision has been made for maintenance etc. should this not happen meaning it would be unsustainable and surplus to requirements.*
- 8. The route to the local primary school is extensive and the footpaths do not extend along it. It is therefore likely that parents will drive to the school which is embedded in a residential area that is already under pressure at school opening and closing times. This will increase traffic problems as well as carbon emissions.*
- 9. The archaeological study still does not appear to reflect local knowledge eg. that a roman goddess, probably part of an altar, was discovered in this area by local farmers.*
- 10. Further planning permission has now been granted for 160 houses just up the road from this one so when sustainability is considered this must be taken into account. With close on 60 per annum being built this far exceeds proven need and equates to an increase of some 30% in total. This will completely change the nature of the area and is not economically or environmentally sustainable when you take into account that Bampton does not have local jobs, that the MoD agents are building their own houses for RAF Brize Norton personnel and that the infrastructure is already under pressure eg. the sewerage works is at capacity and Thames Water have stated that there are no plans for it to be extended, the doctor's surgery has stated it is at full capacity and cannot be extended, the bus services are likely to reduce due to lack of funding and other services such as the Library and Post Office are not self-supporting.*

Summary

Although this development is planned to be phased in over five years, the quantity of houses per year would still be substantial and the issues of short term and long term drainage and flooding issues, construction traffic and noise and infrastructure shortcomings will affect people throughout Bampton and the surrounding villages.”

3.2 OCC One Voice (summary)

“Transport – no objections subject to conditions and contributions, Archaeology No objections subject to conditions, Education Development of this site in addition to that already approved would not support an efficient and effective scale of primary school and therefore the view on Education grounds is that this development, in addition to that already approved, would exceed the sustainable level for Bampton at this time. Contributions would be likely to go towards another school and therefore increase travel distances to school and disruption to the community building benefits of children attending their local school, Property seek contributions, Minerals and Waste no objections.”

3.3 Thames Valley Police

“Seek £30500 towards IT and ANPR systems.”

3.4 WODC Head of Housing

“There are currently 122 households on the waiting list who would qualify for Bampton (NB approx 75 of these will be picked up from the approval at New Road).”

3.5 WODC Env Health

No further comments.

3.6 WODC Landscape

“Query how open space will be maintained, impact of structural landscaping on householders should be understood and that WODC would not take over maintenance.”

3.7 Sport England

No comments.

3.8 Natural England

“Unlikely to affect statutory sites or landscapes and advise that the site may offer the opportunity for biodiversity and landscape enhancements.”

3.9 BBOWT

“Object as there is insufficient mitigation and compensation proposed for the ecological impacts. The smaller site area means that there is less area for mitigation and compensation to deliver a net gain in biodiversity.”

3.10 Environment Agency

“Object on three grounds- lack of sequential test, inadequate fluvial flood risk assessment and inadequate surface water flood risk assessment.”

3.11 Thames Water

No response to date.

4 REPRESENTATIONS

40 letters of representation have been received. The comments may be briefly summarised as follows:

- Objections remain the same.
- Site floods.
- Flood mitigation will not work.
- Overdevelopment of village.
- Services will not be able to cope.
- In the interim 170 houses have been approved at New Road.
- Will exacerbate parking problems.
- Village has very limited employment potential.
- Will add to congestion.
- Sewage system already cannot cope.
- Inadequate water pressure.
- On street parking causes highway danger.
- Affordable housing needs of the village have been met by the New Road application.
- Housing targets have now been met.
- Whole site flooded to a depth of 600mm in 2007.
- Should develop sites that do not have a history of flooding.
- Ambulance response times to the JR from the village are poor due to congestion on the A 40.
- Outside natural village boundary.
- No easy access to the village centre.
- Loss of rural charm of conservation area.
- Housing estate ghetto will be formed.
- Residents will not feel part of the community.
- Village will be swamped by new developments.
- Village flooded from run off and not just river rising.
- There are many listed properties in the village.
- Site has had historic refusals.
- Development should be concentrated in larger settlements.
- Site is not a sustainable location.
- Adverse impacts of approval would outweigh benefits.
- Contrary to saved WODC policies.
- Village is not against development per se at an organic rate.
- School is at capacity.
- Doctors surgery voiced concerns that they cannot deal with additional numbers.
- Nearby roads are used as rat runs.
- Applicants flood report is wholly incorrect and does not reflect what actually happened.
- EA has admitted it made errors removing two objections.
- Village is too small to take on the additional population.
- Disruption during building works.
- Accident record at the Chicane.
- Loss of protected wildlife.
- Only one shop in the village.
- Due to holiday period only a sample of those who object can write in.

- Petition of 111 names objecting submitted.
- Dangerous junction near the curve in the road.
- A flooded pond in a recreational area is not a good idea.
- Only benefit is to Gladman's and not the village.
- We flooded last time and this will make matters worse.
- Adverse impact on Calais Farm.
- A detailed analysis of the exact nature of the flood flows in 2007 carried out on behalf of the Head of Environment Agency science programme who lives locally concludes that the flood model produced by the applicant is wrong and based on flawed analysis and assumptions.
- There are too many houses.
- It is a folly to build in floodplain.
- Development is not sustainable and so there is no presumption in favour.
- It will have a long term detrimental impact on village.
- Not acceptable either environmentally, economically or socially.
- This is an undesignated green field site.
- Development does not conform to emerging Council policy.
- Ditches are not maintained and soakaways will not work due to high water table.
- Other developments in the area will worsen flooding situation.
- New Road development completes the village.
- Last local plan inspector considered the village unsuitable for large scale development.
- Disturbance from use of the proposed access.
- Ecological impact.
- It is time the new local plan was agreed.
- All 400 members of SPB object to the proposals.
- Public transport is not a realistic option.
- Please refuse this application again.

5 APPLICANT'S CASE

5.1 Writing in support of their application the applicants have tabled much of the information that was considered in the context of the last application. These documents comprise:

1. Application forms and certificates
2. Location Plan
3. Development Framework Plan
4. Design and Access Statement
5. Landscape and Visual Assessment
6. Transport Assessment
7. Travel Plan
8. Ecological Report
9. Arboricultural Assessment
10. Flood Risk Assessment
11. Air Quality Report
12. Noise Assessment
13. Archaeological Statement
14. Geophysical Report
15. Utilities and Infrastructure Report
16. Renewable Energy Statement
17. Statement of Community Involvement
18. Socio Economic Impact Report
19. Planning Statement
20. Heritage Statement
21. Access Plan

- 22. Housing Land Assessment
- 23. Foul Drainage Analysis

and may all be viewed in full on line. The covering letter accompanying the application notes that since the first application was considered WODC has acknowledged that it does not have a 5 year housing land supply and that as such H7 is out of date. They consider that archaeology and sequential test matters have been overcome and that the application provides significant betterment over existing run off rates. These all affect the planning balance. Approval has also been given for the New Road scheme.

- 5.2 The NPPF requires councils to look at the benefits of the development as well as the impacts and the absence of a 5 year housing land supply weighs heavily in favour of the application. The development is considered to be sustainable and permission should be granted as it has numerous benefits including flood risk betterment and mitigation, New Homes Bonus and economic gains, market and affordable housing, meeting the housing shortfall, making necessary contributions, public open space and LEAP, environmental benefits, design and footpath. The impacts are the conflict with the adopted plan (reduced weight as inconsistent with NPPF and out of date), development beyond village boundary, landscape and visual impact, heritage impact and pressure on local services.
- 5.3 A similar balancing exercise should be undertaken as with the recent approval at Aston and in the applicants view the adverse impacts do not outweigh the benefits to the “significant and demonstrable” level required by the NPPF. Permission should therefore be granted.

6 POLICY

- 6.1 The WOLP2011 is the statutory development plan and the majority of its policies have been saved under the transitional arrangements and therefore carry weight in the determination of the application. It is relevant to note however that the Council is not currently able to demonstrate a 5-year supply of deliverable housing land. Paragraph 49 of the NPPF states that, ‘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’.
- 6.2 As such, the policies of the adopted local plan relating to the supply of housing (including Policy H7) can only be given limited weight.
- 6.3 Formal publication of the pre-submission draft Local Plan was planned for summer 2013 but deferred to take account of the Oxfordshire Strategic Housing Market Assessment (SHMA) published in April 2014. Taking account of the SHMA and other relevant evidence, the Council recently published a Local Plan Housing Consultation Paper which proposes to increase the housing target from the 5,500 homes set out in the DLP (2012) to 9,450 homes.
- 6.4 The period for comments closes on 19 September 2014.
- 6.5 In terms of the weight that can be afforded to the emerging Local Plan, advice is provided in Paragraph 216 of the NPPF which states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.
- 6.6 In this instance the DLP is yet to be formally published As such, the draft plan can only be given limited weight.

