

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 17th November 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](http://www.westoxon.gov.uk/meetings)

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Application Number	14/1215/P/OP
Site Address	Burford Road Witney
Date	5th November 2014
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435373 E 210304 N
Committee Date	17th November 2014

## APPLICATION DETAILS

Erection of 270 dwellings including access, public open spaces and associated works.

## APPLICANT DETAILS

Gladman Developments Ltd  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
Cheshire  
CW12 1LB

## I CONSULTATIONS

### I.1. Berks Bucks Oxon Naturalist Trust

The Council should seek independent ecological advice to carry out an assessment to assess the ecological implications in accordance with the NPPF and local policies to discharge their legal and planning duties. BBOWT do not have the capacity to undertake this work.

### I.2. OCC Highways

Objection:

- The submitted transport assessment fails to appraise appropriately the traffic impact of the development and as such fails to promote the sustainable transport aspirations of the Local Highway Authority, contrary to Oxfordshire Local Transport Plan 3 and the NPPF.
- The proposal would increase traffic and related delay at sensitive junctions and through Bridge Street to the detriment of the convenience of highway users and air quality, contrary to Oxfordshire Local Transport Plan 3 and the NPPF.
- If these matters are resolved, any permission should be subject to conditions and to obligations relating to highway mitigations works, Travel Plan monitoring and improvements to the local pedestrian network, bus services and infrastructure and public rights of way.

### I.3. OCC Archaeological Services

No objection subject to a condition requiring a programme of archaeological investigation.

### I.4. OCC Developer Funding Officer

OCC: Education

No objection subject to a planning obligation to secure contributions towards primary, secondary and special education capital investment.

OCC: Property

No objection subject to a condition requiring fire hydrants and a planning obligation to secure contributions towards library, waste management, museum resource centre, social health care and adult learning infrastructure.

1.5. OCC Ecologist

Further information is required. The applicant should carry out ecological surveys on the site and assess on-site and off-site ecological impacts. In particular, in addition to appropriate mitigation and compensation, the development should result in a net enhancement of biodiversity, especially as the site lies within the Upper Windrush Conservation Target Area.

1.6. WODC Env Health - Lowlands

No objection subject to conditions requiring measures to protect the proposed dwellings from road traffic and commercial/industrial noise, and details of external lighting.

1.7. Witney Town Council

Objection on the following grounds:

- Lack of sufficient infrastructure to cope with the additional residents of 270 houses e.g. roads, schools, doctors, contrary to Policies BE1, T1 and T6 of the WOLP
- No consultation with the Town Council, despite the developer's claims to the contrary
- The proximity of Flogas is a major health and safety issue and the HSE would consider the proposed development area to be a major casualty zone in the event of an explosion.
- The development poses an increased risk of flooding. Some of the houses on the proposed development would be category 3B in terms of flood risk. Any excess water will run down the valley and into the river. This is contrary to Policies NE8 and NE9 of the WOLP
- Run-off water into the river could also pollute the waterway which would be detrimental to native wildlife such as otters which have recently returned to the area, and water voles, which is contrary to Policies NE15 and NE7 of the WOLP
- Amenity space and the obstruction of the view should be taken into account - this is contrary to Policies BE2, BE4, H2, H12 (ii), NE1, NE2 and WIT3 of the WOLP

1.8. Adj Council Hailey

No objection, but if approved consideration should be given to reserving a corridor of land opposite Tower Hill Road for a future road as, given the scale of development to take place in Witney over the coming years, a good network of connecting roads will be essential and an additional road joining onto Burford Road and crossing the river at some point would be hugely beneficial to traffic flow.

1.9. WODC Env Services - Car Parking

No objection subject to conditions requiring measures to protect the proposed dwellings from road traffic and commercial/industrial noise, and details of external lighting.

1.10. WODC Legal & Estates

No Comment Received.

1.11. WODC Community Safety

No Comment Received.

1.12. WODC Env Consultation Sites

No Comment Received.

1.13. WODC Env Services - Waste Officer

No Comment Received.

- I.14. WODC - Sports  
No Comment Received.
- I.15. WODC - Tourism  
No Comment Received.
- I.16. TV Police - Crime Prevention Design Advisor  
No Comment Received.
- I.17. Health & Safety Executive  
The LPA are advised that the application should be assessed through the PAHDI+ database
- I.18. WODC Architect  
No Comment Received.
- I.19. WODC Env Services - Engineers  
No Comment Received.
- I.20. WODC Env Services - Landscape  
No Comment Received.
- I.21. WODC Env Health - Lowlands  
No Comment Received.
- I.22. WODC Env Health - Uplands  
No Comment Received.
- I.23. WODC Head Of Housing  
No Comment Received.
- I.24. WODC Planning Policy Manager  
No Comment Received.
- I.25. WODC - Arts  
A public art plan should be submitted with any reserved matters or full planning application
- I.26. Environment Agency  
No Objections subject to the following conditions:
- I. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Hydrock, Ref: R/13584/002, Issue 2, 01/05/2014) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
    - The restriction of the surface water discharge rate for the site to the greenfield run-off rate for all storm events up to and including the 1 in 100 year including an appropriate allowance for climate change storm event.
    - A detention basin with sufficient capacity to attenuate the surface water run-off for the site for all storm events up to and including the 1 in 100, with an appropriate allowance for climate change, event. The estimated attenuation volume required is 2078m<sup>3</sup>.
    - Appropriate Sustainable Urban Drainage Systems incorporated into the sites drainage system.
    - Onsite infiltration measures to manage surface water run-off, unless ground investigations show that this is not feasible.

### Reason

To prevent the increased risk of flooding to the site and other areas and to safely manage surface water run-off, in accordance with Paragraph 103 of the National Planning Policy Framework (NPPF).

The applicant has met the minimum requirements of the NPPF. The applicant should, as part of the surface water strategy, demonstrate to you that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.

We are reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2. No development shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be carried out in accordance with the approved plans and implemented prior to occupation.

### Reason

The site is located on a Principal Aquifer due to White Limestone Formation, and as such is considered a sensitive location in terms of groundwater quality. Whilst the applicant has stated an intention to discharge foul flows to the mains sewerage network, we are mindful of the outline nature of the application with layout a reserved matter. Therefore, we would require a detailed drainage strategy to be submitted to ensure there is no detrimental impact on the Principal Aquifer in this location in accordance with Paragraph 109 of the NPPF.

### Advice to LPA- Foul Drainage

The applicant has provided a Foul Drainage Strategy undertaken by Utility Law Solutions. The strategy provides a summary of the intention to connect to the public foul/combined sewers which are located within the public highway to the south of the site in Davenport Road or Tower Hill.

We strongly recommend Thames Water are consulted to ascertain the nature and scale of upgrades required to ensure the sewerage network and sewage treatment work can effectually convey and treat foul flows from the proposed development. In addition we would advise that confirmation is sought from Thames Water that there is sufficient capacity at the sewage treatment works to accommodate the proposed development.

### 1.27. Thames Water

No objection subject to a condition requiring a drainage strategy to be submitted, approved and implemented. Advice offered on surface water drainage and water supply.

## 2. **REPRESENTATIONS**

The following is a summary of the principal matters raised in response to the application proposals. It is not practical to provide details of all of the submissions, some of which include technical analyses, particularly on drainage. All representations however are available for inspection.

