

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

20th October 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

Agenda Index

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

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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 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.

Since the last meeting, when the application was deferred for a site visit, the applicants have tabled an additional plan confirming that land lying outside the application site but adjoining it is also in their control and ownership such that conditions could be imposed on that land if required. The agent has also requested that members visit Weald Manor itself to inspect the inside of the property which is described as being in dire condition. The income from the rentals would be to fund repairs rather than for day to day running costs

I 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

Highways

- 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/P105A, 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.

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.

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.

Property

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.

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.

Ecology

Key issues:

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

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 due to the inadequate road width.
- 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.
- Increased 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.
- Increased traffic in village.
- 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 to 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. 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 factor 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 thus, even were there a need, whether it would be better met in a more sustainable location 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 to Weald Manor, Officers do not consider that a reasonable case has been made to set aside usual policies and 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. It could also set and adverse precedent for owners of heritage assets to enable them to become run down as a means to promote development that would otherwise be unacceptable. The lack of transparency as to the financial arrangements underpinning the request for enabling development is a major deficiency of the proposals
- 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). It is understood that an offer of alternative premises might be made but it is not clear whether these alternative premises are acceptable to the business or they have planning consent for the proposed use

- 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. The overwhelming impression is of unspoilt rural countryside
- 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 and access improvements will represent urbanisation of this site and of the approach via the Weald, 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 site boundary which will create a very uncompromising urban edge. The inclusion of blue lined land within the application offers some opportunity to provide additional screening but even so the form, intensity 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). This is considered to be a key harm in that recent case law indicates that where there is harm to the setting of a listed building or to a conservation area this should be afforded considerable importance and weight in the determination of the application with the LPA having to pay special regard to the desirability of preserving or enhancing the character and appearance of the area when carrying out any balancing exercise as to the merits of an application. It is not considered that the benefits associated with the scheme outweigh the general harms or the special weight that must be given to preserving/enhancing the Conservation Area
- 7.15 As the site is in the Conservation Area, the value of the existing buildings in contributing to the character of the area also needs to be considered. Whilst there are some natural stone elements to some of the structures, most exhibit a standard agricultural aesthetic and some are in a dilapidated condition such that 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 and a further cause for concern in terms of the potential adverse impact on the buried heritage assets.
- 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. However, as advised above, 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 and upon the rural character and appearance of the area. 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 1 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 to the detriment of its existing low key rural character.
- 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 details of the financial arrangements and 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 current lack of a 5 year housing land supply and the other stated benefits of the scheme that the proposed development is unacceptable on its planning merits by reason of the harm to the conservation area and landscape setting of the village generally, the lack of an archaeological dig, the lack of an agreed mitigation strategy, the in principle policy concerns, the concerns regarding whether flood risk has been adequately mitigated, the lack of transparency over the financial arrangements and the potential loss of the business use. For these reasons the scheme is recommended for refusal

RECOMMENDATION

Refuse for the following reasons:-

- 1 By reason of its location in an attractive, isolated and rural part of the Conservation Area and the scale, form and associated highway improvements the proposal is considered to harm the character and appearance of the Bampton Conservation area, urbanising the current attractive loose knit and agrarian character and appearance contrary to the provisions of Policy BE5 of the adopted local plan, the provisions of the NPPF and relevant case law.
- 2 By reason of the harms arising from the urbanisation of the Conservation Area, the potential impact on archaeology, the lack of certainty regarding the drainage impact, the adverse landscape impact, the lack of a proven need for the enabling development, the loss of an existing employment site and queries regarding the viability and deliverability of any mitigation package, the scheme is considered to cause significant and demonstrable harms that are not justified on their planning merits and as such is unsustainable development. in the terms set out in the NPPF and contrary to in particular to policies BE1, BE2, BE5, BE13, NE1, NE3, H2, H4 and E6 of the WOLP and the provisions of the NPPF.

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.

The application was deferred from last month's meeting to enable Members to visit the site.

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.

- I. 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

4.1 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. Although some windows will be located to the rear of the dwelling, these will serve a kitchen & WC on the ground floor and two roof lights will serve a bathroom and bedroom area at first floor level. 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

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) I04 P2, I05 P4 & I13 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.

14/1144/P/FP Church Hall Thames Street Eynsham	
Date	04/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	EYNHAM
Grid Ref:	443310,209305

APPLICATION DETAILS

Installation of replacement windows.

APPLICANT

St Leonards PCC, 21 High Street, Eynsham, Oxon, OX29 4HE.

BACKGROUND INFORMATION

The application is to be heard before the meeting as the Parish Council have objected to the proposal.

I CONSULTATIONS

I.1 Parish Council

“Objection. The use of PVCu in a building of this character and age in the Conservation Area is not appropriate. The Parish Council would agree to aluminium frames in white on all windows to resemble traditional casement windows and for the Thames Street elevation (W.01, W.02 & W.03 in the application) to be glazed without bars to reflect the ecclesiastical nature of the windows and building.”

I.2 Statutory Duties relating to Conservation Areas

S72 of the Listed Buildings Act 1990 provides : ‘In the exercise , with respect to any buildings or other land in a Conservation Area, of any functions under or by virtue of (the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. In this regard following on from the Barnwell Manor case considerable importance and weight must be given to the desirability of preserving or enhancing character when considering the merits of any application for development.

2 POLICY

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

Policy BE2 – General Development Standards
Policy BE5 – Conservation Areas

& relevant paragraphs of the NPPF.

3 PLANNING ASSESSMENT

- 3.1 The application site is St Leonards Church Hall in Eynsham, the building itself is not Listed, but lies within the Conservation Area.
- 3.2 The proposal is to replacement all of the existing windows to the building. The existing windows are of timber and glass and the proposed material is for aluminium and double glazing, and PVCu and double glazing.
- 3.3 The most prominent front elevation has three lancet windows which have modern single glazed glass and are considered to be of no special merit. These are to be replaced with black aluminium frames and fixed double glazing. Whilst ideally the new sheets of glazing would be unbroken, this is not practicable due to issues relating to handling and stresses upon the glazing inherent in sheets of this size. Consequently, the proposal is for 2 horizontal glazing bars in the flanking lights and 3 horizontal glazing bars in the central light. Officers consider that this seems to be a reasonable compromise and would not constitute a harmful change. However at the time of writing there are some concerns regarding the thickness of the glazing being 24mm and officers are suggesting that this is reduced to 12mm.
- 3.4 In respect of the side and rear windows, whilst uPVC double glazed windows in a building of this type in this context would not normally be considered acceptable, given the current windows, and the degree to which these are concealed (along a tight 'corridor' between this and the next door building), officers consider that on balance that the change to the windows is acceptable in that they will have a neutral impact on the character and appearance of the Conservation Area.
- 3.5 In terms of the concerns relating to the thickness of the glazing and the detailing of the glazing bars, officers are presently in discussions with the applicant and anticipate that further information will be received prior to the meeting, where officers will update Members.
- 3.6 With regards to whether the proposal is compliant with Policy BE5 of the West Oxfordshire Local Plan and the Statutory duty to preserve or enhance the appearance of the Conservation Area, officers consider that the proposed fenestration changes to the unlisted building would not harm to the visual character and appearance of the Conservation Area, and even were that not the case the marginal harm of the proposed changes would be outweighed by its enhanced viability as a public building.

Conclusion

- 3.7 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 subject to receiving additional information regarding the glazing issues as to whether the thickness can be reduced.

RECOMMENDATION

Grant subject to the following conditions:-

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

- 2 That the development be carried out in accordance with plan No(s)
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

14/1149/P/FP Land between 2 Elms Road and The Elms Yarnton Road Cassington	
Date	05/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	CASSINGTON
Grid Ref:	445446,211024

APPLICATION DETAILS

Erection of two storey detached dwelling with associated parking and amenity space.

APPLICANT

Mrs S Laing Sparrows, Somerton Road, North Aston, Oxon, OX25 6HX.

BACKGROUND INFORMATION

This application seeks permission for the erection of one dwelling on land to the rear of an existing dwelling, accessed off Yarnton Road, Cassington. The application is to be considered by Members because Cassington Parish Council has raised no objections and officers are recommending refusal.

I PLANNING HISTORY

W81/1465 – erection of 1 dwelling and access (outline) – refused.
W82/0149 – erection of 1 dwelling and access (outline) – refused.
W96/1259 – erection of detached dwelling and garage – refused.
W98/1135 – erection of dwelling and garage – refused.
W2001/0122 – erection of 2 dwellings – refused.
12/0235/P/OP – Erection of dwelling – refused

REASON: By reason of the site location on the periphery of the village of Cassington, the proposal for a new dwelling fails to represent infill development or the conversion of an appropriate existing building. Furthermore, the site location sits within the Green Belt and therefore a new dwelling in this location is considered to fail to retain the openness and rural character of the Green Belt and would damage protected trees. The proposal is therefore considered to be contrary to Policies NE5, NE6 and H5 of the West Oxfordshire Local Plan 2011.