- 6.7 The key policies of the adopted plan are considered to be BE1, BE2, BE3, BE4, BE5, NE1, NE9, NE13, NE15, H2, H4, H11, T1. The provisions of the NPPF at sections 4, 6, 11 and 12 are also particularly relevant. The West Oxfordshire Design Guide and West Oxfordshire Landscape Assessment are both material considerations along with the document "The setting of Heritage Assets" 2011 issued by English Heritage.

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 whether there are any material changes in circumstances as applied to the elements that comprised the earlier refusal reasons as would lead to a different decision. The issues identified earlier in the report will be addressed in turn.

Site was not within built up limits of village and extended village into open countryside

- 7.2 The application site has reduced in extent and the built development has become more concentrated than was the case with the first application. Nonetheless, it still projects significantly into the open countryside beyond the boundary identified in the Landscape Assessment as providing a soft rural edge to the settlement. This concern remains extant.

Contrary to policy H7 /Council had a 5 year land supply

- 7.3 The application remains contrary to policy H7. However, as Members have been advised in the context of a number of recent applications the lack of a 5 year land supply means that the strategic housing policies of the local plan must be considered out of date and the presumption in favour of sustainable development applies unless the harms arising from the proposal significantly and demonstrably outweigh the benefits of approval. It was in this context that the application at New Road Bampton was approved as well as those developments at Aston, Marlborough School Woodstock and a number of smaller scale proposals.

- 7.4 Schemes at North Leigh, Bladon and Chipping Norton were refused as it was considered that the extent of harm was such that the benefits of approval were outweighed. However, the lack of a 5 year housing land supply and consequent reduction in weight that can be applied to H7 and engagement of the presumption in favour of sustainable development is a significant material consideration in favour of the application since the last proposal on site was refused.

Land was at risk of flooding and the sequential test directing development to areas less liable to flood had not been passed

- 7.5 There has been substantial change in the circumstances as applied to flooding since the last application. Members will recall that notwithstanding that there had been substantial local objections and that the Council's own Engineers had raised concerns, that the EA had withdrawn its objections on the basis of fluvial flooding and surface water flooding. In light of their advice the Council applied the sequential test and found that it had not been passed but did not raise the first two issues as part of its refusal reasons. Members will note that the EA are now recommending that there are objections on fluvial and surface water grounds. They have similarly written to the Public Inquiry Inspector to advise that their withdrawal of the other two reasons may have been premature as it was based on modelling that has not been agreed. The re-introduction of flooding as a concern, supported by much well informed and well evidenced objections from neighbours querying the adequacy and accuracy of the tabled flooding information is a material consideration that weighs heavily against the application. Indeed, footnote 9 to paragraph 14 of the NPPF which advocates the presumption in favour of sustainable development specifically details "locations at

risk of flooding” as one of the categories of policy where the NPPF indicates that notwithstanding the presumption in favour that development should be restricted.

7.6 Additionally, in assessing the adequacy of the sequential test your officers opined in the context of the last application that it had not been passed at settlement, sub regional or District level. The fact that since that refusal other sites are coming forward and indeed have been approved at settlement, sub regional and District level to help meet the current shortfall in housing but on sites that are not liable to flooding similarly serves, in your officers opinion, to add weight to the flooding concerns that apply to development of this site.

7.7 The fact that very few SHLAA sites lie outside Flood Zone 1 adds weight to the ability of the LPA to meet its housing needs in areas not at such risk of flooding. Finally, notwithstanding that the applicants assert that they do not need to undertake a sequential test as the site lies outside flood zones 2 and 3, part of the site still lies within the area promoted by the EA as falling within that designation and as such, in the opinion of the LPA the sequential test does need to be undertaken. As no evidence has been tabled to suggest how it could be met in a way that addresses the earlier refusal reason in the opinion of the LPA the scheme still fails the Sequential Test.

Development would harm setting of conservation area and routes into Bampton and would harm footpath setting

7.8 The revised proposals have concentrated the built development into a smaller area that has a substantially smaller landscape context with much of the former amenity land now lying outside the application site area. In that regard the impact is likely to be greater than was hitherto the case as the ability to set the built form further in to the site and to provide adequate ameliorative structural planting is consequently reduced. Thus, whilst it must be remembered that the application is only in outline and that as such the details tabled are not fixed at this stage it is not considered that on the basis of the revised information that the previous concerns have been overcome.

Site suffered from odour from sewage works

7.9 In that the illustrative built form is slightly further away in some places than was previously the case this aspect is marginally improved when compared to the refused application.

There were likely archaeological remains

7.10 Since the last refusal the applicants have commissioned a survey which has found that there were not any remains of such significance as would justify withholding consent. This element of the previous refusal reasons is considered to have been overcome.

Development detracted from pleasant rural context of settlement contrary to a series of adopted policies

7.11 As identified earlier in this report the sensitivity of this edge was of importance for landscape, conservation area and preservation of the setting of the settlement reasons. The development does not pay regard to these detailed considerations as set out in paragraphs 7.18 – 7.20 of the original report and as such this aspect of the previous refusal reasons has not been overcome.

Scale of development as a one off delivery and likely unsustainable transport modes were contrary to policy T1 and the NPPF and would affect the social character of the settlement

7.12 There has been a substantial material change as regards this aspect. The approval of the New Road scheme with that development paying contributions to bring the school up to its optimum size has

led to the OCC Education service raising objections to this development. They state it would "exceed the sustainable level for Bampton at this time" with "likely subsequent increase in travel distances to school and disruption to the community building benefits of children being able to attend their local school".

- 7.13 They note that their forecasts indicate that the school will exceed 150 pupils from 2016 and "is therefore effectively operating at its permanent accommodation capacity and that with the expansion approved and funded by the New Road development the school will remain broadly full but could accommodate small scale local development. They state that on education grounds expanding the school beyond this level" would not support an efficient and effective scale of primary school and the view on Education grounds is that this development in addition to that already approved would exceed the sustainable level for Bampton at this time.
- 7.14 These comments are clearly highly relevant in a number of regards. Firstly it supports the approach taken with the last application that excessive development in the village is likely to overwhelm its services. Secondly it supports the notion that in so doing it will lead to unsustainable travel patterns. Thirdly, it supports the concept that such large developments in a short period can undermine the social cohesion of the settlement that a smaller or phased development would preserve.
- 7.15 Finally, and critically in the context of the NPPF it is clear that as Education Authority the County Council considers the development would be unsustainable. That being the case the presumption in favour of sustainable development would not apply. The concerns/objection of the Education service are a key factor against the scheme that has changed since the last refusal.

There was no agreed mitigation package to address the impacts of the development and secure affordable housing

- 7.16 This remains the case albeit that the applicants have offered to meet necessary infrastructure and other funding needs as long as they are CIL compliant. This matter could be overcome.

Other matters

- 7.17 The other key change since the determination of the last application is that the area available for ecological mitigation and enhancement has been reduced as the site area has contracted. In that regard there is an objection from BBOWT that the scheme does not comply with the relevant legislation in that inadequate mitigation can be provided to enhance the biodiversity of the site. Natural England has not supported this view albeit that in contrast to the BBOWT response the advice for NE is more of a standardised than a bespoke response. Given that NE has not objected it is not considered that an ecology based refusal reason should be imposed albeit that the concerns raised by BBOWT add to the weight to be attached to preserving the site in its undeveloped state advanced earlier in the report.

Conclusions

- 7.18 Members gave very detailed consideration to a similar development and this was refused. The refusal reasons set the context for assessing the merits of this proposal. There have been some material changes since the refusal. The 5 year housing land supply position has reduced the weight that can be attached to strategic housing policies and the NPPF with its presumption in favour of sustainable development is engaged. The previous archaeological concerns have been addressed. These weigh in favour of the application.
- 7.19 In contrast the approval of the development at New Road and the implications for sustainable education in the village are a new factor that weighs against the scheme. The revised position of

the EA regarding the risk from surface water and fluvial flooding adds weight to the previous flooding concerns. The other issues raised are largely unaltered albeit that the reduced site area offers less opportunity for landscape or ecological mitigation measures.