Objections have been received in some 173 representations and in petitions with 40, 250 and 1214 signatures respectively. These raise the following concerns:

### Policy

- The loss of open space would conflict with the NPPF (Ch.11).
- The development would conflict with the NPPF which promotes 'brownfield land first' and states that development should 'protect and enhance local landscape'.
- The site has been assessed as unsuitable in the draft local plan 2011 and revised local plan 2014.
- The draft 2011 plan is in an area 'to be protected from urban sprawl.'

- Unsuitable land should not be developed before housing needs have been ratified and the local plan adopted.

#### Traffic impact and transport

- The development would contribute to overburdened roads.
- The developer's transport assessment survey was at inappropriate times and fails to truly reflect rush hour traffic.
- Witney does not have excellent traffic links to Oxford as claimed by the developer: it is appallingly congested.
- Most additional traffic will be heading towards Oxford and will therefore have to go through the town to get to the A40 which is currently very congested.
- Given that Tower Hill school is full there would be an increase in travel to school by car.
- Increased traffic would be harmful to the safety of children.
- Reviews of safe walking routes to school from the site and of the impact of the increased vehicular traffic on school children are needed.
- No provision is made for safe pedestrian crossing of Burford Road.
- Increased traffic on Bridge Street, Mill Street and West End, which are already congested with long tail-backs.
- Increased traffic would exacerbate poor air quality in Bridge Street (an Air Quality Management Area) which exceeds European guidelines.
- Increased traffic would increase noise and pollution generally.
- The development could take place before the Shores Green slip roads, for which funding has yet to be identified, causing increased town centre traffic and misery.
- No further housing development should take place until the Downs Road/A40 junction and Shores Green slip roads are in place.
- Increased traffic would increase the difficulty and danger of pulling out of Davenport Road, Springfield Oval, Moor Avenue and properties fronting Burford Road.
- A single access road would result in congestion and would be unsafe in an emergency.
- The site access would be hazardous because of its proximity to the Tower Hill roundabout.
- Burford Road in this area is already hazardous with recent serious accidents at the Tower Hill roundabout: the curve in the road and the layby restrict visibility.
- The 30mph traffic limit is not observed.
- Parking along Burford Road would become increasingly difficult.
- The town's roads are already in poor condition.
- There is no encouragement of public transport such as bus stop provision.

#### Other infrastructure issues

- The impact on health care and education infrastructure has not been assessed. Local schools, surgeries and local hospital are currently under stress and would be even more overcrowded.
- Is there scope to extend Tower Hill School?
- There is a lack of community facilities.
- No local shops are proposed.

#### Character and landscape issues

- Provides accessible greenspace, floodplain and walking routes the loss of which would be detrimental to the quality of life of local residents.
- The development would reduce the undeveloped green land between Witney and Crawley, the setting of the town and the link between Witney and the Cotswolds.
- The development would be visually intrusive and harmful to important views enjoyed by residents, visitors and thousands of commuters.
- This is the last outstanding view of the valley that residents of Witney have from the town.
- The site is an historic area going back to the Witney baths.

- The Witney Landscape Assessment states that there are long views along and across the valley from the open sides and to the Wychwood Uplands and Cotswold AONB. The area is generally identified as part of an unspoilt valley landscape between Witney and Burford, with high indivisibility and strong continuity with the remainder of the Upper Windrush Valley.
- The 2005 Windrush in Witney Project states that it is important to 'maintain rural character' and 'maintain/improve wildlife interest'.
- The 2012 'A Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options' (Kirkham) assessed the site as not suitable for development.
- The development would be out of character because of its scale.
- Visitors' enjoyment of the Windrush Public House, which overlooks the Windrush Valley, would be spoilt
- Unlike the Flo Gas plant, the development could not be effectively screened.
- The impact on views from public rights of way which would be hugely detrimental has not been addressed.
- The submitted Landscape Assessment is biased and not fit for purpose.
- The developer lost an appeal for similar proposals in Stroud on landscape grounds and is a precedent for a refusal on the more sensitive site in Witney.

#### Flooding and drainage

- Development of land close to the flood plain and upstream of Witney would increase run-off and the risk of flooding (including sewage) particularly in the town which experience severe flooding in 2007.
- The site was recently flooded.
- The area is at risk of groundwater flooding.
- The flood risk assessment appears to be in draft. Where is the final version?
- The flood risk assessment is not up to date in omitting 2013/January 2014 flooding data.
- The EA flood maps do not accurately reflect actual flooding.
- What capacity would the attenuation basin have over periods of low rainfall to cater for high rainfall and who will maintain it?
- The storage lagoon could result in stagnant former surface water being released and contaminating the river.
- The development could prejudice future applications including the West End Link Road which could act as a dam and push floodwater levels up in the fields around New Mill.
- The applicant's flood risk assessment is weak in a few areas. In terms of impact, there is a need for a broader assessment of the volume of run-off, the potential for SuDS has not been adequately considered and the engineering aspects of foul sewerage have not been dealt with. In terms of mitigation, the submission lacks quantitative details which should include a catchment scale flood model, localised drilling of monitoring wells and groundwater modelling details of how sewerage will be collected and connected to the mains system which is on higher land and a consequential risk of overflows onto the river.

#### Ecology

- The development would result in the permanent loss of land that is home to an enormous range of wildlife including protected species.
- Five hedgerows are on the site including two that are classed as important under the Hedgerows Regulations 1997 and all were classified as habitats of principal importance under the NERC Act.
- The adjacent Conservation Area contains UK Biodiversity Action Plan 'priority' and 'species of concern' wildlife and threatened /declining bird species.
- The Windrush Valley is an Environmentally Sensitive Area as defined by Natural England.
- An increased population in the valley will increase disturbance, noise, light and litter to the detriment of wildlife and amenity.

#### Living conditions



- Loss of outlook/views from properties in Burford Road and Springfield Oval.
- Loss of privacy, security and tranquillity as well as harm from dust, fumes and light pollution to adjacent property in Pope's Piece over the planned 5 year period of the development operations and the development itself.

#### Other sustainability matters

- Work opportunities would not match the additional housing and the development would not therefore provide affordable housing for people working in Witney and would increase commuting to other towns and cities.
- Housing should be built where there is demand for a substantial workforce.
- The site is valuable agricultural land and should be left to grow food.

#### Procedural

- The development would establish a precedent for further development

#### Need and other options

- The draft Local Plan shows that housing need can be met without developing this site.
- Other sites have been identified that would cause much less damage.
- It is not needed: 1000 houses have been permitted on the other side of Burford Road, which is a much better site.
- Smaller developments dispersed around the district would have much less impact.
- The SHMAA overstates the need for housing.
- Does Witney really need more housing - so much has been permitted or planned in recent years?
- The 4.7 year supply of housing land can be made up by releasing higher planning priority brownfield sites

#### Other matters

- The danger and risk of explosion from the gas works (a COMAH site) should not be dismissed, as evidenced by failures at Flixborough and Buncefield. It appears that the HSE on consultation would object to development of over 30 houses in such proximity.
- No developer will want to provide affordable housing in this location.
- The 'affordable housing' will not really be affordable.
- There is potential contamination, particularly adjacent to the Flo Gas site where there is a history of industrial use, which should be investigated.
- The development would adversely affect a B&B business that benefits from views over the river valley.
- The Windrush Valley is of irreplaceable character and one of the most scenic parts of Witney

### **3 APPLICANT'S CASE**

- 3.1. The application is in outline with the means of access as the only matter of detail to be determined at this stage. The vehicular access to the site is to be taken off Burford Road.
- 3.2. The Planning Statement and Design and Access Statement submitted with the application outline the applicant's vision for the development, the overarching objective of which is 'to provide a good mix of housing sizes and tenures with a range of housing embracing a high quality design philosophy as required by the NPPF'. In addition the application states that the proposed highway alterations and improved pedestrian linkages that are proposed will deliver a highly accessible development in a sustainable location which will allow ease of movement throughout the development and into Witney. The supporting documents further state that the protection of the existing on-site environmental assets are an integral objective of the proposals with the retention and enhancement of existing hedgerow boundaries and established vegetation. Further that the proposals respond to local vernacular and architectural character, with five character areas which could influence a future detailed design strategy.