2 CONSULTATIONS

2.1 Parish Council

“The parish council has considered the above application and has no objection subject to the views of adjoining neighbours.”

Further to their initial comment, the Parish Council has “no objections to the application”.

2.2 OCC Highways

“The proposal, if permitted, will not have a significant detrimental impact on the local road network. No objection.”

2.3 WODC Engineer

“No details have been submitted as to what S.U.D.S system the applicant is proposing to deal with surface water, therefore this will need to be clarified prior to any works taking place.

Due to the risk of 1 in 30 year flooding, it is recommended that the design includes Individual Property Protection (IPP).

If full planning permission is granted, could you please attach the following condition:

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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

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

NOTE TO APPLICANT:

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

- *Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))*
- *Code for sustainable homes - A step-change in sustainable home building practice*
- *The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1).)”*

2.4 OCC Assistant Engineer (Drainage)

“Drainage strategy needs to be submitted and approved by the local planning authority prior to any development commencing.

A watercourse classed as a Main River runs through the development site, any development on or near to a Main River will require Environment Agency approval.”

3 REPRESENTATIONS

6 letters have been received from; Mr Newman of 10 Elms Road, JS & KM Thomson, Ami Chan of The Gate House, Mr Beeton of The Laurels, Zoe Naylor & Mr Thomson of The Elms. The comments have been summarised as:

- *It is our contention that the reasons given by WODC in refusing permission last time, and on the several previous occasions including the failed appeal, are still valid.*
- *The amenity provided to the village by the protected trees on the site is substantial. We take little comfort in the assertion in the design and access statement "there will not be undue*

pressure to fell or severely prune these trees". We have on many occasions had cause to report Mrs Laing to the council for damaging and attempting to fell the trees protected by the TPO in an attempt to make it into a building site.

- Apart from the logistical challenges of building on a flood site, if permission were to be granted for a house it would necessarily displace much of the flood water which would have no other recourse but to worsen the flooding already experienced by the residents of Elms Road whose houses border the property. I note that on the application form the site was deemed not to be subject to flooding: perhaps a conversation with the residents who had to vacate their homes due to extensive flood damage for a period in excess of six months whilst repairs were carried out might provide a more accurate insight.
- The current plans for a three bedroom house on this non-infill parcel of land reveal a very high pitched roof. Could it be Mrs Laing's intention to exceed any permission granted for a two storey house and make a three storey one as she did with Yew Tree House? There is also an overlooking window on The Elms which would invade privacy.
- The two storey dwelling would diminish light into the front of our property (especially my daughter's bedroom which looks out onto the land in question). Light into our lounge would be greatly reduced which is already poor.
- Would infringe on our privacy at the front of our dwelling as trees and foliage would be removed. Our view from our property would be greatly reduced.
- Traffic concern regarding safety as the house traffic would come directly out near the lay by which is currently heavily utilised by various vehicles.
- The site falls within the Oxford Green Belt, as you are aware Limited infilling may be an appropriate form of development provided it meets a local community need (Paragraph 89 of NPPF). This proposal is clearly not of need to the local community. If planning permission were to be granted, It is unlikely to be offered at an affordable market price or rent. In the D&A statement they have argued that the site is 'Infill' and that the site abides to '*filling of a small gap in an otherwise continuous built up frontage*', this is clearly not the case, there is no frontage in this part of Yarnton Road, and previous applications have been rejected on this basis, and there has been no change here.
- Affect the adjoining conservation area.
- The land is substantially enclosed by mature vegetation – protected via TPO's. These trees cast shadows over the site for much of the day. I therefore fail to see how the proposal will result in a residential amenity which is acceptable to a future occupier of the property.
- Only open up more plots of land if it granted.
- Does not accord with the NPPF.
- Does not accord with Policy H5 – there is no continuous built up frontage along this section of Yarnton Road.
- Impact on the setting of the Conservation Area & Cassington Conservation Area Character Appraisal.
- Loss of an important open space.
- Proposal results in a poor and unacceptable private amenity space.
- Not sustainable development.

4 APPLICANT'S CASE

4.1 A Design & Access Statement and Arboriculture Report have been submitted as part of the application. The D & A Statement has both been summarised as:

- The site has an area of 0.12 hectares (0.3 acres) accessed via an existing driveway from Yarnton Road. The entire village of Cassington is over-washed by the Oxford Green Belt.
- The site is surrounded on 3 sides by a number of trees subject to TPOs, the remaining boundary being a 1.8m close board fence.
- Site has had history of failed applications. This application has been prepared with a view to address the issues raised in the 2012 application.

- The site is a small gap within the frontage of Yarnton Road between 2 Elms Road to the west and The Elms to the east.
- By the very nature of the protected established trees and hedges that surround the site on all sides, the site's contribution to the openness of the Green Belt is restricted such that there is no impact on the wider landscape or the openness of the Green Belt. The mature trees to the front of the site provide excellent screening from the roadside looking into the site.
- The previous application failed to provide a tree survey – this application does and provides root protection area each tree or hedge would require to avoid damaging the health of the tree.
- Regarding that adequate space has been allowed within the development to allow for their long term physical retention and maintenance requirements.
- WODC does not have a 5 year land supply – this would still make a contribution towards meeting the shortfall – adds relevant material weight to allow the appeal and grant planning permission.
- The walls will be faced in stone under a Stonesfield slate roof & wooden framed painted windows.
- The proposed house would be a self-build project.
- Car parking provided to meet maximum standards.

4.2 Copies of both reports can be viewed on line, or provided by the case officer.

5 POLICY

The following policies are considered to be of relevance in the determination of this application:

Policy BE2: General Residential Development Standards.

Policy BE3: Provision for Movement and Parking.

Policy BE5 – Conservation Areas

Policy NE5: Oxford Green Belt

Policy NE6: Retention of Trees, Woodlands and Hedgerows

Policy H2: General Residential Development Standards

Policy H5: Villages

The NPPF has also been referred to.

6 PLANNING ASSESSMENT

6.1 This application seeks to establish the principle of residential development to allow one dwelling and a new access drive. As Members will note from the reported site history, the land in question has been the subject of extensive planning history from 1981 through to this current submission. On all occasions these applications have been refused on the grounds that residential development would be detrimental to the visual amenities and character of the locality; particularly due to the loss of a significant number of protected trees.

6.2 This current application has submitted an Arboriculture report which officers have consulted with the WODC Land and Forestry Officer.

6.3 The site is located within the Oxford Green Belt (Policy NE5 of the WOLP 2011 & Chapter 9 of the NPPF.) Taking note of the provisions of Policy NE5: Oxford Green Belt, this policy is explicit that planning permission for new buildings will only be allowed under exceptional circumstances. Considering each criterion, it is noted that the proposal could only be considered under part (d) of the policy as “infill development”. In assessing whether the proposal constitutes infilling – the filling

of a small gap in an otherwise continuous built up frontage – it is noted that: the site is part of a larger gap in the frontage and is significantly set away from other properties to the rear. Given these observations, officers are satisfied that the proposal does not constitute infilling and is therefore contrary to this Policy.

- 6.4 With reference to the NPPF it also states that; “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 6.5 Although the application states that the existing trees would screen the proposed dwelling, officers are of the opinion that a direct view would be visible from Yarnton Road, as not all the boundaries of the sites have existing mature trees. The trees at the site are included in an area tree preservation order in recognition of the contribution they make to public amenity. An ‘area’ designation is used where the value of trees included in an order is cumulative rather than based on the individual merits of particular trees. The objective of the TPO is to safeguard the trees from harm and to ensure that they continue to provide a high level of public amenity in the locality and to retain the leafy character of this part of the village which is also immediately adjacent to the Conservation Area.
- 6.6 The survey contains comprehensive information and helpful details, however, it also illustrates that particular care would be required to construct a dwelling at this site without causing damage from root loss and ground compaction etc. It shows that the area in which to construct a building, without adversely affecting the trees, is very small. In light of past experience officers are not convinced that the barriers would be erected as shown as there would just be insufficient space for all that’s required to construct such a building. This is bearing in mind the space required for manoeuvring and operating large ground working equipment, the delivery and storage of materials, site accommodation and so forth. It is considered that overcoming these problems would bring considerable additional costs and complexities that would go beyond most similar construction projects and the temptation to use additional land, within the root protection zones, would be very high and would be difficult to police in practice.
- 6.7 Taking into account the above and some detailed technical issues such as the actual likelihood of hand digging service trenches and ‘no-dig’ techniques for hard surfacing where ground level changes may preclude there are reservations about the claimed lightness of the proposed works on the trees and the soil at the site.
- 6.8 More of a concern, especially in the longer term is the effect that the creation of a dwelling and garden may have on the well-being and appearance of the trees. Whilst there has been regard to the above ground effects of development close to trees. Officers consider that the majority of the external space around the plot will be in the shade of large and heavy trees and as such there would be more pressures to undertake works to improve light conditions in the house and garden. This would be contrary to Policy NE6 of the WOLP 2011.
- 6.9 Following on from this, officers consider that the loss of the existing trees and the wooded character of the site would adversely affect the visual character and appearance of the setting and approach of the Cassington Conservation Area and its significant amenity contribution within this part of the streetscene.
- 6.10 In terms of other comments relating to loss of residential amenity to neighbouring properties, officers consider that the new dwelling is positioned sufficiently away to prevent such issues. The issues of drainage and flooding could be dealt with by conditions and officers are awaiting comments from the EA.