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

RECOMMENDATION

Refuse for the following reasons:-

- 1 The proposed development does not comprise development within the existing built up limits of the settlement but rather extends it into open countryside. The benefits of approving the scheme are significantly and demonstrably outweighed by the harms of what is considered inappropriate unsustainable development contrary to the saved policies of the development plan and the provisions of the NPPF.
- 2 The proposed development includes land that is at most risk of flooding falling within flood zones 2 and 3. There are other sites in the District and at sub regional and local level that can or have met housing needs and are sequentially preferable in flood risk terms. The proposal therefore fails the sequential test and is contrary to the advice at para 99-101 of the NPPF and policy NE9 of the adopted Local Plan.
- 3 The application has inadequate flood risk assessment to model the fluvial and surface water implications of the development and the mitigation measures will cease to fulfil their function in time of flood leading to water backing up into the site. Its development would therefore be contrary to the advice of the NPPF to resist “more vulnerable” development in areas at risk of flooding.
- 4 By reason of its location beyond the limits of the village in an area of attractive open countryside that contributes in a positive way to the rural setting of the Conservation Area, two major routes into the settlement and the amenity of the adjoining footpath network and which is constrained by odour from the adjoining sewage works it is considered that the development would harm the setting of the village/conservation area/footpath, provide a poor location for new housing and detract from the pleasant unspoilt rural context of the settlement. This would be contrary to policies BE2, BE4, BE5, BE13, NE1, NE3, TLC8, H2 and H4 of the WOLP and the provisions of the NPPF. Furthermore the scale of development as a one off delivery and the likely transport and educational consequences are considered contrary to policy T1 of the WOLP and would adversely affect the social character of the village in contravention of paragraph 7 of the NPPF.
- 5 In the absence of an agreed section 106 agreement securing the provision of affordable housing and other necessary contributions and mitigation the development would give rise to harmful impacts upon the local infrastructure contrary to policy BE1 of the WOLP 2011.

14/1025/P/FP 117 Brize Norton Road Minster Lovell	
Date	14/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	MINSTER LOVELL
Grid Ref:	431196,209874

APPLICATION DETAILS

Erection of storage building (Retrospective).

APPLICANT

Mr Anthony Brooks, The Brambles, Lower Lane, Kinsham, Tewkesbury, Gloucestershire, GL20 8HT.

BACKGROUND INFORMATION

This is a retrospective planning application for a storage building which replaces a former storage building on the land. The former building was used by storage purposes by 'Hall Construction' as is the building the subject of this application. The building is located within a commercial/industrial context.

I CONSULTATIONS

1.1 Parish Council

"Minster Lovell Parish Council has no objection on the understanding that:

- 1. The building is on the same footprint as the previous building;*
- 2. The dimensions of the new building are the same as the previous building;*
- 3. That the use of the new building is the same as the previous building."*

2 REPRESENTATIONS

2.1 Letters have been received from NE Baker of 121 Brize Norton Road, Iain Gray (E-mail) and Kay Weston of 119 Brize Norton Road.

2.2 Their comments are very briefly summarised as follows:

I take a dim view of the applicant seeking retrospective permission;

I would ask the applicant to commit to adhere to a start time of 7.30am;

The building bears no resemblance to the former building;

We have a six foot fence and the roof towers above it;

Other buildings in the same area have flat roofs;

Hall construction appear to be renting the building for storage purposes;

The application is riddled with errors;

I think that the building was purposefully developed without planning permission because the long term plan is to expand the business and develop a row of similar storage units as required;

The plan of the area is off centre so the other industrial buildings in the vicinity are not detailed;

The drive is not shown so its suitability is not determinant. The capacity and safety of the road through the village is not addressed;

What is being stored and its likely frequency of access is not stated.

3 APPLICANT'S CASE

The storage unit replaces an asbestos cement structure that was used for storage. The existing structure was in poor repair.

The new structure is based on the existing footprint;

The structure is located in a row of existing garage units;

The new structure is more in keeping with its surroundings than the previous structure.

Access to the new storage unit is the same as that to the old storage unit.

4 POLICY

BE2 is the most relevant policy.

5 PLANNING ASSESSMENT

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

The impact of the development on visual and residential amenity

5.2 Whilst the building which has a pitched roof (3.4m to ridge) is clearly higher than the original building, it is not so high as to have any harmful impact on nearby residential properties. Further, give the sites commercial/industrial context it has a neutral impact on the visual amenity of the site.

5.3 In terms of use, the former building was used for some period of time by the applicants to store materials associated with their construction business. The new building is being used in the same way. Given that there is no material increase in the floorspace of the new building, the impact on neighbour amenity and vehicular movements to and from the site is neutral.

5.4 In light of the above assessment the application is considered acceptable on its merits.

RECOMMENDATION

Grant subject to the following condition:

I That the development be carried out in accordance with plan No(s) PH/0714/01; PH/0714/02 and PH0714/03.

REASON: For the avoidance of doubt as to what is permitted.

14/1036/P/FP Greyshott House High Street Bampton	
Date	16/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	BAMPTON
Grid Ref:	431591,203193

APPLICATION DETAILS

Erection of detached dwelling.

APPLICANT

Lady FF Clerk & Mrs C Forrest, Greyshott House, High Street, Bampton, Oxfordshire, OX18 2JW.

BACKGROUND INFORMATION

This application is for new dwelling in a backland location on land presently used in association with 'Greshott House' a Grade II listed building. Access to the site is taken from an existing vehicular access serving 'Greshott House'. The design and materials of the proposed dwelling are 'barn' type in character. The application is accompanied by a design and access statement and an arboricultural report. For the avoidance of doubt the site is within flood zone 1 and the application site was not one that flooded in 2007.

I CONSTRAINTS

Conservation Area.

Curtilage of a listed building.

TPO.

2 CONSULTATIONS

2.1 OCC Highways

"No objections."

2.2 West Oxfordshire District Council (Engineers)

"No objection subject to a condition in respect of surface water drainage."

2.3 County Archaeologist

"No objection subject to watching brief conditions."

2.4 West Oxfordshire District Council (Architect)

"No objections subject to conditions."

2.5 Parish Council

"Objection for the following reasons:

- 1. It is Back-land development;*

2. *It's design is not in keeping with the adjacent properties in the Conservation Area, including 'Greyshott House' which is a Grade II listed building."*

3 REPRESENTATIONS

At the time of writing letters have been received from Mr and Mrs Senior of 'The Old House', 8 High Street, Louise Cloke of 10 High Street, Mrs Annabel Robinson of 11 High Street and Mr and Mrs Jackson of 9 High Street. Their comments are briefly summarised as follows:

- The height will result in overlooking of our property;
- It is too close to the boundary;
- To place a building on this land would add to water levels in the event of a flood;
- We were informed by West Oxfordshire District Council that in the floods of 2007 almost reached the south wall of this proposed site;
- If a house is built of this size with a blue slate roof the whole outlook from our home will change;
- The disruption of building a house of this size to our lives will be enormous;
- We have now seen the size of the garden and worry that other proposals for further housing will be submitted;
- Please do not allow our view, carefully chosen to be obstructed;
- The NPPF requires applicants to describe the significance of any heritage assets that would be affected by proposed development. This would include the surrounding Grade II listed buildings and the Conservation Area. The design and access statement provides virtually no assessment of the significance of 'Greyshott House', or the contribution of the open land to the south makes to its significance, or that of other grade II listed buildings on the High Street and the BAMPTON Conservation Area;
- Having regard to the origins of the town the open land contributes positively to the significance of 'Greyshott House' as an important reminder of the historic farming practices in Bampton. This remnant agricultural setting is an important part of the morphology of the town;
- The new house would itself be very large and visible to and from the listed buildings, but the additional hardstanding and boundary treatments would also change the character of the area to one that feels less rural, and more suburban
- Paragraph 137 of the NPPF sets out that planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Where they would not and the proposal would be harmful to the significance of the designated heritage assets, this should be weighed against the public benefits of the proposal, of which there appear to be very few, if any;
- English Heritage has produced guidance for assessing the impact of development proposals on heritage assets. We believe that the open character of the existing garden still conveys the agricultural character of the house, and that a substantial new building to the south will be harmful to the appreciation of the old farmhouse and the Conservation Area;
- Increase in light and noise pollution;
- It is an unnecessary addition of a property of this size in Bampton and will not benefit the wider community;
- It is unacceptably close to the boundary wall;
- Parking for up to seven vehicles seems excessive;
- The proposed dwelling in the garden contravenes policies by invading the garden open space in this part of BAMPTON;
- It would appear that an effort has been made to make this 5 bed, 2 storey house invisible to its neighbours. In reality there is an unacceptable level of overlooking of the neighbours;
- The overall outcome is a building of an unsatisfactory external appearance and design and its relation to the existing dwellings, which include 6 grade II listed buildings is an overdevelopment of an unacceptable site;

- Granting permission would set a dangerous precedent for allowing proposals of a similar nature to invade this precious village landscape.

4 APPLICANT'S CASE

A design and access statement has been submitted with the application the full detail of which can be viewed on the Council's website. The summary of the statement advises as follows:

'This project provides an opportunity to provide a high quality family home commensurate with the size of the site but to a scale and style which is respectful of its neighbours.

The land is currently under-utilised and provides an opportunity to create a high quality, low impact dwelling.

The design of the buildings and the materials proposed are all based on local references resulting in a development that will mature rapidly into its setting.

The development is highly sustainable being located within a settlement that has essential facilities, and by adopting sustainable locally sourced materials and utilising low carbon technology.