- 3.3. The proposed development includes 40%affordable housing and acknowledge a need for commuted sums for necessary community infrastructure.
- 3.4. In terms of housing delivery the applicant advises that market houses will be delivered by private house builders, with affordable housing provided by or in partnership with a Registered Provider. It is anticipated, subject to market conditions that around 30 dwellings would be completed per annum. It is anticipated that the development of the site would take in the order of 7-9 years to complete.
- 3.5. The application is accompanied by the following technical and supporting reports:
- A Planning Statement
  - Design and Access Statement
  - Statement of Community Involvement
  - Ecological Appraisal
  - Landscape and Visual Impact Appraisal
  - Arboricultural Assessment
  - Transport Assessment
  - Travel Plan
  - Noise Assessment
  - Flood Risk Assessment
  - Air Quality Assessment
  - Affordable Housing Review and Statement
  - Housing Land Supply Assessment
  - Archaeological Desk Based Assessment
  - Ground Conditions Desk Study
  - Foul Drainage Strategy
  - S106 Heads of Terms
- 3.6. These documents are available on the Councils website to view in full or upon request at the Council Offices.

#### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
 BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE4 Open space within and adjoining settlements  
 BE20 Protection for hazardous substances, installations and airfields  
 NE1 Safeguarding the Countryside  
 NE2 Countryside around Witney and Carterton  
 NE3 Local Landscape Character  
 NE7 The Water Environment  
 NE13 Biodiversity Conservation  
 NE15 Protected Species  
 T1 Traffic Generation  
 T2 Pedestrian and Cycle Facilities  
 H2 General residential development standards  
 H3 Range and type of residential accommodation  
 H7 Service centres  
 TLC8 Public Rights of Way  
 WIT3 Windrush in Witney

The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

This is an outline application for 270 dwellings with all matters reserved except for access.

## 6 BACKGROUND INFORMATION

- 6.1. This application is in outline with only access to be considered at this stage. The proposal is for 270 houses, access, public open space and associated works.
- 6.2. The application site is located to the north of Burford Road on the edge of Witney. The site is currently in agricultural use and slopes down to the north away from Burford Road into the Windrush Valley. It covers approximately 12 hectares in area.
- 6.3. The edge of the built up area is largely defined by the Burford Road in this part of the town with a mixture of residential and business development on the southern side of the road and open countryside to the north. Exceptions to this are the Windrush Pub which stands at the south eastern boundary of the site and the residential development surrounding the Springfield Oval which extends north towards the River Windrush from Burford Road.
- 6.4. The application site therefore makes a strong contribution to the rural character of this part of the town as well as the setting of Witney.
- 6.5. There is a considerable height difference between the southern (approx. 98m) and northern (Approx. 83m) boundaries of the site as the land slopes down to the north into the Windrush Valley.
- 6.6. The Windrush Valley is a sensitive area in terms of its landscape quality and ecology and has a broad flood plain which is often inundated. There are a number of well used public rights of way in the vicinity from which the application site is clearly visible.
- 6.7. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
  - Principle
  - Impact on Landscape Character , unlisted heritage assets and local footpath network
  - Impact on Ecology
  - Flood Risk and Drainage Impact
  - Highways Impact
  - Community Infrastructure
  - Affordable Housing
  - Health and Safety

### Principle

- 6.8. The first key consideration is whether large scale residential development in this location is acceptable in principle.
- 6.9. The application proposes the construction of 270 homes on land north of Burford Road, Witney. The site is not allocated for development and is undeveloped, greenfield land currently in agricultural use. In terms of the principle of residential development in this location, there are a number of relevant considerations.
- 6.10. In terms of overall strategy, Witney is identified as a main service centre in the adopted Local Plan (2006) and is therefore intended to be a key focus for housing and economic growth. This strategy continues to be reflected in the emerging draft Local Plan.
- 6.11. There is no question therefore that the principle of further housing development at Witney is acceptable in the broadest sense. It is a sustainable settlement, offering a wide range of services and facilities and an attractive town in which people want to live and work.
- 6.12. The key issue is whether the application site itself is suitable for the provision of 270 homes. In summary, the applicant contends that the site is needed to boost housing supply in the District, it is in

a sustainable location relative to the town centre and that any potential harm in terms of flood risk, landscape impact, ecology, traffic etc. can all be adequately mitigated.

- 6.13. It is relevant to note from the outset that the Council has already considered the suitability of the site for residential development in its most recent SHLAA update (June 2014). The assessment, albeit relatively high level, considered a number of different factors including accessibility, landscape impact, flood risk, ecology, impact on the AONB, heritage assets and residential amenity.
- 6.14. The overall conclusion reached was that although the site is available, it is not suitable for residential development. Key issues identified included:
- The sensitivity of the landscape in this part of the town is considered to be a key constraint restricting development in this area.
  - The impact of residential development on the Windrush Valley is considered to be too significant to permit development here.
  - The proximity of hazardous substances is a further potentially significant constraint.
- 6.15. With regard to the adopted Local Plan (2006) the two most relevant policies in terms of the principle of development in this location are Policy H7 and Policy NE2. Policy H7 allows for residential development at key settlements such as Witney in the following circumstances:
- Allocated sites
  - Infill
  - Rounding off within the built up area
  - Conversion of existing buildings
- 6.16. As the site fulfils none of the above criteria it is contrary to Policy H7 and as such has been advertised as a departure from the development plan. The applicant contends that because the Council does not have a 5-year housing land supply, Policy H7 carries no weight.
- 6.17. However, since the application submission was put together the Council has resolved to grant outline planning permission for the development of 700 homes on land to the east of Carterton. This means that the Council is currently able to claim a 5-year housing land supply when benchmarked against DCLG household projections.
- 6.18. On the basis that the Council claims to have a 5-year housing land supply, Policy H7 carries more weight than would otherwise be the case. Having said that it is acknowledged that the policy pre-dates the NPPF and was drawn up at a time when it was anticipated that future housing requirements could be met exclusively on allocated sites and brownfield land with no release of greenfield sites on the edge of settlements being necessary.
- 6.19. Since then the Council has publicly acknowledged that to meet future housing requirements, some development on urban fringe Greenfield land will be necessary. As such, simply because the application proposal does not fulfil the requirements of Policy H7, does not necessarily render it unacceptable. Bearing this in mind, in this instance the most applicable element of Policy H7 is to consider whether the proposed development would form a logical complement to the existing pattern of development.
- 6.20. Accepting that some development on greenfield sites is necessary for towns like Witney to meet future housing targets, it is relevant to consider whether there are better alternative sites available in less sensitive locations to meet those targets. In this regard it is relevant to note that in the Local Plan Housing Consultation Paper (July 2014) the Council identified an indicative target of 3,450 homes for the Witney area in the period to 2029 and set out how this would be met through a combination of existing permissions, allocated sites, sites identified as being suitable and deliverable within the SHLAA and future 'windfall' development on as yet unidentified sites.
- 6.21. Importantly, when considering this application, the indicative target can be achieved without recourse to the application site which brings into question the need to bring it forward for residential development. Whilst the applicant argues that the emerging housing target is too low, the Council

considers it robust and defensible having regard to the SHMA and more recent evidence including the 2012 sub-national population projections published in May 2014.