6.11 In conclusion, taking into account the extensive site history and the current policies of the Local Plan and the NPPF, officers are of the opinion that the site is still an important space, characterised by its wooded character which contributes significantly to the rural character and visual amenity of both the Green Belt and the approach to the Conservation Area, and by allowing such a development would fail to preserve this visual amenity.

RECOMMENDATION

Refuse for the following reason:

- I The erection of a dwelling on this site within the Oxford Green Belt would be detrimental to the visual amenities and character of the locality byway of the likely loss of tree cover through both the construction of the dwelling and inevitable pressure by future occupiers to fell trees in order to provide adequate amounts of sunlight to the heavily shaded plot. Their loss would adversely affect the wooded character of the site, which is also located on the edge of the Cassington Conservation Area, to the detriment of its significant amenity contribution within the streetscene and to the setting of the Conservation Area and the approach to it. As such the proposal is considered contrary to Policies BE2, BE5, NE5 and NE6 of the West Oxfordshire Local Plan and the paragraphs of the NPPF.

14/1171/P/FP 24 Common Road North Leigh	
Date	11/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
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.”

The application was deferred from last month’s meeting to enable Members to visit the site.

I CONSULTATIONS

I.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

“The proposal seeks to erect a dwelling with a garage, located to the rear of no.24 Common Road, North Leigh.

The proposal has demonstrated a sufficient level of parking for the dwelling along with ample space in which to turn a vehicle to allow it to egress in a forward gear.

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

After reviewing the supplied plans and documentation, the Highway Authority has No Objection to the proposal on the basis of Highway Safety subject to conditions to include access specifications, ancillary accommodation for garage accommodation, permeable paving and surface water condition, & vision splay condition. An informative regarding the use of gravel is also proposed.”

1.3 WODC Engineers

“Soakaways may not be feasible due to the clay geology, but this will be determined by the soakage testing. If not feasible, an on-site attenuated discharge to the main sewer may be possible with Thames Water approval.

If full planning permission is granted, could you please attach the following condition;

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 (expressed in m/s) 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

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

NOTE TO APPLICANT:

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

- *Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))*
- *Code for sustainable homes - A step-change in sustainable home building practice*
 - *The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1)).”*

2 REPRESENTATIONS

11 emails and letters with additional information/photographs have been received from; Mr and Mrs J Reichmann of 34 Common Road, Andrew Killingbeck & Alison Barnes of 22 Common Road, Mr File of 30b Common Road, Mr B Skipwith, Mr and Mrs Fletcher of 30a Common Road, Mr and Mrs Smith of 81 Park Road, Mr and Mrs Burke-Smith of 69 Park Road, Mr and Mrs Lowndes of 26 B Common Road, Mr Skipwith (son of Mr Skipwith of 26a Common Road), FO & AM Legg of 26 Common Road, Mrs Deardon of 28A Common Road, & Mr and Mrs Skipwith of 26a 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.
- We would like to make you aware of a number of strong objections that we have with regards to the proposed development of an additional property at the rear of 24 Common Road, application number referenced above. As the adjacent neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living.
- The proposed development is positioned as such that the primary amenity area of our garden, and patio would be severely overlooked from the new proposed development, resulting in a serious invasion of our privacy.
- The land upon which the development is proposed is in excess of 0.5 meters higher due to the land sloping. With the proposed development being less than 2 meters away and the side elevation of our property containing four windows (see fig 3) our property would suffer extreme loss of light. The proposed planning also suggests erection of a 1.8m close boarded boundary fence. With the boundary being less than 1.5 meters away. The proposed boundary fence would therefore effectively be sitting at approximately 2.5 meters in height and our ground windows which are positioned less than 2.4 meters in height would be significantly affected by loss of light and overshadowing.
- We believe that the proposed development is a direct contravention of Policy H2 of the Local Plan. The design of the proposed development would result in an unacceptable loss of privacy as well as light.
- Please consider the responsibility of the council under the Human Rights Act in particular Article 1 of the First Protocol: Protection of property which states that a person has a right to peaceful enjoyment of all their possessions which includes the home and land. The proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8.1: Everyone has the right to respect, for his private and family life, his home and his correspondence.
- There's no pavement for pedestrian access meaning residents have to walk on the road.
- There is already an insufficient vehicle turning area within the estate, meaning most vehicles have to reverse out of the drive and onto Common Road. With the access road being limited in width, there is not enough room for vehicles to pass and with the additional flow of traffic increases our concerns over the safety of residents. This is already an unacceptable situation and there have already been a number of "near misses". This situation will only worsen with the proposed development.
- The development proposes to remove our boundary hedgerow. The hedgerow has been in situ for many, many years and holds a high visual, historic and biodiversity value. Over the years we have seen a number of birds using the hedgerow as their nesting habitat. We believe removal of the hedgerow will cause harm to the local wildlife. Along with the hedgerow the developer suggests to clear in excess of ten trees from the site.
- We direct you to the previous planning applications and this to be the third attempt to develop this land.
- Andrew Tucker, Strategic Director (Development) refused planning permission for Planning Application Number W2003/0429 on the basis that:
"By reasons if it's incremental and piecemeal nature this application which is not considered to constitute 'rounding off' is considered to be a device to secure a scale of development inappropriate for North Leigh and to avoid the provision of an element of affordable housing on this site. Furthermore, incremental piecemeal back land development of the scale and character proposed could set a precedent for similar developments which in equity would be difficult to resist and which would cumulatively undermine the general policies of restraint upon housing development in the villages. As

such the proposal is considered contrary to Policies H6 and H12 for the adopted West Oxfordshire Local Plan and Policies H7, H2 and H11 of the emerging Local Plan.”

- The current Planning application is an attempt to revisit the same ‘piecemeal back land development’. This application should be rejected on the same basis as application W2003/0429.
- The proposed property is of much bigger design/size than any of the existing properties on the estate.
- The design is not in keeping with the 3 existing properties and will be over-dominating.
- The base drawing of site clearly shows removal of the mature hedging and all 3 existing properties will have clear visibility of the proposed property.
- We would like to understand the overall proposed height of the property which is not clearly shown. Based upon the scale on the drawing we can only estimate the height to be approximately 7.50 meters and with the land being 0.5 meters higher, the proposed development will be 8 meters in height which should be considered as over bearing to the surrounding properties.
- This development is by no means a logical complement to the existing pattern of the estate. The overall development is not in proportion/scale to the existing properties as already stated above. The existing 3 property estate has been in situ for approximately ten years and should be considered complete.
- We consider the proposed development to be a direct contravention of Local Plan Policy H6.
- We would be grateful if the council would take our objections into serious consideration when deciding this application.
- Drainage/flooding - the gardens are on a considerable slope and the underlying soil is blue clay. In very wet weather water runs across the garden of number 20 into our garden. From our garden it runs into the garden of 24 and then on into the next garden, etc. The orchard of number 24 becomes very waterlogged. The mature trees in the garden acts as a significant sink for getting more water into the ground by absorbing a considerable amount of the run-off from our garden thereby reducing the water passed on to number 26b.
- The building of a house and garage on this plot will mean that the water will have to find an alternative route or cause flooding of the new property. There will be a much reduced area for soaking up water and the flow will be funnelled. The funnelling will reduce retention time in this garden pushing more water into the next properties.
- If the garage is used for accommodation it would be likely to increase the number of parking spaces required for this development and increase the traffic flow on a single lane access.
- The houses in this section of Common road are on a loop. There have been problems with this in the past as the pipe is made of fibre pitch. Our neighbours at number 20 have already had a section of pipe replaced by Thames Water. It has also been suggested that it is near capacity. We have experienced problems of gaseous smells coming from our toilets and washbasins that may be caused by problems with the loop.
- One of the main reasons we bought the house was for the garden. We have a greenhouse and a vegetable plot at the lower end of the garden. This provides us with a plentiful food source and we believe the new house is likely to cause shading, particularly of the greenhouse in spring when we have seedlings in there.
- View – one of the appeals of our house is the view down the gardens and over the fields. This view will be marred by the new development. The height of the garage and its proximity to existing houses will be particularly obtrusive. When we are gardening, the size of the new house will make it very noticeable.
- Disturbance – the development at 26/28 caused disturbance for about 18 months (according to neighbours).
- Compost Heap – our compost bins would be within one or two feet of the door into the new property. This is a long way from the existing house at number 24 and is well maintained, however there are bound to be odours.
- Indeed we understand that to gain access to the side there are several mature trees that will need to come out. This is simply terrible as they are a fantastic habitat for birds, insects and

other wildlife. They are also visual barrier for the neighbours who would otherwise be overlooked by the rear of the houses going up Common Road.