5 POLICY

Key policy considerations are BE2, BE3, BE5, BE8 and H2. In addition paragraphs of the NPPF are of 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/ Impact on the character and appearance of the Conservation Area and on the setting of 'Greyscott House' and other nearby listed buildings

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/Conservation Area impact/Impact on listed buildings.

- 6.3 In terms of the proposed design it is recognised by officers that the 'barn' type approach is at odds with other forms of development in the immediate vicinity of the site. However, given the backland location within part of the former garden serving 'Greyscott', it is considered that an undomestic form can be justified on the basis that buildings of similar 'barn' like design and materials could have been erected as ancillary outbuildings.
- 6.4 The test for development within a Conservation Area is that it must either 'preserve' or 'enhance' the character of the Conservation Area. In this case the new dwelling is surrounded by

existing development and established planting .Bearing this in mind, the development proposal is considered to have little impact on the character and appearance of the Conservation Area and thus 'preserves' character.

- 6.5 In terms of the impact on the listed buildings which surround the site, given the considerable distance away from these buildings that the development is together with the urban context of the town, your officers do not consider that the setting of these buildings will be so harmed, such that the application should be refused.

Neighbourliness

- 6.6 The development has been designed to have regard to the sites context and seeks to address the issue of residential amenity of neighbouring properties by the use of rooflights to light the first floor accommodation in those elevations of the dwelling that face north and east.
- 6.7 In addition the surrounding development is far enough away from the first floor lights serving the new dwelling that the residential amenities of those properties will not be harmed. In short, whilst the new dwelling may be visible from the neighbours, the proposal will not unacceptably overshadow, overbear or overlook those neighbours..

Highways and parking

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

Other issues

- 6.9 A number of the representations have made reference to the proposal increasing the risk of flooding in the area. In this regard West Oxfordshire District Council's Engineer has confirmed that the site is not within Flood Zone 2 or 3. Further, that in the floods of 2007 the property was not flooded. His recommendation is if planning permission is granted that a surface water drainage scheme be submitted to and approved by the LPA in order that drainage/ flooding issues can be addressed prior to development commencing.

Conclusions

- 6.10 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** planning merits.

RECOMMENDATION

Permit 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) I4003-P01; I4003-P02; I4003-P03 and I4003-P04.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.

REASON: To safeguard the character and appearance of the area.

- 4 The roof of the building 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 Before building work commences, a sample of the proposed timber cladding together with the proposed colour/stain finish 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.
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all the external joinery details and rooflights, with elevations of each assembly at min 1:20 scale, with sections of each component at a min 1:5 scale 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.
- 8 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.
- 9 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction /during any groundworks taking place on 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 Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site.
- 10 Following the approval of the written scheme of investigation referred to in condition 9, 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 Local Planning Authority, 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension or outbuildings shall be constructed.
REASON: To avoid over-development in an area of high density housing and in the interests of the setting of the listed building
- 12 That a scheme for the landscaping of the site, 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 and appearance of the Conservation Area and the landscape of the area.
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwelling is first occupied.
REASON: To safeguard the character and appearance of the Conservation Area.

14/1061/P/FP The Orchard Church Road North Leigh	
Date	18/07/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438578,213150

APPLICATION DETAILS

Erection of detached dwelling. Formation of new vehicular access and car port to serve existing dwelling.

APPLICANT

Mr Nigel Balchin, The Orchard, Church Road, North Leigh, Oxon OX29 6TX.

BACKGROUND INFORMATION

The application is to be heard before the Committee as the Parish Council has raised objections. Cllr Mr Norton has also requested the application be heard at the meeting.

The application is a re-submission after a previous application was refused under delegated authority. Please see below for the refusal reason.

I PLANNING HISTORY

W87/1777(outline) – Dwelling – Refused.

W77/0914 (outline) – Erection of one bungalow – Grant.

W77/0914RM – Erection of bungalow and detached garage with access – Grant.

14/0028/P/FP – Erection of detached dwelling, new access and car port to serve existing dwelling – Refused.

1. By reason of its scale, height, design and the limited plot size and the close relationship with surrounding residential properties, the proposal will appear as a cramped overdevelopment of the site, harmful to the visual character and appearance of the rural streetscene. As such the proposal is considered to be contrary to Policies BE2 & H2 of the West Oxfordshire Local Plan 2011 and paragraphs of the NPPF.

2 CONSULTATIONS

2.1 North Leigh Parish Council

“North Leigh Parish Council has serious concerns about this proposed development, as follows:

- *Access for existing house and its garage is in a bad spot already; the corner is blind as you come down the first section of the hill on Church Road. It is surely not safe to add to turning movements. This is the steepest part of the hill and often very icy in winter conditions. To create another access for the existing house might be a slightly better location but it is not at all clear that there is room for cars to come in and out of the site forwards, let alone manoeuvre within the site – it all looks very tight. There was a good reason for putting the house one end and the garage the other all those years ago – there is a 7 metre drop from one end of the site to the other.*
- *The proposal involves very considerable excavation and new or proposed levels are not clear for checking in due course.*
- *The new dwelling looks very much the same as last year’s application; it is just dug into the ground more*
- *We are not convinced they have properly demonstrated the ability to put a second dwelling in the site which is very narrow at the lower north end and concern about impact on neighbours is still an issue let alone on the existing house. This appears to be overdevelopment. If the site by the allotments entrance in Park road was perceived as too tight and refused on appeal, this is surely worse.*
- *The plans give no datum reference of new house ridge height in relation to existing neighbouring dwellings – lots of other ridges have been given measurements but not the most important one – so it will be difficult to check should it be granted.”*

2.2 OCC Highways

“The vision splay at the proposed access as shown on drwg 12105/104/P3 cannot be achieved within the red edged application area or without crossing land which I presume is not within the applicant’s control. However, given the low vehicular speeds and flows approaching the access from the south the vision that would be obtainable within the red edged area is acceptable.

Visibility at the existing access complies with standards.

I note there is no footway link along Church Rd to the village however; given the low flows of passing vehicular traffic I do not think this warrants the refusal of a planning permission..

No objection subject to

- *G11 access specification*
- *G36 parking as plan*
- *G47 SUDS sw drainage*
- *No surface water to drain to the public highway.”*

2.3 WODC Engineers

“A detailed drainage strategy will need to be submitted incorporating the proposed permeable paving into the overall proposal. If full planning permission is granted, could you please attach a condition regarding a full surface water drainage scheme.”

3 REPRESENTATIONS

4 letters of objection have been received from Mr and Mrs Owen of 14 Bridewell Close, Mr Earl, C & R Cleblad Earl of 16 Bridewell Close, Mr Gardner of 12 Bridewell Close & Mr Raw of The Ridings, Church Close. The comments have been summarised as:

- Loss of privacy.
- Make the area look congested and not in keeping with its surroundings.
- Clear case of garden grabbing.
- Overdevelopment.
- Access to the car port and parking for the new house remains difficult.
- Acknowledge the reduction in height yet still have concerns about the height at the northern end. There will be 2 roof lights, should the plans be passed, should be of opaque glass and non opening. The proposed house will stretch along the width of our property.
- Concerns about possible changes which future occupiers might make.
- One would want assurances that the owners and builders would not deviate from the suggested plans.
- Already experience swampy ground in winter and concerned that excess water may be channelled into our garden.
- Loss in value of our property.
- Surprised that the new access has approval.
- “Development” in the back gardens of small domestic gardens is something I strongly oppose, and should not have any potential, in general.
- If any individual were questioned if they felt it was acceptable to build a house or houses, in domestic gardens, overlooking, or adjacent to their own property, it would be an overwhelming view against, I would suggest.
- We note the comment regarding conifer height to 12/14, Bridewell Close, this should not be used as a plus in regard to privacy, as these trees were inherited, not grown by us, and could and will be revised by us in future time to achieve extra garden space.
- A detached dwelling is being sought in the narrowest part of a reasonable size but definite narrow plot, as plots go, in general, to be able to sustain a detached house and the plot is overburdened by it as its shape cannot sustain this amount of build, it is cramped.
- The existing property would bring with it this second property, the noise/disturbance is an unknown quantity to anybody at this time, especially during summer months. Layout is unsustainable in such a narrow plot, to build a detached property.
- At present we are viewing existing established mature trees, to be replaced with my view from No 12, being higher than No 14, of a full tiled roof.
- Also the point regarding space used on plot at 16% is a spurious one, as this is irrelevant in regard to its position within the narrow plot, which is far to overbearing for this site.
- Our property does not back on to open fields, which can, and does attract development it seems, which has to be considered a possibility at any time.
- We reiterate, we selected 12 Bridewell Close property based on its most appropriate position, which had no development behind, and is at present a domestic garden.

4 APPLICANT'S CASE

A Design and Access Statement has been submitted with the application. A full version can be obtained from officers or via the WODC website. It has been briefly summarised as:

No objections have been raised towards the proposed new access and carport at the south end of the site, so this is included as part of this new application for the proposed reduced dwelling.