- 6.22. In light of the above, Officers are of the opinion that in terms of principle this proposal, which is quite clearly contrary to the policy H7 of the adopted Local Plan 2011 and which constitutes an extension of the built up limits of the town into the open countryside, is unacceptable, particularly in light of the fact that there are other less sensitive greenfield sites on the periphery of the town which are considered to be more sustainable in terms of providing for the future housing needs of the District.
- 6.23. Policy NE2 is also of key relevance to the principle of development in this location, forming a buffer to the northern edge of Witney within which the application site falls. As the proposal does not accord with any of the categories of development listed within NE2 as being acceptable in this area, the development proposal is considered contrary to Policy NE2. Whilst Policy NE2 was adopted some time ago, in assessing this proposal it remains entirely appropriate to consider whether the proposed development would harm the rural character of the area or lead to undesirable sprawl. These matters are addressed in more detail below, but essentially the scheme is considered to fail the requirements and purposes of Policy NE2

#### Landscape Character Impact

- 6.24. Policy BE2 of the Adopted Local Plan requires that new development respects and where possible improves the character and quality of the surroundings. Proposals for new buildings should clearly demonstrate how they relate satisfactorily to the site and its surroundings, incorporating a landscape scheme as appropriate.
- 6.25. In addition, proposals should be well designed and respect the scale, pattern and character of the surrounding area. Proposals will only be permitted where the landscape surrounding and providing a setting for existing towns and villages is not adversely affected.
- 6.26. Paragraph 17 of the NPPF adds further weight to this, where at bullet point 5 it states that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the greenbelts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 6.27. Further key policies that should be considered in relation to the landscape impact of this proposal are NE1, NE2 and NE3 of the adopted Local Plan. These are considered to be fully consistent with the NPPF and should be given significant weight in determining the application.
- 6.28. The application site is located on the southern slope of the Windrush Valley. The Windrush Valley is a valuable natural resource and is particularly important in forming an attractive landscape setting for the town. The site is located in the Upper Windrush Valley Character area as defined by the West Oxfordshire Landscape Assessment 1998. The landscape type is defined as 'open valley-side farmland', a distinctive sloping and typically convex valley side landform. This landscape type and this site in particular are open, visually exposed and prominent in views from within and across the valley.
- 6.29. The Upper Windrush Valley has a highly attractive and remarkably unspoilt, rural character. The report highlights that one of the principal factors potentially threatening the landscape quality in this area is the expansion of Witney into the open countryside, although it does acknowledge that there is already some visual intrusion from development to the south of Burford Road which provides a distinct urban edge.
- 6.30. With specific regard to the area within which the application site falls (referred to in WOLA as North West of Witney) the WOLA recognises that this area has a typically weak landscape structure, comprising large fields and few trees and is open and exposed in character. The report draws attention to high intervisibility, elevated views and the prominent skyline when viewed from the north including prominent buildings, lighting and structures on the Burford Road. It also highlights the important views afforded across the Windrush Valley. In terms of key sensitivities, WOLA states that this area forms an important natural component of the valley landscape and the fact that as an open landscape with a

weak structure, it is visually exposed and vulnerable to change. It suggests that special attention should be given to strengthening landscape edges.

- 6.31. The more recent Witney Landscape Assessment (2007) gives further consideration to the landscape setting of Witney and confirms the landscape value and sensitivity of the proposed development site. The site falls within Area A: North West Witney; Southern Windrush Valley side.
- 6.32. The report identifies that the topography of the area is a north facing mainly gently, occasionally steeply, sloping undulating valley side. The area is generally open with long views across the valley and to the wooded Wychwood uplands to the north. This smooth, open valley side is typical of the Upper Windrush valley generally, which reads as a coherent largely unspoilt piece of landscape between Witney and Burford.
- 6.33. Importantly, the report states that this area is of high importance and sensitivity because of its prominent valley side landform, which results in high intervisibility to the north, including with the Cotswolds AONB; and the strong continuity of the area with the remainder of the Upper Windrush valley. The report also highlights the fact that there are long views across the valley from Area C1 to the north.
- 6.34. With regard to the land south of the application site, the report states that the West Witney housing area (Deer Park) is generally well screened by a tree and shrub belt, though the upper parts of roofs are occasionally visible, particularly from higher ground outside this area. Large detached houses between West Witney and Tower Hill are set back from the road with well vegetated front gardens and these two areas present a generally soft edge to Area A and the countryside to the north.
- 6.35. It identifies that further east, new housing at the top of Tower Hill faces out over the countryside with minimal planting, and is dominant in views from Area A and elsewhere to the north. Whilst planting north of the B4047 will in time help to soften this housing, the report suggests it is unlikely to screen it completely.
- 6.36. With regard to the AONB to the north, the report states that views from higher ground including within the AONB, are particularly sensitive.
- 6.37. In summary, the latest Witney Landscape Assessment identifies that the area has a prominent valley side landform with high intervisibility to the north and a strong continuity with the remainder of the Upper Windrush valley. The area is of high importance and sensitivity.
- 6.38. In your officers opinion, the presence of the existing development on the Burford Road does have some negative impact but this is negligible in terms of reducing the sensitivity (as assessed in the paragraphs above) of the application site to development. Further, officers do not consider that the development will read as part of the existing development but rather will be a highly damaging intrusion into a relatively unspoilt and highly sensitive edge of Witney where historically development of the town has been limited to the 'bowl' of land to the south and has not encroached into the Windrush Valley sides.
- 6.39. In addition to the above, yours Officers are of the opinion that the development proposal will adversely affect the setting of a number of non- listed heritage assets ( a number of former mills ) that line the river valley in the vicinity of the site, those being 'Woodford Mill', 'New Mill' and 'Crawley Mill'. The open countryside river valley setting of these former mills which are directly linked to the historic development of Witney and located within the Windrush Valley will in your officers opinion be adversely urbanised by this proposal.
- 6.40. Further, there are a network of well used public footpaths and bridleways to the north and North West of the application site which afford panoramic views across and up the valley sides. Officers consider that the development of the site with 270 houses which will be highly visible in the landscape, cascading down the hillside towards a number of these public rights of way, will be detrimental to their unspoilt river valley setting.
- 6.41. Also the fact that the site is so highly visible from the network of local public rights of way will further exacerbate the level of visual harm that results from the urbanisation of the site.

- 6.42. In light of the above the impact of the development proposal on landscape character is considered by officers to be contrary to policies NE1, NE2 and NE3 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 6.43. The Council has instructed an independent appraisal by a landscape consultant of the applicant's assessment of the landscape and visual impact of the development in order to further inform your Officers analysis as outlined above. A verbal update will be provided at the meeting.