- Not to mention that the whole of the drive way has been meticulously maintained for years by 26, 26A and 26B with absolute no input (physical or financial) from anyone else. The proposed access point will destroy a well kept and cared for verge.
- Simply put this development is in our opinion completely unsuited to the location.
- The original development for the area was approved for three residences only so this new property would contravene the original judgement and permissions to develop. The planning applicant, we can only assume, does not have any understanding of the implications and impact that a development on this site would have on the all surrounding neighbours and the natural habitat for animals (especially the trees).
- We hope that this objection to the planning is taken in to account and sincerely feel that it is a poorly judged undertaking from the planning applicant. We trust that common sense will prevail and that development on this land will be refused permission.
- Should you feel minded to grant permission for a new build on the above site we would like to request that you also consider a specific planning condition alongside the consent? We would hope that sufficient and adequate drainage is put into the plot so that surface water, particularly during the wet weather, is routed directly to the brook at its western boundary.
- My parents retired to 26a Common Road in 2006. They chose the plot specifically for its quiet surroundings. The proposed development would significantly impact on precisely the reasons they chose to buy their house. I live in Eynsham and as a single parent spend a fair bit of time at 26a. There is no turning circle at the end and I have to reverse back up to Common Road. It is a single track drive with no passing place. More cars will no doubt have a knock on effect consequences for access.
- Previous developments from the same developer have resulted in a frankly liberal interpretation of the planning consents issued which has added to the unease of those living adjacent to the proposed development.
- If members are minded to grant consent and officers minded to recommend, I would strongly urge you to insist by condition, on more stringent than usual testing of drainage solutions as part of any design. I believe several of my neighbours are writing to you with similar concerns.
- Result in the loss of an important green link with the countryside behind the properties.
- Very clear that this proposal constitutes backland development which is contrary to West Oxfordshire planning policy. If this application is granted this could open flood gates for back land development in North Leigh.
- Increased traffic.
- I also believe that village life is being threatened by the encroachment of urbanisation and irrevocable damage to all concerned.
- It would change the character substantially.
- We are further concerned that this block will subsequently be developed into full residential accommodation.
- By its very nature this application is contention given the long previous history.
- W2001/1471 was submitted on 26 & 28 Common Road for two detached dwellings, permission was refused and the applicants appealed unsuccessfully.
- W2002/1774 was submitted for the demolition of the existing dwelling and residential development to the rear of 26 & 28 Common Road for 6 houses. Outline was approved and included part of 24 Common Road which was not mentioned in the application. A condition stated that the site shall be redeveloped for a maximum of 3 residential units.
- An amended plan was submitted on 29/01/03 for three houses and of particular note were the non inclusion of lower garden of 24, the withdrawal of the house and part garden of 28.
- In September 2004 a further revision of the previously amended plan was submitted showing an increase in the size of the garden at No 28 & a repositioning of the access.
- Planning was granted and in 2005 two of the three plots, 26 & 26B were developed, at this time the driveway was established and narrower than previously shown. The third plot, 26A was completed in 2006.

- In the meantime a parallel application (W2003/0429) was submitted to develop the lower garden of 24 Common Road and was refused.
- The site entry cannot be accessed until a very mature multi stemmed Willow tree is removed.
- Any additional development would be backland development and is contrary to Policy H6.
- In 2007 planning consent was given for an additional attached dwelling which subsequently became a detached dwelling to be built alongside 28 (07/1684/P/FP) thus raising the number of dwellings to 5. This proposal for a detached house would increase the number to 6, with the distinct possibility of the garage block becoming another dwelling; there could possibly be a total of 7 dwellings which would be one more than the original planning number proposed in 2002.

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 ADDITIONAL COMMENTS FROM APPLICANT

- 4.1 A decision at the Lowlands Committee Meeting on 15.09.14 to arrange a site meeting is welcomed. It is important to visit the site itself as well as the access road to appreciate the degree of privacy that this site has.
- 4.2 A flyer was circulated by a neighbour to local residents during the representation period. This was followed by visits, emails etc which contained inaccuracies which could lead to some misunderstandings.
- 4.3 There were 11 letters expressing concerns about this proposed development. The main issues are as follows:

Some objectors raised concerns about 2 houses constituting overdevelopment when it is very explicit that the application is for 1 house, garage with ancillary accommodation above. It is fully understood by the applicant that "ancillary" means that it can never be separated from the main house.

Concerns were raised about surface water drainage and sewerage disposal. It is fully understood that there will be a planning condition should this application be successful. A civil engineer will design the schemes to meet all current regulations and Building Control inspects these to ensure that they are installed correctly. The mains sewer runs along the back gardens of this part of Common Road. The 3 houses recently built all connect into the mains sewer in the back garden of 28. There have been no problems at all and these houses have been occupied for over 7 years now. The applicant has lived here for over 40 years with no problems as well.

Concerns were raised about the removal of the mature extensive hedging and the resulting effect that may have on wildlife. Some objectors sincerely believed that the hedge was to be removed but the Design and Access Statement clearly states that only a 10ft wide opening will need to be cut into the hedge for the new dwelling. It should be noted that this hedge forms the boundary between 24 and the access road to 26, 26a and 26b Common Road. Some fruit trees will have to be removed to make space for the dwelling but there is ample room for re-planting on the site and a landscaping plan would detail this. The wildlife today, detailed at length in several of the letters of objection, has flourished in spite of the 3 houses being built on what was the gardens of 26 and 28. The back garden of 30 has also been developed and there are an additional 2 houses there as well. Surely 1 more house on a plot of approx. 180 ft in length backing onto farmland will not be detrimental to wildlife? This whole area in North Leigh also has so many various trees and hedges which will remain.

The back boundary between the proposed house and the farmland is also extensively hedged. Several houses along this boundary keep this hedge trimmed neatly and the wildlife still flourishes. This hedge cannot be removed as the farmer insists that it stays so the farmhouse, a considerable distance away across the fields, would not be visible at all.

The planning history for the houses built to the rear of 26 and 28 Common Road is long and a matter of public record. It is also complex. An application to develop this by Mr and Mrs Perry and K.Hyatt and N.Sullivan was originally refused and an appeal was subsequently dismissed. However, this was because the proposed new access road to the highway would be detrimental to the residential amenity of 26 (since demolished) and in part to 28. The actual principle to build here was established, ie this was not considered to be backland development, by the appeal officer. 1 house in the garden of 30 was already being built (this was followed by another house in 2007). Successful outline planning applications to develop land to the rear of 26 and 28, and not 24, followed. In 2003, 24 applied to develop but this was withdrawn and there have been no other applications until this one. 1 of the 3 plots was sold to a 3rd party, detailed planning was obtained and the same 3rd party started to build the houses. The development was finished in Feb 2007. There is also some confusion about No.28 which was built in 1957 and is still occupied today.

This proposed dwelling would sit to the right and would round off and finish this development. The house was designed to be in keeping and to complement what has already been built. The private access road is only used by these 3 houses. There is very little traffic. It is 4 m wide, tarmacked with a drainage scheme and kerbstones, and was approved.

This proposed new house, to the rear of 24, has ample turning on site to drive forwards up the access road. 1 extra house will not create much more traffic and OCC Highways has no objections. This access is also wide enough and has very good visibility. Neighbourly care and consideration is what is needed.

The owners of 26b have complained that there will be 4 windows on their north gable overlooking. The 2 upstairs windows are ensuite bathrooms with obscure glass. One of the downstairs windows is the cloakroom which has obscure glass. The remaining window is a small secondary window to a dining room. This room has a main window overlooking their back garden and will not overlook at all. This secondary window will not be 2m away from the proposed house.

It overlooks the fence, the hedge, which they keep cut short, and is approx. 7.2 m away from the very rear of the proposed house. This is further than the distance between 26b, 26a and 26 which they accepted when they bought the house. Only a relatively short part of this north gable is 2m from the proposed house.