We strongly believe that the size of the footprint is very much a matter of individual opinion and should not be the dominant issue in assessing this proposal. It is more a question of how the building sits within the site in three dimensions rather than as a plan viewed from above. It is never actually seen like that. In our opinion the proposed dwelling is small enough for the space available and sits very comfortably within the site.

The total area of the application site is 1,508 sq metres (0.15 ha). The proposed sub-division of the site means that 481 sq metres (0.048 ha) of that area will be dedicated to the site for the proposed dwelling.

The footprint of the proposed dwelling is 76 sq metres which leaves 405 sq metres of open space around the dwelling. In other words, the building occupies just 16% of the site in which it is situated so the site ratio, in terms of open space, is very reasonable indeed.

The proposed dwelling is split-level to take advantage of the sloping site and has a gross internal floor area of 92 sq metres.

The layout of the site for the proposed dwelling has been very much dictated by existing features, the primary one being the position of the existing vehicular access which is to be retained for the use of the new dwelling and will also be the pedestrian access.

The proposed new building has been sited towards the back (western) boundary where the existing dwellings in Bridewell Close are sufficiently far away (approx 20 metres) not to be affected by the proposal, and there would be no overlooking windows at first floor level in the proposed dwelling. Siting it in the position shown allows for a spacious forecourt to be provided with a turnaround space, and also avoids the dwelling having any impact on the existing views to the north and north-east from 'The Orchard'.

The sloping site has also had a strong influence on the layout and the proposed design takes advantage of the slope to provide split-level accommodation thereby reducing the impact still further on 'The Orchard'. And the adjacent Bridewell Close properties. No windows or rooflights in the proposed dwelling will overlook any other adjacent sites.

The position of the new vehicular access at the south end of the site is dictated by the need to provide good vision splays over the applicant's own land, and also to allow suitable grading of the ground levels on either side of the driveway as it cuts into the existing rear garden of the existing dwelling.

The proposed new carport has been sited towards the south-west corner of the site to reduce any impact on the existing dwelling, and to provide adequate manoeuvring space for vehicles to turn into and out of the carport. The fact that the carport will be partly dug into the sloping ground also means that there will be no visual impact on the neighbours to the south in Wychwood View. The neighbours to the west will be well screened by existing shrubs and trees.

Application drawing no. 12105/105 shows the existing ground levels that will be retained across each section and elevation drawing and this clearly demonstrates how relatively little of the building is actually above the existing ground level.

Due to the way the building has been designed as mainly single storey and stepping down the site, we would strongly argue that it is small in scale and will have no significant impact on the neighbouring properties nor the 'rural aspect' of Church Road, whether approaching the village from the north or leaving the village from the south.

Similarly on the west elevation which is 2/3 metres away from the boundary fence with the adjoining site at 14 Bridewell Close, the walls of the proposed dwelling are completely obscured by the closeboarded fence and the high, thick, cupressus hedge that is on the adjoining owners side of the fence, and is therefore under their control. It is only part of the new roof that will be visible, and that will be sloping away from the boundary. The two rooflights shown in that roof will be above eye level to prevent any overlooking. This is shown on the 'West Elevation from Adjoining Site' on application drawing no 12105/105.

The existing dwelling on the site, 'The Orchard', is faced in reconstituted stone with reconstituted Stonesfield slates and lead-faced dormers. The existing dwellings in Bridewell Close, that back onto the site, are mostly in reconstituted stone with plain tiled roofs and with tile hanging on the dormers. It is proposed that the materials for the walls of the new dwelling are in reconstituted stone, the roof covered with reconstituted Stonesfield slates, and the dormer faced with lead. These materials, together with some elements of oak framing will ensure that the proposed new dwelling will blend in very well with the character of the surrounding area.

The only trees to be affected by the proposal are one rather tall and spindly eucalyptus and one unspecified tree immediately adjacent to it. These are very close to the western boundary and will be too close to the proposed dwelling to be retained. It may be possible to replace these with suitable trees if felt desirable in order to screen part of the new roof of the proposed dwelling from the Bridewell Close dwellings. The selection of these would have to be carried out carefully to ensure their predicted size at maturity is relatively limited.

The application site generally is well developed with mature hedges and shrubs, and it is envisaged that most of these will remain, apart from where the proposed new vehicular access is constructed at the south end of the site and along the western boundary where the proposed dwelling will be constructed. Some hedging and shrubs will need to be removed to allow the new driveway into the site and to achieve suitable sightlines. Some replacement hedging and or shrub planting will be carried out on completion.

A new 1.8 metre high closeboarded fence will be erected within the existing site to subdivide it for the proposed new dwelling and provide privacy between the gardens of the two properties.

The existing dwelling ('The Orchard') will have a new vehicular access off Church Road and its existing pedestrian access off Church Road, via steps, will remain as existing. Although the new access and off-street parking close to the dwelling is an improvement over the existing arrangement, there are no plans to create wheelchair access directly to the dwelling as the existing ground levels make this very difficult. The main point is that access for the disabled will be no worse than it is at present, but this could be improved in the future, if required, via the proposed new vehicular access and a ramp down to ground level adjacent to the dwelling.

We are not aware of any particular conflict between the policies and the submitted application, and similarly we are not aware of any conflict with the Government's National Planning Policy Framework.

In conclusion, we strongly believe that the Reasons for Refusal stated in the Decision Notice of 6th March 2014 have been overcome by making adjustments to the design of the proposed dwelling and by reducing its height, width and length. No changes have been made to the part of the application relating to the south end of the site where the new vehicular access and carport are proposed as no objections have been raised in respect of those proposals.

5 POLICY

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy BE4 – Open space within and adjoining settlements
Policy H2 – General residential development standards
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:

Principle of development
Impact to neighbouring properties
Impact to the character of the streetscene/locality
Design
Highway safety

Principle

6.2 The application site is located within the village and within the curtilage of the existing dwelling. The site is of sloping land parallel to Church Road. It is considered that the site is still within a residential locality although parts of Church Road have an open and rural character.

6.3 It could be suggested that the site could form a rounding off site. In any event, in the absence of a 5 year housing land supply the adopted housing policies of the West Oxfordshire Local Plan 2011 have limited weight such that officers consider that the site is within a sustainable location given the amenities that North Leigh has and is therefore acceptable.

Neighbourliness

6.4 The proposed new dwelling will be located to the north of the existing dwelling, set back from Church Road. There are existing properties to the rear of the site which are located at Bridewell Close. Officers consider that due to the levels on site and the design of the new dwelling, neighbouring properties at Bridewell Close will not be adversely affected by the proposal. No windows will be located to the rear of the dwelling, and as the dwelling will be of a lower level, no overbearing or loss of light issues would result. The distance between the new dwelling and neighbouring properties is also considered acceptable.

6.5 In terms of the comments received, officers have included conditions to omit permitted development rights for further windows and extensions etc to ensure that the neighbouring properties' residential amenities are protected. The distance between the existing dwelling and the proposed dwelling is also acceptable and officers do not consider that an adverse impact will result to the existing or proposed dwellings' residential amenities.

Character of the locality

- 6.6 This part of Church Road has a cluster of housing with views to the houses at Bridewell Close. Although a new dwelling will add to the existing development, officers do not consider that it will adversely affect the rural character and appearance of Church Road. The garden to the new dwelling will be to the front of the dwelling, which will ensure that the open character of the road will remain.

Design

- 6.7 Officers consider that the design of the new dwelling is acceptable. The form and massing have been reduced and officers are of the opinion that it sits more comfortably within the streetscene and neighbouring properties. The materials will be recon Stonesfield Slates and recon Stone with an oak frame. With the existing front boundary hedge remaining, officers consider that the character and appearance of the locality will not be adversely affected.

Highways and parking

- 6.8 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

- 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) 104 P2, 105 P4 & 113 P1.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls of the hereby approved dwelling house 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 of the dwelling house 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 windows & oak frame with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with 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 building reflects the established character of the area.

- 6 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the proposed car port 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.
- 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 west elevation(s) of the dwelling.
REASON: To safeguard privacy in the adjacent properties.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional rooflights shall be constructed in the west elevation of the dwelling.
REASON: To safeguard privacy in the adjacent property.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension, garage, or other outbuilding shall be constructed.
REASON: To protect the open character of the locality and to prevent any adverse impact to the residential amenities of existing neighbouring properties.
- 10 No development (including site works and demolition) shall commence until all existing trees/hedges which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" 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.
- 11 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwelling house.
REASON: To ensure a safe and adequate access.
- 12 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 13 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

NOTES TO APPLICANT

- 1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).
- 2 No surface water to drain to the public highway.