#### Impact on Ecology

- 6.44. The proposed development site is not covered by any statutory protection designations and the Council's records do not indicate that there are any records of protected species on site.
- 6.45. The Upper Windrush Conservation Target Area is located directly to the north of the site however. These Conservation Target Areas (CTAs) identify the most important areas for wildlife where targeted conservation work will have the greatest benefits.
- 6.46. The planning application is accompanied by an ecology appraisal which examines the ecological value of flora and fauna within and in close proximity to the site. No protected habitats or species are identified within the site which is dominated by arable farmland, although the value of the hedgerows around the site boundary and the sensitivity of the Windrush Valley are recognised. A series of mitigation measures and suggestions for best practice are included in the report. It should be noted that much of the vegetation in the area, including hedgerows on the site boundary, has been introduced following earlier development of the Windrush Park at Range Road in Witney.
- 6.47. There is a Planning Obligation in place between Lighthome Limited, OCC and WODC dated 24 July 2003 which includes provision to manage a large area of the Windrush Valley to the west of Witney, including the proposed site, in accordance with an agreed ecological management plan. This obligation remains for 15 years after the date of the grant of planning permission. How this legal agreement impacts on the ability to develop the site for dwellings is still under consideration at the time of writing.
- 6.48. In the light of the fact that no 'in-house' resource exists to assess the applicant's ecological survey the Council has instructed an ecological consultant to report on the survey. It is anticipated that this report will be available prior to the date of the Sub Committee meeting and the findings will be reported verbally to Members.

#### Flood Risk and Surface Water Run Off

- 6.49. The whole of the red line area for this planning application falls within flood zone I (low risk) and is therefore considered as a sequentially preferable site for locating sensitive land uses such as residential development.
- 6.50. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk, and paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.
- 6.51. It is accepted that the site itself is at low risk of flooding, but the slope of the land, the proximity of the River Windrush to the north, and the location of the site upstream from the town centre suggest that the risk of flooding elsewhere should be a key consideration in determining this application.
- 6.52. The application has been accompanied by a flood risk assessment which concludes that;  
'There is no residual flood risk from the development site to the surrounding district due to the mimicking in Greenfield storm water flow rates to the adjacent local watercourses. The development does not therefore increase the risk of surface water flooding to other adjacent neighbourhoods. Out of chamber or gully flooding for the extreme 100 year plus climate change event may potentially occur within the development site and is classed as exceedance flows. Flood water from such events will be contained within the site but away from the residential units'

- 6.53. The outline surface water drainage strategy is to control the surface water discharge from the development to mimic the pre-development greenfield run-off rates, prior to discharge into the River Windrush. This will result in the formation of significant attenuation volumes which will be retained on site in an attenuation pond.
- 6.54. Rainwater runoff from roofs and hard paved areas will be directed through the prevention measures proposed for the site (water butts and permeable paving) and then via a new Thames Water adopted gravity network within the highways to an onsite detention basin along the northern boundary. This facility will account for the additional surface water runoff generated by the site and prevent increased discharge to the downstream watercourses for the extreme events'.
- 6.55. In respect of the above the Environment Agency has raised no objection to the proposal subject to two conditions. One condition requires that the development will not begin until a detailed surface water drainage scheme for the site based on the FRA submitted with the application has been approved and implemented before the development is completed. The second condition requires that no development shall take place until a scheme to dispose of foul drainage has been submitted to and approved in writing and implemented prior to occupation.
- 6.56. In light of the fact that the Environment Agency has not objected your officers do not consider that flood related issues represent a reason for refusal.

#### Highway Impact

- 6.57. Policy BE1 of the adopted Local Plan is clear that development should not be permitted unless appropriate supporting transport, service and community infrastructure is available or will be provided and appropriate provision has been made to safeguard the local environment.
- 6.58. There is concern about the capacity of Witney's roads to accommodate any further strategic scale growth, without the implementation of new highways schemes. There is only one river crossing in the town which acts as a severe bottleneck to traffic wishing to cross from one side of the town to the other.
- 6.59. New highways schemes are planned at Ducklington Lane, Downs Road and Shores Green which should help to facilitate the free movement of traffic around the town, drawing traffic away from the town centre. These infrastructure improvements are linked to further large scale housing developments however, which are likely to result in a significant increase in the volume of traffic on the local road network.
- 6.60. Adding further residential development to the town at the scale proposed could be detrimental to the town, further exacerbating problems of traffic congestion in the town centre, unless further improvements such as a second river crossing are introduced.
- 6.61. The applicant has submitted a transport assessment in support of their application which concludes that the development proposals are acceptable in highways and transport terms.
- 6.62. OCC Highways recommendation in respect of the submission is an objection for two reasons:
- The submitted transport assessment fails to appraise appropriately the traffic impact of the development and as such fails to promote the sustainable transport aspirations of the Local Highway Authority, contrary to Oxfordshire Transport Plan 3 and the NPPF.
  - Secondly that the proposal would increase traffic and related delay at sensitive junctions and through Bridge Street to the detriment of the convenience of highway users and air quality, contrary to the Oxfordshire Local Transport Plan 3 and the NPPF.
- 6.63. The information provided in the application and the mitigation measures proposed by the developer do not address the negative impact of traffic from the development routing through Bridge Street and the air quality management area.



- 6.64. In light of the above consultation response, it is considered that it has not been demonstrated that the traffic impact of the proposal has been appraised appropriately and as such the proposal fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality, contrary to policies BE3 and BE18 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

#### Community Infrastructure

- 6.65. In terms of community infrastructure, Witney provides a wide range of services and facilities which would be easily accessible by sustainable means from the proposed development site. Notwithstanding this, it will be important to determine whether there are any capacity issues, particularly in relation to the local education provision, to determine whether any contributions should be made to increase local capacity and to comply with Policy BE1. The draft heads of terms submitted in support of the application confirm that the applicant would provide a commuted sum towards education provision, should permission be granted.
- 6.66. In respect of Community Infrastructure OCC has advised in its consultation response that it may require contributions towards: Library, Strategic Waste and Recycling Facilities, Museum resource Centre, Social and Health Care (Adult day care) and adult learning. The draft head of terms submitted with the application states that such contributions (Other) will be given consideration for inclusion subject to meeting the appropriate tests of necessity and reasonableness.
- 6.67. At present there is no agreed 106 Agreement in place to secure this provision.

#### Affordable Housing

- 6.68. The affordable housing report accompanying the planning application indicates that 40% of the total number of homes on site would be affordable.
- 6.69. Policy H11 of the adopted Local Plan requires that on unallocated land which comes forward in accordance with the locational policies of the plan, up to 50% affordable housing will be sought where the site is in Witney and has an area of 0.5ha or greater or where 15 or more dwellings are proposed.
- 6.70. As an unallocated site, it could be considered appropriate to seek a greater contribution to affordable housing provision on site, although it is acknowledged that the emerging approach is to introduce a lower affordable housing target of 35% in lower value areas such as Witney. In this regard an affordable housing contribution of 40% of the total number of homes is considered acceptable.
- 6.71. At present there is no 106 Agreement in place to secure this provision

#### Health and Safety

- 6.72. A large proportion of the site is located within an HSE consultation zone due to the proximity of a gas storage and bottling facility located to the north west of the site. Following consultation with the Health and Safety Executive the Council has been directed to process the application through the PADHI+ database (Planning advice for developments near Hazardous Installations).
- 6.73. This consultation procedure looks at the type of development and accords it a sensitivity level. In this case a proposal for 270 houses has sensitivity level of 3 (levels range from 1-4). The model then looks at the percentage of development contained within the inner, middle and outer sections of the HSE Consultation Zone plan. In this regard approximately 30% of the application site area is located within the inner, middle and outer zones.
- 6.74. The outcome of the consultation using the PADHI+ database is that the HSE advises against the erection of 270 dwellings in this location on public safety grounds because of the proximity of the adjacent gas storage and bottling facility.

#### Conclusion

- 6.75. The Council has publicly acknowledged that in order to meet its emerging housing target, development on Greenfield sites on the edge of key settlements such as Witney will be needed.