In summary, it can only be repeated that this proposed application was worked out in consultation with the planning office and the Council Architect. It is a private site, right at the edge of North Leigh, with mature and extensive hedging, most of which will remain. It will respect the village location and form a logical complement to round off the existing, recently built development of 3 houses. It will also help to maintain the vitality of North Leigh.

5 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

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
Design and impact to the character of area
Highway issues

Principle

- 6.2 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

- 6.3 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.
- 6.4 The accommodation above the garage will remain ancillary to the main dwelling.

Design & impact to the character of the area

- 6.5 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. The applicant has agreed to reduce the garage to a two bay garage which significantly reduces the overall scale of the building and the ancillary accommodation above.

- 6.6 Conditions have been suggested for those trees/hedges to be shown to be retained to be protected during building works etc, and for wildlife boxes to be erected.
- 6.7 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

- 6.8 OCC Highways have assessed the proposal and are recommending no objection subject to conditions which officers have included within the recommendation section of the report.

Conclusions

- 6.9 Officers consider that in principle a dwelling in this location is acceptable and as such recommend conditional approval.

RECOMMENDATION

Grant subject to the 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) 9135/PL02 & 9135/PL01 & the amended garage plans/block plan 9135/SL20a, 9135/PL03a & 9135/SL01a.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the side elevations of the dwelling.
REASON: To safeguard privacy in the adjacent properties.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional rooflights shall be constructed in the elevations of the dwelling and garage building.
REASON: To safeguard privacy in the adjacent properties.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension shall be constructed.
REASON: To protect the residential amenities of neighbouring properties.
- 7 Before first occupation of the dwelling hereby permitted the window(s) to the side elevation shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
- 8 The accommodation above the garage hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.
REASON: A separate dwelling in this location would adversely affect the residential amenities of the existing and proposed dwellings.
- 9 No development shall take place until details of facilities for refuse bins to be stored and placed awaiting waste collection have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.
- 10 Before development commences, details of the provision of boxes for bats, owls, & birds shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed as approved before first use or occupation of the building and so retained thereafter.
REASON: To safeguard and enhance biodiversity.
- 11 Unless otherwise agreed in writing by the Local Planning Authority, all hedges and trees on the land not shown to be affected by building operations, shall be retained until 3 years from the completion of the development and any trees and hedge plants which die, are removed or become seriously damaged or diseased within that period shall be replaced in the next planting season with others of a similar species.
REASON: To safeguard features that contribute to the character and landscape of the area.
- 12 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012 "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.
- 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 (expressed in m/s) 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. (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance)

- 14 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.
REASON: To ensure a safe and adequate access.
- 15 No dwelling shall be occupied until the vehicular accesses, driveways, car parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced (to be of permeable paving and constructed SUDS compliant) 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 & to accord with Sustainable Drainage Systems (SUDS).
- 16 No dwelling shall be occupied until the parking area and driveways have been surfaced, with permeable paving and to be SUDS compliant, and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety and SUDS compliant.
- 17 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 18 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9m as measured from carriageway level.
REASON: In the interest of highway safety.

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 As the applicant is intending to use gravel or a similar loose material on the driveway/parking/turning area, concrete or blacktop should be laid in a 50cm strip from the boundary to the start of the gravelled area to help reduce the problem of gravel being carried onto the pavement.
- 3 All extensions / developments which increase the size of the hard areas must be drained using SUDs methods, including porous pavements. You should carry out soakage tests to prove the effectiveness of soakaways or filter trenches. Drainage design needs to be approved and submitted prior to the commencement of the development.

14/1172/P/FP Land at Abbey Street Eynsham	
Date	11/08/2014 11/08/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	EYNSHAM
Grid Ref:	443226,209217

APPLICATION DETAILS

Erection of two storey building to provide ground floor computer recovery suites and garaging with two flats above.

APPLICANT

JG Pimm and Sons Ltd, Abbey Street, Eynsham.

BACKGROUND INFORMATION

Under ref 13/1463 planning permission was granted to demolish existing garages on the land and erect a new garage block and computer recovery suite with two flats above. This application seeks amendments to the approved scheme. Development has commenced on the site. This latest application provides three garages at ground floor level as opposed to four under application 13/1463. The fourth garage is replaced by a server room in this application.

As approved the overall length of the building is 31.5m long with an eaves height of 3m and a ridge height of 6.5m, sited between 0.2 and 0.5m off of the boundary with the listed barns to the rear. The width is 5.8m.

As proposed the overall length of the two storey element of the building is 33.2m with a single storey lean to of 2.2m in length, the height to eaves is 3m and to main ridge 6.7m. The width is 5.8m. It is sited between .0.6 and 0.9m off of the boundary with the listed buildings to the rear. A high level obscure glazed /fixed shut window is proposed in the north gable of the flat to help light the first floor living room space. A velux cabrio rooflight is proposed on the eastern elevation to serve the same first floor flat.

1 PLANNING HISTORY

9/0781 and 09/0782 to demolish existing garage block and replace with new garages to incorporate first floor computer recovery suites and a one bed flat- Approved

12/1015/1016- Permission granted to demolish the existing garage block and replace with new garage block with first floor computer recovery suites and a one bed flat.

13/1463- Planning permission granted for the demolition of existing garages and a replacement garage block and computer recovery suite with two flats above.

14/0273- Planning permission refused for non compliance with conditions 2, 14 and 15 of 13/1463.

2 CONSTRAINTS

Site is located within the Eynsham Conservation and abuts a range of Grade II listed buildings to the rear of the site (former barns).

3 CONSULTATIONS

3.1 Parish Council

“No objections.”

3.2 OCC Archaeologist

“No objections subject to conditions.”

3.3 OCC Highways

“No objections subject to conditions.”

4 REPRESENTATIONS

Representations have been received from the following:

Mrs R P Parrinder of 7 Abbey farm Barns, Linda and Nick Sigurdsson of 4 Abbey Farm Barns, Steve Parrinder of 7 Abbey Farm Barns, RC hall of 3 Abbey Farm Barns, Paula Maddison and Richard Carter of 5 Abbey Farm Barns, John Cahill of 6 Abbey Farm Barns, and Jennifer Harland. Their comments are briefly summarised as follows:

- Whilst I do not have any real problem with the development I do object to the apparently deliberate blocking of a public notice;
- The changes in circumstances since the original application are significant for the village, and I implore you to reject this application
- The application as submitted is misleading, inaccurate and the design of the building as now proposed is not in sympathy with the surrounding stone built barns;
- The conduct of the developer has shown flagrant disregard for the planning approvals and conditions process attached to the previous application;
- The foundations have been constructed without a Watching Brief having been submitted never mind acted upon;
- The reality is that the building has been increased by over 3 metres an increase which in no circumstances can be considered ‘slight’;
- The resultant effect is to further remove the views and outlook aspect of the existing barns;
- The scraped and excavated material referred to in the design and access statement as retained on site for archaeological examination has been removed from the site;
- The material being proposed is reconstituted stone The approved material was natural stone reclaimed brick in keeping with the area;
- Different window installations of a more modern character are now proposed and most out of keeping with the old stone cottages;
- We are encouraged that the Juliet balcony on the North gable end has been amended to a round window as it stops overlooking of no 3s garden, however we are disappointed that the overall size of the building is to be increased by 3m, that reconstructed stone is proposed, and that the server room is proposed directly at the rear of our garden (no5) as we know server rooms need to be cooled and can create low level noise nuisance;
- Object on the grounds that the archaeological survey has been omitted, the building has been increased in size and the plans do not accurately reflect the changes and the new application identifies additional windows that have previously been rejected;
- Object on the grounds that the rooflights that are obscure glazed and are not specified as fixed shut on the west elevation as per previous conditions, the use of recon stone, the use of

white UPVC doorframes on the south elevation and the absence of confirmation of the type of slate;

- A porthole design for the gable end window seems inappropriate given the vernacular architecture;
- The end of the new building will be visible and audible from my property (7 Abbey Farm Barns). Permission should not be granted until the developer has clarified the position in respect of plant to be used in association with the computer suite;
- Could you insist on the replanting of trees;
- Planning conditions should again require the west facing rooflights to be obscure glazed with limited opening for ventilation only;
- In respect of archaeology the site was part of the inner precinct of Eynsham Abbey. It is in the Conservation Area and adjacent to a Scheduled Ancient Monument;
- The development is on an extremely sensitive archaeological site of not just local but national significance. The design and access statement is a tacit admission that proper procedures were ignored when the foundation trenches were dug and filled with concrete;
- The digging of the westerly foundation trench has dislodged part of the wall, recently repaired which borders my field to the north the removal of 6 conifers has destroyed what was left of part of the derelict wall which forms the eastern boundary of my field. In addition the company saw fit to cut down a small tree in my field. All done without consulting me;
- WODC should insist that Pimms should conform to the original application proposals or, consider withdrawing planning permission altogether;
- We object to the whole development and feel in light of what has happened it should no longer be allowed;
- When permission was first granted Abbey Farm Barns was in a derelict condition and so there were no neighbours affected. The setting has now changed and this should make a difference;
- We strongly believe that the erection of an imposing two storey building is completely out of character with the area and has a detrimental effect on a Grade II listed building and is too close to our homes with potential noise and nuisance and lack of privacy. The whole thing is a nonsense and illogical;
- The present circumstances is what it should be judged on and not the past. The Abbey farm barns are now beautifully and sympathetically restored and we feel justified in wanting to protect the area;
- Parking and garaging is a problem in the village , this decreases parking spaces by 7, and although housing may be needed the additional of two small flats hardly seems to outweigh the impact this building will have;
- The footprint is larger and the location plan does not appear to have been amended to reflect this. Our view of the church and the Tolkein Room is significantly obscured;
- We find it wrong that for our shed the Conservation Architect was consulted and yet not for this much more imposing building;
- We feel that this whole process reflects badly on both planners and builders. What is the use of a planning permission if it is both ignored and not policed. An original planning permission lapsed, a new one was passed irrespective of a completely new situation .We believe that this was mostly because a precedent had been set not because it was right on its own merit. We are very disillusioned by the whole process. What is the point.