14/1082/P/FP 3 High Street Aston	
Date	23/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
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, 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 designs of the extensions are of a form and scale to match the existing cottage. There are two parking spaces for each dwelling, the existing and proposed, located to the rear of the site. An application for similar extensions and off street parking was presented to the Sub Committee for consideration in July. The application was refused on the grounds of inadequate vision splays to serve the development and inadequate parking arrangements. This application has been modified to seek to address the reasons for refusal.

1 PLANNING HISTORY

14/0519- Planning permission for erection of two storey extension to existing dwelling and erection of attached dwelling with associated parking was refused purely on highway grounds.

2 CONSTRAINTS

The site is located within the Conservation Area.

3 CONSULTATIONS

3.1 OCC Highways

“No objection subject to conditions.”

3.2 County Archaeologist

“No objection subject to a watching brief.”

3.3 Parish Council

*“The members of Aston, Cote, Shifford & Chimney Parish Council considered the above application at a meeting on 7 August 2014. The Parish Council **objects** to the planning application.*

The Parish Council notes the amendments that have been made to the plans and the proposed layout of the off-street parking since the previous application (14/0519/PI/P) which was refused by West Oxfordshire District Council on 22 July 2014. However, the Parish Council does not consider that the amendments provide any significant improvement on the previously refused planning application. The layout of the parking (four spaces stacked in two rows two deep) will make it very difficult for residents of number 3 and the proposed new property to use the parking, as the layout will require a lot of movements onto and from the parking purely to release a single vehicle which has just arrived at or wishes to leave the property. Whilst the planning application states that there is “adequate turning space within the site to allow vehicles to enter and exit in a forward gear”, it is clear from the drawings that the space is far from adequate and will not enable anything other than the smallest car to turn within it in order to exit in a forward gear. The likely impact of the unworkable layout of the off-street parking is that residents of the properties will elect to park on-street elsewhere. As stated in the Parish Council’s objection to the previous application, any increase in the amount of on-street parking at this location would present 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 Parish Council also objects to the design of the proposed extension to number 3 and the new build property. These extend further into the rear gardens than the existing dwelling and will create a visually unappealing structure, which will be detrimental to the conservation area. Moreover, the Parish Council is concerned that the double storey rear extension for number 3 and the double storey part of the proposed new home which is designed to project into the garden at right angles to the main property will be overbearing on all the properties in the vicinity (numbers 2, 3 and the proposed new home), which will detract from the residential amenity of people living in them. The Parish Council understands that when the owners of number 1 High Street sought to extend into their rear garden, they were advised by the District Council that a two storey extension would not meet the planning criteria for the conservation area nor for the residential amenity of the neighbours, and that a single storey extension only would be permitted, which is what they built (10/0985/PI/P).”

4 **REPRESENTATIONS**

At the time of writing letters have been received from Miss A Poulson of 2 High Street, Mr and Mrs Wilson of 1 High Street. Their comments are very briefly summarised as follows:

The planning history at no 1 and 2 High Street has only allowed single storey building;

A two storey extension will give shade over the gardens of other properties for most of the day;

The plans amount to overdevelopment. I would not object to a single storey;

Although the creation of parking spaces to no 3 is proposed we feel that because of the way they are shown on the plans it will increase hazards to an already dangerous road which has a bus stop very close to a bend. I feel that it is unlikely the resident would park as shown on the plans due to the inconvenience of moving one car to get another one out, therefore more cars parking on the road;

With parking now being allocated to the rear it leaves a very undesirable tiny garden which is insufficient for a three bed house.

The revised proposals does not resolve the parking issue;

There are errors in the design and access statement;

There is no way that 4 cars from two households will be parked in the four spaces marked on the plans;

The parking arrangement is extraordinarily inconvenient, resulting in cars being parked on the road;

The plot is limited in its size and would be better developed for a quality family home very much keeping with the character of the village.

Other recently developed smaller properties in the village took a long time to sell.

5 APPLICANT'S CASE

The applicant's case can be accessed in full on the Council's website. Many of the points raised were reported in July Committee agenda under ref 14/0519.

6 POLICY

BE2, BE3, BE5 and H2 of the West Oxfordshire Local Plan 2011 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 considered to be:

Principle
Design
Neighbours
Highways

Principle

7.2 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

7.3 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

- 7.4 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.
- 7.5 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

- 7.6 The revised parking and access arrangements the subject of this application are considered by OCC Highways to address the earlier concerns raised in respect of 14/0519.In light of this OCC Highways have raised no objections subject to conditions.
- 7.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is **acceptable** subject to 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 That the development be carried out in accordance with plan No(s) P01b; P03C and P04C.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the application details the external walls shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.
REASON: To safeguard the character and appearance of the Conservation Area.
- 4 The roof(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 Conservation Area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), eaves/verges and chimneys 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 Conservation Area
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the extension and dwelling hereby approved are occupied.
REASON: To safeguard the character and appearance of the area.

- 7 Notwithstanding the application details and the terms of condition 6 of this planning permission, the existing conifer screen located along the eastern boundary of the site shall be retained in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The said conifer screen shall be protected from the commencement of the development through to its completion in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the character and appearance of this part of the Conservation Area.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the side elevation(s) of the extension and dwelling hereby approved.
REASON: To safeguard privacy in the adjacent property.
- 9 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 extensions or outbuildings shall be constructed within the curtilage of the dwelling hereby approved.
REASON: Control is needed in the interests of residential and visual amenity.
- 10 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before the dwelling hereby approved is first occupied.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 12 The extension and dwelling hereby approved shall not 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.
- 13 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/ during any groundworks 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 Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site.

- 14 Following the approval of the written scheme of investigation referred to in condition 13, 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 Local Planning Authority, 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.

14/1085/P/FP 3 High Street Witney	
Date	17/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435591,209774

APPLICATION DETAILS

Alterations and extensions to enlarge ground floor retail area, create first floor office accommodation and two bed flat to second floor. Provision of new shop front.

APPLICANT

Mr Terence Lett The Jeweller, 3 High Street, Witney, Oxon, OX28 6HW.

BACKGROUND INFORMATION

This application is proposing extensions to the rear of the listed building to provide office accommodation at the first floor and a two bed flat on the second floor. In addition it proposes internal alterations including the removal of a chimney breast in order to increase the retail floor area. Further, a new shop front is proposed.

1 CONSTRAINTS

The building is Grade II listed.

The site is located within the Witney Conservation Area.

2 CONSULTATIONS

2.1 West Oxfordshire District Council (Architect)

"No objection subject to conditions."

2.2 OCC Highways

No reply to date.

2.3 Town Council

"Objects to the application due to the removal of inglenook fireplaces which is contrary to policy BE7 of the WOLP and also on the loss of the entrance pillars at the front of the property."

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT'S CASE

A design and access statement has been submitted with the application which can be accessed in full on the Council's website. In a précised form it concludes as follows:

Much needed additional floor space is required to allow expansion and with the proposals this can be easily achieved without the need to expand the existing ground floor footprint;

Much of the building is un noted in the list description, and therefore the alterations will have no impact on any of the principal items noted as worthy of architectural interest in the listing;

There does not exist in the town small affordable rental accommodation of the size which this development will provide;

The provision of a new shop front will greatly enhance the street scene and improve the front fenestration of the listed building;

A detailed method statement of how the structural works will be carried out will be produced by the Project Structural Engineer and submitted to the Council for approval prior to the building work commencing on site;

The fireplace at ground floor level is not an 'Inglenook' fireplace as previously described in an objection to an earlier application.

5 POLICY

The key policy considerations are as follows: BE2, BE3, BE5, BE7 and H2 together with 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:

The impact of the proposals on the architectural integrity of the listed building
The impact of the proposals on the character and appearance of the Conservation Area
Highways

The impact of the proposals on the architectural integrity of the listed building

- 6.2 The proposed extension to the rear replaces an unhappy agglomeration of piecemeal additions. The replacement of these additions with a double gabled extension is considered by officers to improve the rear elevation of the listed building.
- 6.3 In terms of the merits of the proposal to remove the chimney breast at ground floor level only, in order to enlarge the retail space, the chimney breast itself is not well preserved, is not highlighted in the list description and has been variously altered over time. Its original openings have been in filled and its masonry re-pointed or concealed. That said, the loss of an even much compromised chimney breast in a C17 listed building is not something that would usually receive officer support.

- 6.4 In terms of this listed building the most significant and best preserved aspect is of the building is considered to be the street facing façade which features characteristic stone mullion windows and Cotswold gables. The façade suffers , however, from a relative poorly designed shop front which bears little meaningful relationship with the elevation above (in terms of composition, division of bays, materials etc) and which visually undermines the elevation through being too deeply recessed and without a proper stall riser to ‘support’ both it and the façade.
- 6.5 In your officers opinion, the new shop front that is proposed as part of this application results in a clear net gain for the listed building when weighed against the loss of the chimney. The shop front has been brought forward; its piers now relate meaningfully to the arrangement of the gables above; the composition as a whole is supported on a properly detailed stall riser, and framed by traditionally detailed pilasters topped by console brackets, with a much narrower fascia sign, all in painted timber.
- 6.6 In light of the significant improvement to the street facing façade officers are of the opinion that loss of the chimney breast can be supported in this instance. However, the removal of one of the supporting piers to the existing shop front together with the chimney breast will have structural implications for the building. Bearing this in mind, prior to the commencement of development the applicants will need to provide evidence/structural statement from a structural engineer which demonstrates that the works can be carried out without causing harm to the structure of the building. A planning condition requiring such a statement will be recommended by officers but is currently being drafted.