- 6.76. However, those greenfield sites need to be in the right location and represent sustainable development. The NPPF defines sustainable development as having three distinct strands and this proposal is considered contrary to the third of those which is the environment. Based on the analysis contained in the planning assessment section of this report officers consider that the development of 270 homes in this highly sensitive location will appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley in the vicinity of the site. As such the proposal is considered contrary to Policies H7, NE1, NE2 and NE3 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 6.77. In addition it has not been demonstrated on the basis of the applicants submission that the traffic impact of the development has been appraised appropriately and as such the development both fails to promote sustainable transport aspirations and will be detrimental to the convenience of highway users and air quality. Based on the information provided the development proposal is therefore considered contrary to policies BE3 and BE18 of the adopted Local Plan and relevant paragraphs of the NPPF.
- 6.78. Thirdly, by reason of the proximity of the site to gas storage and bottling facility and the location of a proportion of the site within an HSE consultation zone, the development of the site for 270 dwellings is considered unacceptable in public safety terms. As such the proposal is contrary to policies BE2 and BE20 of the adopted Local Plan and relevant paragraphs of the NPPF.
- 6.79. Fourthly, in the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan 2011 and the NPPF.
- 6.80. In your officers opinion, the degree of harm caused would significantly and demonstrably outweigh any benefits associated with the scheme, which in this case appear to relate primarily to housing supply, at a point in time when other sites have been identified to meet the Council's emerging housing requirement.

## **7 REASONS FOR REFUSAL**

1. The development of this site for 270 homes in this highly sensitive location would appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley within the vicinity of the site. As such, the proposal is considered contrary to policies H7, NE1, NE2 and NE3 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
2. It has not been demonstrated on the basis of the application submission that the traffic impact of the development has been appraised appropriately and as such the development fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality. The proposal is therefore considered contrary to BE3 and BE18 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
3. By reason of the location of a proportion of the site within an HSE consultation zone, having applied the PADHI+ consultation procedure in accordance with the Health and Safety Executives directive, the development of the site for 270 dwellings by reason of its 'level 3 sensitivity' and the proportion of the site contained within the 'inner', 'middle' and 'outer' zones is considered unacceptable on public safety grounds. As such, the proposal is considered contrary to policies H2 and BE20 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
4. In the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Application Number	14/1250/P/FP
Site Address	Land Off New Yatt Lane New Yatt
Date	5th November 2014
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	437395 E 213011 N
Committee Date	17th November 2014

## APPLICATION DETAILS

Erection of three two storey dwellings with associated parking, landscaping and new accesses.

## APPLICANT DETAILS

Daniel Family Homes  
C/O Agent

### 1. CONSULTATIONS

#### 1.1 WODC Env Consultation Sites

No objection subject to Surface Water drainage condition

#### 1.2. Hailey Parish Council

Do not object in principle to the application. Some members have concerns about the design and would like these to be taken in to consideration. Those members feel that a development of mixed size housing would be more suitable and beneficial to the local community. This includes the removal of the link detached house which is not representative of the local style. They would also like to see as much of the front hedge retained as possible, or replaced with more suitable and better quality hedgerow, and for the developer to consider a contribution towards traffic calming in the village. I would also like to point out that contrary to the Planning Statement, Hailey Parish Council has never asked the owner of the site to clear it. A request was made in writing this year to cut back the front hedge as it was obscuring the footpath, that is all.

#### 1.3. Adj Council North Leigh

No reply to date

#### 1.4. OCC Highways

No reply to date

#### 1.5. WODC Architect

Object on design grounds

#### 1.6. WODC Head Of Housing

No reply to date

### 2 REPRESENTATIONS

2.1. Representations have been received from RP Cleverly of 'Wytham' New Yatt Lane, Andrew Sharp of 10 Oakland Close, Freeland, Giles and Claire Doland future occupiers of White Cottage, New Yatt Lane and the existing owners of White Cottage, New Yatt Lane. Their comments are very briefly summarised as follows:

- I consider that this is by far the best application submitted to date;

- The proposed dwellings greatly add to the appearance of the area whilst not dominating the other dwellings in the immediate location;
- The proposal to replace the current boundary frontage with a 1.8m hedge is of great benefit. The current boundary hedge consists in the main of overgrown willow which restricts vehicular vision when leaving my home and secondly the new hedge will halt various branches falling onto the road following high winds;
- We wholeheartedly support this application. The designs are stunning and benefit the plot. It will be an enhancement and improve the setting of the street scene. It's an ideal location to live;
- Regarding sustainability, shops, library pubs all abound at North Leigh and there is petrol in the village with eggs, kindling and logs available locally. Residents can travel by bicycle to Hanborough rail station and there is a frequent bus service. Employment opportunities are available locally;
- We object to the proposal. It is contrary to the Local Plan which does not allow for additional dwellings in the village unless there is a genuine essential agricultural or other operational need;
- The Local Plan has made provision for the development of land in West Oxfordshire to meet the appropriate local housing needs. Sufficient land has been identified in the plan to provide a 5 year supply of housing and therefore the release of undeveloped greenfield land not allocated in the plan will be restricted. We do not believe that the developer can claim to satisfy Policy H12 on this count;
- The infilling on agricultural land will change the character of the hamlet;
- Previous refusals on this plot makes note of the fact that there is no shop, church or post office and limited public transport. It is therefore felt that local services would not support such development and that the development would not satisfy social or operational requirements;
- The design of the development does not respect the surrounding privacy of other plots. The removal of hedgerows and trees on the boundary with White Cottage would invade privacy;
- We urge that the proposal is rejected in accordance with policy H4;
- Our principal objection is that no residential developments should be permitted in small villages. This is the third attempt to gain residential planning approval since we bought White Cottage in 2000;
- The siting of plot 1 back in the plot farther back than White Cottage means that anyone over 5'9" will be able to look at the occupants of White Cottage eating their meal;
- In order to squeeze 3 large properties on to the plot the applicants intend removing a number of trees in exactly the length of the boundary that is so deleterious to our boundary.

### **3 APPLICANT'S CASE**

3.1. The applicants case has been submitted with a planning statement, a design and access statement and an ecology and tree survey. These can be viewed on the Councils website or alternatively viewed at the Council Offices upon request.

- The applicants case concludes in a précised form that the site is within the village of New Yatt, amongst existing residential units. It is close to some services in the village itself and facilities in North Leigh and Witney;
- Full planning permission for 3 dwellings is sought;
- The proposal is in accordance with local and national policy, specifically in terms of the site as a sustainable location for development in principle. In this regard there are numerous local services and facilities as well as excellent public transport options, which make the site sustainable;
- The scheme will provide additional housing to assist the Councils housing supply situation in a sustainable location, whilst not impacting on the character of the locality and the amenity of local residents. Based on the feedback received during community consultation, the development will serve to enhance the street scene and the amenity of the settlement;
- Developments of the nature are supported in the Green Belt (Section 9 of the NPPF).It stands to reason therefore that in a non-designated area the proposal is also fully supportable.

- The applicant is agreeable in principle to providing contributions in accordance with Policy H11 of the extant Local Plan, Core Policy 8 of the emerging Local Plan and the Council's Affordable Housing consultation paper.

#### **4 PLANNING POLICIES**

H4 Construction of new dwellings in the open countryside and small villages

BE2 General Development Standards

H2 General residential development standards

BE3 Provision for Movement and Parking

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

- 5.1. This application is for three dwellings in a village categorised in the Local Plan as a small village.