5 APPLICANT'S CASE

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

The original garaging has been demolished. The scraped and excavated material is retained near the site for archaeological investigation;

Some of the existing and proposed garages are and will be used by tenants of nearby properties which are owned or controlled by the applicants. There is extensive adjacent parking that will not be affected by this proposal;

The basic form of the proposal is intended to adopt a typology of Farm Barns and be sympathetic to the adjacent listed buildings;

The indicative drawing demonstrates that the proposal respects the residential use of Abbey Farm Barns with all new rooflights in the western elevation positioned at a level with obscured glass whereby it is not possible to look directly out;

We wish to make it clear that this submission is for reconstructed stonework with dressed quoins, cills and heads. The second hand brickwork has now been omitted;

The design of the northern and eastern elevation now addresses earlier concerns about harm to residential amenity;

There will be no increase in the traffic movements to and from the site as a result of this proposal and the existing open parking to the south of the proposal will be retained.

Statutory Duties relating to Conservation Areas and Listed Buildings

S66 of the Listed Buildings Act 1990 provides 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In this regard following on from the Barnwell Manor case considerable importance and weight must be given to the desirability of preserving the setting of any listed buildings when considering the merits of any application for development.

S72 of the Listed Buildings Act 1990 provides 'In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions under or by virtue of (the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' In this regard following on from the Barnwell Manor case considerable importance and weight must be given to the desirability of preserving or enhancing character when considering the merits of any application for development.

6 POLICY

The key policies for consideration in respect of this proposal are BE2, BE3, BE5 and BE8 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

7 PLANNING ASSESSMENT

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

The principle of the development

The impact of the development on the setting of the listed buildings in the vicinity of the site

The impact on the character and appearance of the Conservation Area

The impact of the development on Archaeology

The impact on neighbour amenity

The impact on highway safety and parking

The principle of the development

- 7.2 The planning history in respect of this proposal reveals that a building of a very similar design and footprint and uses to that proposed in this application has been successively approved over time, the first approval being in 2009. The constraints in respect of the site have remained constant over time but with the addition of the need to have regard to the residential amenity of the occupiers of the recently converted listed barns to the rear.
- 7.3 In light of the above the principle of a building to replace a range of former single storey garages for the purposes proposed is considered acceptable.
- 7.4 What also needs to be borne in mind in considering this application is that an extant permission for a very similar building under ref: I3/I463 exists which could be implemented or built.

The impact of the development on the setting of the listed buildings in the vicinity of the site

- 7.5 The impact of a building of a very similar dimension and design on the setting of the listed buildings to the rear has consistently been considered acceptable subject to a number of conditions to control the detailed design and materials of the building.
- 7.6 The building the subject of this application is 4 metres longer than what has been approved historically and is set slightly further off of the boundary with the listed barns to the rear as noted in the application details section of this report. The scale and pitched roof design of the building is considered to be a significant improvement in design terms on the former flat roofed modern garage range that it replaces and thus, notwithstanding the fact that it is 4metres longer than the building approved under I3/I463, the proposal is considered to have a positive impact on the setting of the listed range to the rear.
- 7.7 Officers do have concerns however about the proposed use of artificial stone in this context particularly given the requirements of S66 of the Listed Buildings Act 1990. In light of the considerable importance and weight to be given to preserving the setting of the listed barns a condition has been attached requiring that the external walls be constructed of natural stone. If the applicants are unwilling to accept the terms of this condition then your officer's recommendation in favour of the application is likely to be reversed. Members will be advised at the meeting if the applicants are happy to accept the use of natural as opposed to reconstructed stone.
- 7.8 In addition, it is noted that the applicant is proposing the use of UPVc frames for a number of window openings serving the building. This material is considered unacceptable in this context. A condition has been attached which precludes the use of this material.

The impact on the character and appearance of the Conservation Area

- 7.9 The issue in respect of the impact on the character and appearance of the Conservation Area is very similar to that in respect of the setting of the listed buildings. In this case the requirement being importance and weight must be given to the desirability of preserving and enhancing character.
- 7.10 In this regard officers do not consider that the increase in length of the building from that approved under I3/I463 will be harmful to the character and appearance of the Conservation Area. In fact a replacement building of the scale and design proposed will be an enhancement. However, for the same reasons as cited in respect of the setting of the listed range to the rear, the use of reconstructed stone and UPVc frames is not considered appropriate in this context.

The impact of the development on Archaeology

- 7.11 Despite the attachment of a watching brief condition to the earlier consent for a similar building approved under 13/1463, the trenches and foundations of the building this subject of this application have been constructed without producing an archaeological watching brief. In response to this the County Archaeologist has been in discussions with the applicant and has agreed that in respect of archaeology a trial trench will be put in adjacent to the new building to enable archaeological investigation, research and analysis to be carried out. Two conditions have been recommended by the County Archaeologist in order to safeguard archaeological interests at this site.

The impact on neighbour amenity

- 7.12 A condition has been attached to ensure that the rooflights along the rear roof slope are obscure glazed and fixed in a way to only allow limited opening, prior to first occupation of the flats. In addition the round window in the north gable end is to be fixed shut and obscure glazed prior to first occupation.
- 7.13 Further Permitted Development rights have been removed in respect of additional windows and rooflights.
- 7.14 A condition has been attached in respect of the air conditioning units to be installed on the site in order to ensure that any noise/vibration from the units is limited such that neighbour amenity is not harmed.
- 7.15 These measures are considered sufficient to secure the residential amenity of the neighbours.

Highways and parking

- 7.16 In respect of access and parking the County Highways officer has raised no objections subject to conditions
- 7.17 He comments that the current application will reduce the garage block, from seven spaces to three spaces; however there is additional space in the car park adjacent to the garage block which appears to be under the control and ownership of the applicant. Further, he concludes that the proposal is unlikely to have a significant impact on the highway network.

Conclusions

- 7.18 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) 0911 001 and 0911 002.
REASON: For the avoidance of doubt as to what is permitted.

- 3 Notwithstanding the application details the external walls of the building shall be constructed with natural stone a sample panel of which shall be constructed on site and approved in writing by the Local Planning Authority prior to construction of the walls of the building and retained on site until completion of the development.
REASON: In the interests of the setting of the adjoining listed buildings and the character and appearance of the Conservation Area.
- 4 The roof shall be covered with artificial Cotswold stone slates of random sizes, samples of which shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the slates shall be laid in courses diminishing in width from eaves level to the ridge of the roof in accordance with normal practice in the locality.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the application details the windows and external doors shall be constructed of timber or aluminium frames in accordance with detailed drawings to a scale of not less than 1:5min together with the proposed colour finish to be submitted to and approved in writing by the Local Planning Authority before work on that part of the development takes place.
REASON: In the interests of the setting of the adjacent listed buildings and the character and appearance of the Conservation Area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of the dormer windows and rooflights 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 work on that part of the development commences. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the setting of the adjacent listed buildings and the character and appearance of the Conservation 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 any elevation(s) of the building.
REASON: To safeguard privacy in the adjacent properties and in the interests of the setting of the adjacent listed buildings and the character and appearance 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 rooflights shall be constructed in the rear/west elevation of the building.
REASON: To safeguard privacy in the adjacent property.
- 9 Before first occupation of the building hereby approved details shall be submitted to the Local Planning Authority detailing how the rooflights on the west (rear) elevation shall be fitted with obscure glazing and fixed to enable only partial opening for ventilation purposes. The rooflights shall be constructed in accordance with the said approved details and retained as such thereafter.
REASON: In the interests of the residential amenity of the dwellings to the rear.
- 10 The cheeks and pediment of the dormer window(s) shall be rendered in a colour and texture the specification for which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 11 Prior to first use of the flats hereby approved the high level circular window on the north elevation shall be obscure glazed and fixed and retained as such thereafter.
REASON: In the interests of the residential amenity of the adjoining occupiers.