The impact of the proposals on the character and appearance of the Conservation Area

- 6.7 In this regard the significant improvements to the street scene façade and the replacement of piecemeal additions to the rear with a double gabled extension is considered to ‘enhance’ the character of the Conservation Area.

Highways

- 6.8 This is a town centre location and as such the provision of off street parking to serve the two bed flat is not required.

Conclusions

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

RECOMMENDATION

Permit 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) 213582-04 and 213582-05.
REASON: For the avoidance of doubt as to what is permitted.
- 3 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

- 4 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.
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all new windows and doors and the shop front, with elevations of each assembly at a minimum 1:20 scale with sections of each component at a minimum 1:5 scale 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.
- 7 The external walls of the extensions shall be rendered in accordance with a sample panel which shall be laid on site and approved in writing by the Local Planning Authority before development commences and which shall thereafter be retained on site until the development is completed.
REASON: To safeguard the character and appearance of the area and in the interests of the listed building.
- 8 The roof(s) of the extensions 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 and in the interests of the listed building.
- 9 Before building work commences, a sample of the brick to be used in the brickwork finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved material.
REASON: To safeguard the character and appearance of the area and in the interests of the listed building.

14/1086/P/LB 3 High Street Witney	
Date	17/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435591,209774

APPLICATION DETAILS

Internal & external alterations and extensions to enlarge ground floor retail area, create first floor office accommodation and two bed flat to second floor. Provision of new shop front.

APPLICANT

Mr Terence Lett The Jeweller, 3 High Street, Witney, Oxon, OX28 6HW.

BACKGROUND INFORMATION

This application is proposing extensions to the rear of the listed building to provide office accommodation at the first floor and a two bed flat on the second floor. In addition it proposes internal alterations including the removal of a chimney breast in order to increase the retail floor area. Further, a new shop front is proposed.

1 CONSTRAINTS

The building is Grade II listed.

The site is located within the Witney Conservation Area.

2 CONSULTATIONS

2.1 West Oxfordshire District Council (Architect)

“No objection subject to conditions.”

2.2 OCC Highways

No reply to date.

2.3 Town Council

“Objects to the application due to the removal of inglenook fireplaces which is contrary to policy BE7 of the WOLP and also on the loss of the entrance pillars at the front of the property.”

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT’S CASE

A design and access statement has been submitted with the application which can be accessed in full on the Council’s website. In a précised form it concludes as follows:

Much needed additional floor space is required to allow expansion and with the proposals this can be easily achieved without the need to expand the existing ground floor footprint;

Much of the building is un noted in the list description, and therefore the alterations will have no impact on any of the principal items noted as worthy of architectural interest in the listing;

There dose not exist in the town small affordable rental accommodation of the size which this development will provide;

The provision of a new shop front will greatly enhance the street scene and improve the front fenestration of the listed building;

A detailed method statement of how the structural works will be carried out will be produced by the Project Structural Engineer and submitted to the Council for approval prior to the building work commencing on site;

The fireplace at ground floor level is not an 'Inglenook' fireplace as previously described in an objection to an earlier application.

5 POLICY

The key policy considerations are as follows:

BE7 together with 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:

The impact of the proposals on the architectural integrity of the listed building

The impact of the proposals on the architectural integrity of the listed building

- 6.2 The proposed extension to the rear replaces an unhappy agglomeration of piecemeal additions. The replacement of these additions with a double gabled extension is considered by officers to improve the rear elevation of the listed building.
- 6.3 In terms of the merits of the proposal to remove the chimney breast at ground floor level only, in order to enlarge the retail space, the chimney breast itself is not well preserved, is not highlighted in the list description and has been variously altered over time. Its original openings have been in filled and its masonry re-pointed or concealed. That said, the loss of an even much compromised chimney breast in a C17 listed building is not something that would usually receive officer support.
- 6.4 In terms of this listed building the most significant and best preserved aspect is of the building is considered to be the street facing façade which features characteristic stone mullion windows and Cotswold gables. The façade suffers , however, from a relative poorly designed shop front which bears little meaningful relationship with the elevation above (in terms of composition, division of bays, materials etc) and which visually undermines the elevation through being too deeply recessed and without a proper stall riser to 'support' both it and the façade.
- 6.5 In your officers opinion, the new shop front that is proposed as part of this application results in a clear net gain for the listed when weighed against the loss of the chimney. The shop front has been bought forward; its piers now relate meaningfully to the arrangement of the gables above; the composition as a whole is supported on a properly detailed stall riser, and framed by traditionally detailed pilasters topped by console brackets, with a much narrower fascia sign, all in painted timber.
- 6.6 In light of the significant improvement to the street facing façade officers are of the opinion that loss of the chimney breast can be supported in this instance. However, the removal of one of the supporting piers to the existing shop front together with the chimney breast will have structural implications for the building. Bearing this in mind, prior to the commencement of development the applicants will need to provide an evidence/structural statement from a structural engineer which demonstrates that the works can be carried out without causing harm to the structure of the building. A planning condition requiring such a statement will be recommended by officers.

RECOMMENDATION

Permit 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) 213582-04 and 213582-05.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building.
- 5 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.

14/1120/P/FP 69 Black Bourton Road Carterton	
Date	30/07/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	428290,206248

APPLICATION DETAILS

Remove existing dwelling and erection of ten flats with associated parking. Widening and improvements of existing vehicular access (to allow alterations to previously approved application 14/0194/P/FP).

APPLICANT

Witney Building Ltd, C/O Agent.

BACKGROUND INFORMATION

This application proposes a number of amendments to the scheme for 10 flats conditionally approved under reference 14/0194.

The proposed changes include the following:

- The use of plain concrete tiles as opposed to reconstructed stone slates;
- Amendments to the design of the north and east elevations;
- The omission of chimneys.

In all other respects the design as proposed is identical to that approved under 14/0194.

I PLANNING HISTORY

14/0194- Conditional planning permission granted to remove the existing dwelling and erect 10 flats and associated parking .Widening and improvements to the existing vehicular access.

2 CONSULTATIONS

2.1 Town Council

“Council welcomed the applicants improvements to vehicular access but still has grave concerns regarding policy BE3. The road outside the proposed development has double yellow lines to ensure no on street parking. The applicant has not considered the impact of each of the 10 flats having more than one vehicle or having visitors to the properties and where those additional vehicles will park. This does not appear to have been addressed.”

3 REPRESENTATIONS

None received at the time of writing.

4 APPLICANT'S CASE

The purpose of this re-application is to seek consent for a number of minor amendments which the applicant would like to make to the approved scheme.

5 PLANNING ASSESSMENT

- 5.1 The application is before Committee on the basis of the Town Council's comments.
- 5.2 In light of the fact that an extant permission exists to develop the site for 10 flats based on the application details submitted, the principle of the development and the associated access and parking arrangements is not for consideration.
- 5.3 The application seeks in essence amendments to the design details and materials that have been approved under 14/0194.
- 5.4 In this regard, the use of plain concrete tiles as opposed to reconstructed stone slates is considered acceptable given the sites context.
- 5.5 Whilst the omission of the chimneys is regrettable, in your officer's opinion this design modification does not justify a refusal of planning permission.
- 5.6 The proposed elevational changes to the north and east elevations which replaces a gable detail with a cat-slide roof which are not visible from the public domain are considered acceptable design modifications.

Conclusion

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

RECOMMENDATION

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.

- 2 That the development be carried out in accordance with plan No(s) 350-50 A; 350-51; 350-52 and 350-54A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before first occupation of the building hereby permitted the window(s) shown on the plans as obscure glazed and fitted shall be obscure glazed and fitted in accordance with details to be first submitted to and approved in writing by the LPA and retained as such thereafter.
REASON: To safeguard the privacy of the adjoining occupiers.
- 4 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 5 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011).
- 6 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 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" 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.
- 7 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before the building is occupied.
REASON: To ensure a safe and adequate access.
- 8 No flat shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that flat has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 9 No flat 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.

14/1136/P/FP Carterton Manor 17 Corbett Road Carterton	
Date	01/08/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	427409,206194

APPLICATION DETAILS

Erection of detached dwelling and associated works.

APPLICANT

Mr Micheal and Mrs Jenny Lowe, Carterton Manor, 17 Corbett Road, Carterton, Oxon OX18 3LG.