#### **6 BACKGROUND INFORMATION**

##### Planning History

- 6.1. Applications for residential development of the site have been refused historically and dismissed on appeal. The key issue for dismissal at appeal in respect of an application for two live/work dwellings in 2001 was that the development would not be sustainable.
- 6.2. The application is to be presented to the Committee for consideration because the officer recommendation is contrary to the Local Councils opinion
- 6.3. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

##### Principle

- 6.4. In this regard the housing development is proposed in a small village in which Policy H4 of the adopted Local Plan applies which precludes residential development unless an essential operational or social need can be demonstrated that cannot be met in any other way.
- 6.5. However, this policy needs to be considered alongside paragraph 55 of the NPPF, a more recent and up to date national policy consideration, that makes it clear that in some instances development in smaller settlements can be justified if it helps support higher order settlements. In this instance, on balance, officers consider that on the basis of the close proximity of the site to employment opportunities in New Yatt and nearby North Leigh, the relatively close proximity of two higher order settlements to the site and a good bus service, that the principle of some limited development on the site is consistent with the sustainability objectives of the NPPF and as such can be supported.

##### Siting, Design and Form

- 6.6. In this regard the scale, design and siting of the proposals for residential redevelopment are not considered acceptable for the following reasons:

- The footprints of all of the new houses are uncharacteristically large with those of neighbouring houses;
- Plots 1 and 2 are connected, giving an uncharacteristically monolithic ,continuous form;
- Plot 1 is uncharacteristically tall by comparison with 'White Cottage';
- Plot 2 is uncharacteristically tall compared to everything in the vicinity;
- All of the designs have uncharacteristically deep plans giving voluminous end elevations;
- The aesthetics fall between domestic and barn forms.

- 6.7. In light of the above the application is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

### Highways

- 6.8. A formal consultation response has not been received at the time of writing. A verbal update in respect of Highway matters will be therefore be given at the meeting.

### Residential Amenities

- 6.9. Whilst the neighbours at ' White Cottage ' have raised concerns about adverse impact in terms of overlooking of their private amenity areas , the concerns relate to windows and footpaths at ground floor level which in your officers opinion are not so harmful as to warrant a reason for refusal.

### Conclusion

- 6.10. In light of the above assessment the application is recommended for refusal on the grounds that the development proposal by reason of its scale, design and siting will appear as a highly incongruous and discordant feature in the street scene contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

## **7 REASONS FOR REFUSAL**

By reason of the scale, design and siting the proposed dwellings pay no regard to the built form context of the site and as such will appear as visually incongruous and overly strident features within the street scene to the detriment of the visual character and appearance of the area. As such, the development proposal is considered contrary to policies BE2 and H2 of the West Oxfordshire Local Plan.

Application Number	14/1224/P/FP
Site Address	Robin Hood Public House 81 Hailey Road Witney
Date	5th November 2014
Officer	Miranda Clark
Officer Recommendations	Grant, subject to conditions
Parish	Witney Parish Council
Grid Reference	435710 E 210936 N
Committee Date	17th November 2014

## APPLICATION DETAILS

Change of use of public house to dwelling.

## APPLICANT DETAILS

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

## 1 CONSULTATIONS

### 1.1. Witney Town Council

"No objections"

### 1.2. 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.

### 1.3. WODC Env Health - Lowlands

No objections

### 1.4. WODC Planning Policy Manager

No Comment Received.

## 2 REPRESENTATIONS

### 2.1. 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.

## 3 APPLICANT'S CASE

### 3.1. 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

3.2. 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.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

TLC12 Protection of Existing Community Services and Facilities

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

- 5.1. The application seeks planning permission for the change of use of the pub to a dwelling.

#### **6 BACKGROUND INFORMATION**

- 6.1. 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.
- 6.2. The application was deferred from last month's meeting to enable the applicant to provide additional marketing evidence to further support the proposal.
- 6.3. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### **Principle**

- 6.4. 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.
- 6.5. 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.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. 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.

#### Design and Form

- 6.11. There are no significant design issues as the application is for change of use.

### Highway

- 6.12. OCC Highways have raised no objection to the application. The proposal is considered to accord with policy BE3.

### Residential Amenities

- 6.13. 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. Conditions have been attached for further information on boundary treatments and to prevent further extensions without permission. The proposal is in accordance with policies BE2 and H2.

### Conclusion

- 6.14. 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.

## **7 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 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those expressly authorised by this permission, shall be constructed.  
REASON: Control is needed to protect the residential amenity of neighbouring properties.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the use hereby permitted is commenced.  
REASON: To safeguard the character and appearance of the area.
4. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.

Application Number	14/1307/P/FP
Site Address	Duttons Courtyard Cheyne Lane Bampton
Date	5th November 2014
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431468 E 203088 N
Committee Date	17th November 2014

## APPLICATION DETAILS

Conversion of loft to self-contained flat,

## APPLICANT DETAILS

Downton Property Limited  
3 Holyrood House  
Church End  
South Leigh  
Witney  
Oxon  
OX29 6US

## I CONSULTATIONS

### I.1. Bampton Parish Council

OBJECTION on the following grounds:

- 1) There is insufficient parking for the current use therefore adding another flat will increase this problem.
- 2) There is no public transport in the evenings or Sundays.
- 3) Over-development of the site.
- 4) We consider this to be an important building in Bampton.

### I.2. OCC Highways

No objections subject to conditions

### I.3. WODC Architect

Compliant with policies BE2 and BE5

## 2 REPRESENTATIONS

2.1. No representations received.

## 3 APPLICANT'S CASE

3.1. A Design and Access Statement has been submitted in support of the application. It is concluded as follows:

The proposal seeks to make a viable, economic reuse of the upper floors of the building which in principle is in accordance with local and national planning policies. The applicants are willing to accept relevant planning conditions. This then is seen as sustainable development, an efficient use of an available building and thus providing a suitable level of housing in an appropriate town centre location.

## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1. This application proposes conversion within the loft space and part of the first floor of an unlisted building located within the Bampton Conservation Area to a self-contained one bed flat. No external changes to the building are proposed.

## **6 BACKGROUND INFORMATION**

- 6.1. The application is before Members for consideration because the Parish Council has objected to the development on the grounds that there is insufficient parking, it's an overdevelopment of the site, there is no public transport on Sundays or in the evenings and the building is an important building in Bampton

- 6.2. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 6.3. The development proposal accords with the housing policies for Bampton

### Design and Siting

- 6.4. The proposal will have no impact on the external appearance of the building

### Highway

- 6.5. County Highways has raised no objections to the application but has suggested that 'Sheffield ' type parking stands be provided if planning permission is granted.

### Residential Amenities

- 6.6. The proposal will have no adverse impact on neighbouring properties.

### Conclusion

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

## **7 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 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to first use of the flat hereby approved 3 cycle spaces shall be provided in accordance with details first agreed in writing by the LPA.  
REASON: In the interests of highway safety.
3. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.

Application Number	14/1338/P/S73
Site Address	Land To The North Of New Road Bampton
Date	5th November 2014
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431962 E 203580 N
Committee Date	17th November 2014

## APPLICATION DETAILS

Removal of condition 3 (phasing of development) and condition 13 (biodiversity) of planning permission 13/1465/p/op.

## APPLICANT DETAILS

Richborough Estates  
Waterloo House  
20 Waterloo Street  
Birmingham  
B2 5TB

### 1 CONSULTATIONS

- 1.1. Bampton Town Council  
No Comment Received.

### 2 REPRESENTATIONS

- 2.1. Two objections have been received from local residents on the grounds that there is no justification for the removal of the conditions, the phasing was required to enable the development to be better assimilated into the village and protect the character of the village.

### 3 APPLICANT'S CASE

- 3.1. The applicants have submitted a legal opinion in support of their case. The concluding paragraph is summarised below, however, the case can be read in full online.