- 12 Prior to further works taking place on the site a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.
- 13 Following the approval of the Written Scheme of Investigation referred to in condition 12, and prior to further work taking place on the site (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological investigation (trial trench) shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.
- 14 Prior to further works taking place , technical and design information of any air conditioning units to be sited on or within the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the air conditioning units shall accord with the said approved details and be retained as such thereafter.
REASON: In the interests of the residential amenity.
- 15 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the use of the building hereby approved and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 16 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.
- 17 Prior to further work taking place a surface water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.

14/1206/P/POB Coral Springs Curbridge Road Curbridge	
Date	21/08/2014
Officer	Abby Fettes
Officer Recommendation	Grant
Parish	WITNEY
Grid Ref:	433753,209056

APPLICATION DETAILS

Modification of planning obligation (relating to Planning Permission 12/1037/P/FP).

APPLICANT

Tony Entwistle Fed 3 Projects Ltd, 4 Adams House, Northampton Science Park, Kings Park Road, Moulton Park, Northampton, NN3 6LG.

BACKGROUND INFORMATION

Planning permission (Ref12/1037/P/FP) was granted for the erection of a retirement community comprising of sixty care bedrooms, forty six care suites and seventy nine care apartments on 29 April 2013 following the completion of a planning obligation. The current application seeks the modification of two paragraphs within Schedule 1 (Covenants by the Developer to the District Council) to the obligation.

Paragraph 6.4 states: “ *Not to occupy or permit occupation of the development until the district council has confirmed to the developer in writing that the permissive paths have been constructed to a standard satisfactory to the district council (such confirmation not to be unreasonably withheld or delayed) and the permissive paths have been opened to the public for the lifetime of the development*”

The applicant requests that this be amended to allow for sections of the development to be occupied prior to completion of permissive paths because of the phasing of the development. It is requested that the Northern Cluster Independent Living Blocks and the Village Care Centre be occupied before completion of the paths which would be completed at the same time as the Southern Cluster Independent Living Units

Paragraph 8.2 states: *Within nine months of first occupation of any of the care units to lay out the open space in accordance with the scheme approved by the district council under paragraph 8.1 and to serve written notice on the district council advising that the open space has been so laid out.*

The applicant requests that the wording is changed to state *Within three months of first occupation of the development as a whole*

I PLANNING HISTORY

- 1.1 12/1037/P/FP Erection of retirement community comprising of sixty care bedrooms, forty six care suites and seventy nine care apartments.
- 1.2 11/1768 Erection of retirement community comprising of sixty care bedrooms, forty seven care suites and seventy nine care apartments. Withdrawn for amendments to the design of the scheme.
- 1.3 09/0798/P/FP Erection of retirement community comprising of thirty care bedrooms, forty five care suites and fifty eight care apartments was granted at sub committee. A full application was submitted as it did not comply with the details approved in the outline application. The planning permission expires in December 2012.

- 1.4 07/0481/P/OP Erection of retirement community comprising of thirty care bedrooms, forty five care suites and fifty eight care apartments approved at sub committee.

2 CONSULTATIONS

2.1 Witney Town Council

No comments received.

2.2 Curbridge and Lew Parish Council

No comments received.

2.3 OCC Rights of Way

No comments received.

3 REPRESENTATIONS

- 3.1 No neighbours were consulted but the application was advertised by site notice. No representations have been received.

4 POLICY

- 4.1 The following policies of the West Oxfordshire Local Plan 2011 are considered to be particularly relevant:

BE2 General Development Standards

NE3 Local Landscape Character

T2 Pedestrian and Cycle Facilities

5 PLANNING ASSESSMENT

- 5.1 Paragraph 6.4 of Schedule 1 of the planning obligation is part of the provisions that were intended to ensure that an existing footpath between Thorney Leys and the A40 was retained as a permissive path and was satisfactorily re-routed and surfaced. Paragraph 8.2 was intended to ensure that the planned area of open space was implemented as an amenity for residents of the development and as a landscaped setting for the built development.
- 5.2 The development comprises two discrete clusters of buildings and has been phased with work starting with the cluster of buildings in the northern part of the site closest to Curbridge Road, some of which are nearing completion.
- 5.3 No work has started on the smaller cluster of buildings on the southern part of the site. Most of the open space is in that part of the site as is the existing footpath which will be re-routed between the new buildings. It is therefore reasonable for the footpath to be completed as an integral part of that second phase of development and for the open space to be laid out after the completion of the building works.
- 5.4 However, understandably the developer does not wish occupation of the first phase of the development to be delayed until the second phase is completed.
- 5.5 It is considered that the proposed revisions to the planning obligation are reasonable and would not jeopardise provision of the permissive path or open space and that to adhere to the existing

wording would merely delay the occupation of that part of the development which is nearing completion. This would serve no planning purpose and it is therefore recommended that the application is approved.

Conclusions

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

RECOMMENDATION

That the proposed modification to the planning obligation is approved.

14/1224/P/FP Robin Hood Public House 81 Hailey Road Witney	
Date	20/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435710,210936

APPLICATION DETAILS

Change of use of public house to dwelling.

APPLICANT

Mr Ben Preston, Robin Hood PH, 81 Hailey Road, Witney, Oxfordshire, OX28 1HJ.

BACKGROUND INFORMATION

The application is to be heard before the Committee on the request of Cllr Mr Langridge. This is to enable Members to discuss the proposal as he has concerns regarding the loss of a community asset.

I PLANNING HISTORY

13/1406/P/FP – Sub-division of public house to create a separate dwelling – Grant.
13/1407/P/LB – Internal alterations – Grant.

2 CONSULTATIONS

2.1 Town Council

“No objections.”

2.2 OCC Highways

*“The proposal will generate fewer movements than the existing.
The proposal, if permitted, will have no significant detrimental effect on the local road network.
No objection .”*

2.3 WODC EHO

“No objections.”

3 REPRESENTATIONS

One letter received from W Neill of 87 Eastfield Road. The comments have been summarised as:

- Great loss to the area as it has a great beer garden and parking, also the new owners have not opened the pub since they bought it.
- It is the last pub in this end of town, well used when it was run with a good landlord.

4 APPLICANT'S CASE

4.1 The application has been submitted with a detailed valuation report and planning statement. These documents have been summarised. For full copies please see the WODC website or the officer.

- The limited trade potential of the Robin Hood caused the previous owner to market the freehold interest of the site for sale.
- The site as marketed for sale at a price consistent with prices achieved on other public houses in the area. The asking price is not considered to have been excessive and off putting.
- Whilst some interest was expressed to continue to operate this was invariably linked with some form of development or change of use on part of the site. No proceedable offers were received purely for the continued use.
- The "separation" of the cottage and the public house would not materially affect the trade potential of the Robin Hood or adversely affect its marketability.
- The viability, even adopting reduced finance costs as a result of the cottage having been "carved" out, is at best marginal and would represent a high risk purchase/business.
- Other public houses & community facilities are readily available within 0.5 miles of the pub, the town centre is only approx 0.8m distant and accessible via public transport.
- The Robin Hood public house was originally comprised of a small cottage and a 1950s extension to it which is the trading area for the public house. A small private garden area is located at a higher level at the rear of the cottage and public house. This is separate from a large beer garden which extends further to the north and behind the car parking area.
- The Public House ceased trading in March 2013.
- The adjoining cottage is listed in conjunction with a row of listed cottages. Permission was granted in late 2013 for the sub-division of this unit into a self-contained dwelling and this no longer forms part of the public house.
- Fleurets were instructed to market the freehold interest of the Robin Hood Public House for sale in January 2013. The property was marketed on the Fleurets website and circulated to an excess of 8,000 parties registered on their database with an interest in public houses in the area. The property was also advertised in the trade press. A 'For Sale' board was also erected at the premises from the commencement of the marketing campaign and this has remained up to the present day.
- Rateable value is a good indication of the level of trade that can be generated from a particular property. The rateable value of public houses is calculated on the basis of the ability and level of trade – therefore the higher the rateable value the greater the anticipated level of profit. The Fleurets report considers that the current rateable value of the public house is £9,500 per annum. When considered against the rateable value of other public houses within Witney the above low figure provides a clear reflection of the historic and current low trade levels the Robin Hood Public House has experienced. Below are some examples of current rateable values for other public houses within Witney:
 - The Company Of Weavers, Market Place - £74,000 p/a
 - The Hollybush Inn, Corn Street - £70,000 p/a
 - The Three Horseshoes, Corn Street - £21,750 p/a
 - The Elm Tree, West End - £19,250 p/a