BACKGROUND INFORMATION

This application is for the erection of a one and a half storey dwelling on garden land to the rear of the existing dwelling. Access to the site is via an existing driveway that serves an existing building to the rear of 17 Corbett Road. According to the application this outbuilding is used by community groups such as 'The Lions' for choir practice. This outbuilding is to be contained within the curtilage of the new dwelling. The site slopes gradually away to the west and the land in the applicant's ownership, whilst not the extent of the curtilage serving the new house, abuts the Country Park to the rear which is well used by walkers.

The application proposes that on land between the curtilage of the proposed dwelling and the Country Park which is in the control and ownership of the applicants, that additional native trees, shrubs and hedge planting takes place together with the planting of a wild flower meadow.

The new dwelling is to be constructed of natural stone with brick quoins and a plain tiled roof. Due to the changes in ground level the ridge of the rear elevation of the proposed dwelling will sit 7 metres higher than the existing ground level.

I CONSULTATIONS

I.1 Town Council

"OBJECTED to this application on the grounds that it would have an adverse effect on the character of the neighbourhood. Council feels very strongly that it does not want precedence for 'garden grabbing' and asks the Planning Authority to ensure that gardens are not treated as 'previously developed land' for the purposes of development. Policies should reflect the need to resist inappropriate development of residential gardens and also the desire to retain the Heritage of the Town."

I.2 WODC Environmental Health

"No objection."

I.3 WODC Engineers

"No objections subject to conditions."

I.4 OCC Highways

"No objections subject to conditions."

2 REPRESENTATIONS

None received.

3 APPLICANT'S CASE

The applicant's case can be viewed in full on line. The summary of the case in a precised form is as follows:

- The applicants have suggested a traditional form of dwelling that will add to new house numbers in a very popular location for families;
- The applicants have agreed to accept conditions or a legal agreement to ensure the dwelling meets to exacting environmental standards;
- We believe the proposal would enhance the site and adds a sustainable dwelling in an appropriate location;
- Environmental enhancement is a key part of the proposal;
- Appeal decisions indicate the acceptability of back land sites where it does not detract from local character;
- The distances between the existing drive and Carterton Manor compare very favourably with appeal cases in respect of back land development.

4 POLICY

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

5 PLANNING ASSESSMENT

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

Principle
Design
Neighbours
Highways

Principle

- 5.2 The site is located within one of the most sustainable towns 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. For the avoidance of doubt, neither the housing policies of the adopted WOLP or the paragraphs of the NPPF preclude the redevelopment of garden land for additional dwellings.

Design

- 5.3 Given the eclectic design of dwellings within the town and within the vicinity of the site, officers do not consider that the design and materials of the proposed dwelling is so harmful as to warrant a recommendation of refusal. This is particularly in light of the fact that substantial additional planting

is proposed to the rear of the plot which will further screen the new dwelling from public views from the Country Park.

Neighbourliness

- 5.4 The key issue in this regard relates to the increased use of the existing access road to the site as it abuts 15 Corbett Road. In your officers opinion the distance from both the rear outlook of the immediate neighbour and the private amenity area serving that property is such that the additional traffic and pedestrian movements associated with the new three bed dwelling will not 'materially' harm the residential amenity of neighbour.

Highways

- 5.5 Highways has raised no objections subject to conditions.

Conclusion

- 5.6 In light of the above the application is recommended for conditional approval.

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 plans accompanying the application as modified by the applicant's agent's E-mail and dated 25/08/14 and accompanying block plan.
REASON: The application has been amended by the submission of revised details.
- 3 That the development be carried out in accordance with plan No(s) KSI; Drawing No.3 and CM 01 Rev A.
REASON: For the avoidance of doubt as to what is permitted.
- 4 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or outbuildings {{other than those expressly authorised by this permission}} shall be constructed.
REASON: Control is needed in the interests of visual amenity.
- 6 Prior to first occupation of the dwelling hereby approved the planting scheme illustrated on drawing no. CM 01 Rev A submitted with the application shall be implemented and subsequently maintained in accordance with the maintenance plan detailed on drawing number CM 01 Rev A.
REASON: In the interests of visual amenity.
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety.

- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwelling hereby approved is occupied.

REASON: To safeguard the character and appearance of the area and in the interests of residential amenity.

14/1171/P/FP 24 Common Road North Leigh	
Date	11/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to the applicant agreeing to reduce the scale of the garage building
Parish	NORTH LEIGH
Grid Ref:	438575,212714

APPLICATION DETAILS

Erection of detached dwelling and garage with associated works.

APPLICANT

Mrs Angela Knight, 24 Common Road, North Leigh, Oxfordshire, OX29 6RA.

BACKGROUND INFORMATION

The application is to be heard before the Committee as Cllr Mr Norton has requested it for the following reason:

"I would request it come to committee in view of local concerns and inappropriate development views expressed by local residents and its previous planning history."

1 CONSULTATIONS

1.1 Parish Council

"We would recommend that a condition is applied to any consent tying the garage to the house and preventing future conversion and sale & and in addition, North Leigh PC considers this proposal represents over development in a backland location."

1.2 OCC Highways

No comments received at the time of writing the report.

2 REPRESENTATIONS

Mr and Mrs J Reichmann of 34 Common Road (comments summarised)

- We feel sure that if this building goes ahead then some trees will be felled which will have an adverse effect on the wildlife that inhabit this area.
- Also we are already overstretched when it comes to sewerage disposal, this may cause a flooding problem which would directly affect our property, as the building would also involve an adverse displacement of the surface and ground waters which run over and through the clay levels of North Leigh.
- Therefore, we object to this building going ahead.

3 APPLICANT'S CASE

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

- A small development to the rear of No 28 Common road has obtained planning permission for 3 detached stone properties with garaging between 2004 and 2007. These have been completed and are served by a wide access road off Common Road between 24 & another new property 28a.
- The proposed dwelling will be a detached property positioned alongside no 26b with detached garaging located to the east. The property has been designed to be in keeping with the 3 existing properties. It will be well screened by the extensive mature hedging.
- Windows have been located predominantly to the front and rear and therefore there is no overlooking of adjacent properties with only 1 first floor on the northern gable which is obscure glazed.
- It will have more than average amenity space to the front and rear.
- The garaging will have velux windows rather than more dominant dormer windows.
- Ample parking.
- Access into the site will be from the shared access road will be minimal in terms of tree removal with the loss of willow trees where the new access is to be located but the remaining trees and hedging still offer good levels of screening.
- Materials to match the existing.
- It is suggested that the current design is well designed and respects the existing scale pattern and character of the adjoining area. It will round off the existing built development.

4 POLICY

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy H2 – General residential development standards
Policy NE6 – Retention of Trees, Woodlands and Hedgerows
NPPF

5 PLANNING ASSESSMENT

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

Principle of development
Impact to neighbouring properties
Design and impact to the character of area
Highway issues

Principle

- 5.2 The application site lies within the village of North Leigh to the rear of an existing property which fronts onto Common Road. The application site is also adjacent to existing modern properties which have been built off Common Road. Officers consider that the principle of development is acceptable in this location given the sustainable location as described within the NPPF and the current lack of a 5 year housing land supply.

Neighbourliness

- 5.3 Officers do not consider that the existing property at No 24 Common Road will be adversely affected by such a development due to the distance between the two properties. In terms of the adjacent existing properties served off the existing access from Common Road, officers consider that due to the proposed siting of the new dwelling that no adverse overlooking or overbearing issues will result.

Design & impact to the character of the area

- 5.4 The application site is not within a Conservation Area; however the application site has various trees within in it. The majority of the trees are shown to be cleared from the site. It is officers' opinion that the existing trees are not worthy of being subject to a Tree Preservation Order, due to low public visibility and not being of particularly good condition. Whilst the proposed plans show some vegetation to be retained, it seems unlikely that this will be feasible due to the very close proximity of the triple garage building to the remaining trees. As there is no survey or tree assessment material with the application it is difficult to say how much space would be required to safeguard the trees but reducing the garaging to a double from a triple would help provide more space and theoretical protection. Officers are in discussions with the agent regarding this element of the proposal and will update Members at the meeting if agreement has been reached.
- 5.5 The dwelling has been designed to be in keeping with the existing properties and will be of a 4 bed detached dwelling. The materials will match the adjacent properties and timber windows and doors will be used. Officers consider that it is a large dwelling; however given the design of the dwelling and its positioning, it will not adversely affect the character and appearance of the locality or have an adverse impact to neighbouring properties' residential amenities.

Highways and parking

- 5.6 At the time of writing comments have not yet been received, and as such officer will update Members at the meeting.

Conclusions

- 5.7 Although officers consider that in principle a dwelling in this location is acceptable, given that some issues and consultations have yet to be received and resolved, officers will update Members at the Committee meeting and will then formally advise the recommendation of the application.

RECOMMENDATION

Provisional Approval.