"In my view there is no evidence that the condition is "necessary" to make the development acceptable in planning terms (contrary to Para 206, NPPF). The infrastructure phasing is dealt with independently in the s.106 agreement and the conditions stated objective of "better assimilation" does not appear to relate to any planning objective. The condition does not appear to be "fair, reasonable and practicable" nor is it apparently tailored to tackle any specific problem, contrary to (ID21a-001) of the PPG."

### 4 PLANNING POLICIES

BE2 General Development Standards  
H7 Service centres  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### 5 PLANNING ASSESSMENT

- 5.1. The site is an agricultural field of approximately 9.15ha on the northern edge of Bampton. It is bounded by residential development to the west, New Road to the south, Mount Owen Road to the east and agricultural land to the north. The site is not in the flood plain and it is beyond the Bampton Conservation Area.
- 5.2. This application is seeking the removal of two conditions imposed on application 13/1465/P/OP. The first is condition 3 which read; "The development shall be phased with 60 Units being built by 2017, 50 further units in 2019 and the final 50 in 2023."

- 5.3. The second is condition 13 which related to biodiversity enhancements, and was added in error as it was a direct duplicate of condition 9 which reads; "Prior to the commencement of the development hereby permitted, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. This is to include the details of the planting scheme and the subsequent management of any ecological features. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details."

## **6 BACKGROUND INFORMATION**

- 6.1. Application 13/1465/P/OP granted outline planning permission for the erection of residential development of up to 160 dwellings and creations of vehicular access from New Road, subject to conditions. Since the granting of that permission the applicant has noted the duplication of the biodiversity condition and considered that the phasing condition was unnecessary and unviable.
- 6.2. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Impact on Residential amenity

### Principle

- 6.3. The principle of the development has already been established by the granting of the original permission. The key consideration therefore is whether the removal of the phasing condition would result in any unacceptable harm to the character of the village or residential amenity.
- 6.4. Members may recall that the condition was imposed for the reason; "To ensure that all components of the overall development are provided as part of a phased programme and to enable the development to be better assimilated in to the village" and was a condition suggested by Members after debate of the application at the Lowlands Area Sub Committee on 17th March 2014.
- 6.5. The applicant has submitted a Legal Opinion which states the condition was imposed without any technical reason as to its imposition. The Opinion goes on to say that the condition fails the test for conditions as set out in the Planning Practice Guidance and the National Planning Policy Framework and as such should be removed.
- 6.6. The NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The condition in this instance was imposed for the reason of the phasing in the development in order to assimilate the development into the village, but for no sound policy reason or requirement.
- 6.7. The phasing condition could therefore be argued that it is in fact contrary to policy in that there is no clear policy reason for its imposition as the associated section 106 agreement which is tied to the development, ensures the provision of infrastructure within the village at various stages of the development by certain 'triggers'. Officers would therefore agree that the imposition of such a condition is legally unnecessary due to the legal agreement already in place which secures the same aim of staged development in line with infrastructure provision.
- 6.8. Officers also note that there appears to be no clear planning reason why this condition would be imposed. The applicant's argument of 'better assimilation in to the village' is not a planning objective in itself and has not been drafted to specifically relate to a need or situation which has not already been satisfactorily addressed by the accompanying Section 106 agreement, and in your officers' opinion does not hold weight.
- 6.9. The Biodiversity condition no 13 was added in error as a duplicate and can be removed as the condition will still remain as condition 9.

## Residential Amenities

- 6.10. The applicants have predicted an approximate build rate of 30 dwellings per year, thereby taking the total potential build time to between 5 and 6 years. Therefore even if work were to commence next year, 2015, taking into account a reserved matters application is yet to be submitted, then the development may still be looking at completion around 2021, only 2 years prior to the time limit that the condition suggested in any event.
- 6.11. This level of build rate is not considered to adversely impact on residential amenities in any unprecedented way at this rate as the provision of additional infrastructure would be incremental, as would the demand on additional services.

## Conclusion

- 6.12. Your officers consider that the imposition of condition 3 fails the legal tests set out in the NPPF. The aim of staging development so that infrastructure improvements can be delivered alongside is achieved by the accompanying Section 106 agreement. Officers therefore consider that removing the condition would not prejudice the decision or result in any harmful impact on residential amenities other than can reasonably be expected with any build out of a development of this size. It is therefore recommended that condition 3 and duplicate condition 13 be deleted. All of the remaining conditions of decision notice 13/1465/P/OP would remain and be re imposed should this application be agreed.

## **7 CONDITIONS**

1. Details of the appearance, landscaping, layout and scale, (herein called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and there development shall be carried out as approved.  
REASON: To comply with the requirements of S.92 of the Town and country Planning Act 1990.
2. Development shall not begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.  
REASON: In the interests of road safety.
3. Development shall not begin until details of the footway provision, including appropriate crossing facilities, along New Road have been submitted and approved by the Local Planning Authority and no building shall be occupied until the aforementioned provision has been constructed in accordance with the approved plan.  
REASON: In the interests of Highway safety and in accordance with Policy BE3 of the WOLP.
4. Development shall not begin until detailed plans of the improvements to the junction of New Road and Mount Owen Road have been submitted and approved by the Local Planning Authority and no building shall be occupied until those improvements have been constructed in accordance with the approved plan.  
REASON: In the interests of Highway safety and in accordance with Policy BE3 of the WOLP.
5. Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.  
REASON: In the interests of Highway safety and in accordance with Policy BE3 of the WOLP.
6. Prior to the commencement of the development a scheme for the drainage (both surface water and sewerage) of the development shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling to which the scheme relates.  
REASON: To ensure the effective drainage of the site and to avoid flooding. (Policy DC 14 of the adopted Local Plan)



7. Prior to the commencement of the development hereby permitted, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. This is to include the details of the planting scheme and the subsequent management of any ecological features. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.  
REASON: In the interests of Bio diversity. (Policy NE13 of the WOLP 2011).
8. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the air base has been submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.  
REASON: To ensure the creation of satisfactory living conditions in the dwellings. (Policies BE2 and BE19 of the adopted West Oxfordshire Local Plan 2011)
9. Development shall not be commenced until such time as a drainage strategy detailing on and/or off site drainage works has been submitted to and approved by the LPA 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: To ensure the creation of satisfactory living conditions in the dwellings. (Policies BE2 and BE19 of the adopted West Oxfordshire Local Plan 2011)
10. Fire Hydrants shall be installed in accordance with details, including the phasing of installation, which will have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the safety of occupiers of the proposed dwelling. (Policy BE1 of the Adopted West Oxfordshire Local Plan 2011)
11. No Development shall take place until a surface water drainage scheme for the site based on the agreed FRA for Richborough Estates, Lane Off New Road, Bampton (Rev A. 8 October 2013) (BWB Consulting Ltd has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  1. Reduction in surface run off rates to  $\times 2.7l/s/ha$
  2. Demonstration that the discharge volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site, up to a 1 in 100 year storm with a suitable allowance for climate change as outlined in the FRA.
  3. Swales to the Eastern and Southern boundary of the site as outlined in the FRA.
  4. An attenuation pond to the eastern part of the site as outlined in the FRA.
  5. Clarification that the receiving watercourse will be able to manage the incoming flow and discharge it off site.
 REASON: To prevent the increased risk of flooding.

**INFORMATIVES:-**

You are advised that in the submission of reserved matters it is anticipated that the details should closely follow those set out in the plans accompanying this application and referred to in the accompanying reports.