- 4.2 The supporting Fleurets report includes a fair maintainable trade (FMT) assessment of the public house to assess its viability. The conclusions of this assessment are that it is unlikely to generate a reasonable return for the owner/operator of the premises therefore making its continued use as a public house unviable.
- Witney itself has a relatively large number of public houses which offer a diverse range of services. Provision is also increasing with a number of new public houses opening within the town centre, such as JD Wetherspoons which opened in February 2012.
 - There are also a number of public houses all within close proximity to the Robin Hood Public House, all of which can serve the north east area of Witney. All of the below public houses are located within a mile radius of the application site.
 - Three Pigeons, Woodgreen – retail offer both food and drink – approx. 0.3 miles from the Robin Hood Public House
 - Elm Tree, West End – wet led public house – approx. 0.3 miles from the Robin Hood Public House
 - Court Inn, Bridge Street – bar and restaurant – approx. 0.3 miles from Robin Hood Public House
 - Windrush Inn, Burford Road – retail offer both food and drink – approx. 0.7 miles from the Robin Hood Public House
 - Plough Inn, High Street – wet led public house – approx. 0.6 miles from the Robin Hood Public House
 - The Carpenters and Griffin, Newlands – two public houses which serve both food and drink – approx. 0.8 miles from the Robin Hood Public House
 - Several public houses are also located within the town centre, including the Company of Weavers (Market Place) which attracts a wide customer base from around the town.
 - As is evident from the above it is clear that there are a wide range of public houses operating within close proximity to the application site. Therefore the change of use of the Robin Hood public house to a residential unit will not result in a loss of an essential community facility which cannot be replaced. It is also worth noting that the public house ceased trading in March 2013, therefore for the last 17 months any potential custom would have relocated to one of the above public houses.
 - In excess of 17 months, despite the clear advertising which showed that the public house was up for sale – as far as we are aware no applications have been made via the Community Right to Bid to the Local Authority. As such the local community have not used this process as an opportunity to nominate the building if they felt that it was of significant value to the community that they would not wish to see lost.
 - Therefore in accordance with the requirements of paragraph 14 of the National Planning Policy Framework, consideration must be given as to whether adverse impacts of granting permission for the proposed change of use would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. In this instance it is considered that the proposals are in accordance with the guidance found within the NPPF which promotes sustainable development, including the re-use of existing underused buildings or unviable uses.
 - Evidence provided by Fleurets and within this planning statement show that the Robin Hood Public House is not viable in its own right, and notwithstanding this there are a number of alternative public houses all within close walking distance of the application site which can serve the needs of the local and wider community. As such the proposal is considered to accord with Policy TLC12 of the adopted West Oxfordshire Local Plan.
 - The proposed change of use will result in minimal external changes to the property and therefore there will be no impact upon the surrounding development or the amenities of adjoining residents.

- An area of private amenity space will be provided at the rear of the site to serve the proposed dwelling and, in addition to this, two parking spaces will also be provided within the current car parking area to the front of the site.

5 POLICY

Policy BE2 – General Development Standards
 Policy BE3 – Provision for Movement and Parking
 Policy H2 – General residential development standards
 Policy TLC12 – Protection of Existing Community Services and Facilities

Relevant paragraphs of the NPPF have also been referred to

6 PLANNING ASSESSMENT

- 6.1 The application site is located at Hailey Road in Witney and includes a large car park and garden. The public house is also set adjacent to residential properties. The public house had been trading until its closure in March 2013.
- 6.2 Officers consider that when assessing such proposals that Policy TLC12 Protection of Existing Community Services and Facilities of the West Oxfordshire Local Plan is the most relevant. This policy states that development proposals should not result in the loss of useful local services and facilities unless it can be demonstrated that the existing use is not viable or adequate and accessible alternative provision remains or will be provided. In the supporting text, it states that in the case of a commercial venture, the applicant will need to satisfy the Council that the existing use is no longer capable of being maintained, either commercially or through local social enterprise. To assess this, a wide range of information will normally be required from an application including sustained marketing evidence of the premises over a reasonable period and at a fair price, and accounts showing returns/losses over a reasonable period of time.
- 6.3 This policy continues by stating that whilst it is desirable to maintain, as far as practicable, supporting services and facilities in all settlements, Group C settlements have a wider role than Group A or B villages. Generally they provide a wider range and variety of shops, pubs and recreational facilities than the other settlements. In maintaining this wider role, it is important that a reasonably comprehensive range and choice of services is retained within these communities. This factor will be taken into account in determining applications under this policy.
- 6.4 In terms of the marketing evidence provided, officers consider that whilst it has the majority of the information usually required when assessing the viability of the use, it does not contain full details or specific information such as the exact details of how, where and when the property was advertised, any variations, such as particulars or price, during the marketing period, number/type of enquiries received, number of viewings, number, type/proposed uses and value of offers, reasons for enquirers not making an offer and reasons for refusal of an offer.
- 6.5 However, in considering this application for a change of use there are two parts of Policy TLC12, whether the existing use is not viable or whether adequate and accessible alternative provision remains or will be provided.
- 6.6 Witney is categorised as a Group C Settlement which has numerous similar uses as the Robin Hood. Officers consider that there are nearby public houses which offer beer gardens and food which can be accessed by alternative means of transport – bike or on foot. These include, The Three Pigeons, The Elm Tree and The Court Inn. Slightly further along is The Plough and the rest of the facilities within the town centre. Officers consider that there is safe access with street lighting to these facilities.

- 6.7 As such, with the information provided, officers consider that although there may be other uses other than residential which could be facilitated here, there is adequate and accessible alternative provision elsewhere within the part of Witney, and therefore this proposal accords with Policy TLC12.
- 6.8 In terms of the impact of the change of use upon the residential amenities of neighbouring properties, officers consider that there will be no undue impact in terms of loss of light or loss of privacy. OCC Highways have raised no objection to the proposal.
- 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

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) I3057:7.
REASON: For the avoidance of doubt as to what is permitted.

NOTE TO APPLICANT

- 1 This consent is for change of use only. Any alterations to the building to enable it to be used for the purpose proposed are likely to constitute development requiring the submission of a further separate planning application.

14/1254/P/FP III Wadards Meadow Witney	
Date	29/08/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	436532,209706

APPLICATION DETAILS

Erection of a single storey side extension and side exit gate.

APPLICANT

Mr David Friend, III Wadards Meadow, Witney, Oxfordshire, OX28 3YH.

BACKGROUND INFORMATION

The application is to be heard before the Committee as WODC is the agent for the application. The proposed extension is to provide accommodation for a disabled occupier.

I CONSULTATIONS

I.1 Town Council

“No objections.”

1.2 OCC Highways

“No objection.”

2 POLICY

Policy BE2 – General Development Standards

Policy BE3 – Provision for Movement and Parking

Policy H2 – General residential development standards

3 PLANNING ASSESSMENT

- 3.1 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 the extension

Impact to neighbouring properties’ residential amenities

Impact to the visual character of the streetscene

Impact to road safety/parking issues

Principle

- 3.2 The host dwelling forms an end of terrace dwelling which is similar in appearance of the rest of the adjoining dwellings. The proposed extension which takes the form of a single storey side extension will be located to the side of the dwelling, adjacent to the highway.

- 3.3 Officers consider that the principle of the proposed extension is acceptable. The form and design of the proposed extension will be constructed of matching materials to the existing dwelling.

Impact to neighbouring properties’ residential amenities

- 3.4 The proposed extension is set away from neighbouring properties, and is located adjacent to the highway. Due to its positioning, officers do not consider that the proposed extension will affect neighbouring properties’ residential amenities in terms of overlooking or overbearing.

Impact to the visual character of the streetscene

- 3.5 The existing dwelling currently is set back from the garden wall which abuts the highway. The proposed extension will extend towards this existing wall which will be demolished and the extension’s external side wall will then form the boundary with the highway.

- 3.6 Officers consider that as the proposed extension will not encroach any further towards the highway than the existing boundary wall that no adverse impact will result to the visual character and appearance of this part of the streetscene. A condition to request a sample panel of the stone to be used for the external side wall of the extension has been recommended, to ensure that the visual appearance of the area is not adversely affected by the development.

Highways and parking

- 3.7 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

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

RECOMMENDATION

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) WODC/2014/AS/19WDRD006, WODC/2014/AS/19WDRD005 B, WODC/2014/AS/19WDRD003 A, WODC/2014/AS/19WDRD002 A & WODC/2014/AS/19WDRD001 A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The materials to be used for the roof of the extension shall be of the same colour, type and texture as those used in the existing dwelling.
REASON: To safeguard the character and appearance of the area.
- 4 The external walls of the extension 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.