

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 19th January 2015

**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

Application Number	Address	Page
I4/1009/P/OP	<u>Land To The West Of Fruitlands, Eynsham</u>	3
I4/1130/P/FP	<u>58A High Street, Witney</u>	27
I4/01583/S73	<u>The Old Courthouse, 28 Bridge Street, Witney</u>	33
I4/01592/FUL	<u>Laurel House, Lew Road, Curbridge</u>	36
I4/01510/S73	<u>2 The Crescent, Witney</u>	41
I4/01631/OUT	<u>Old Nursery Site, South Of Standlake Road, Northmoor</u>	44
I4/01669/S73	<u>Hulse Grounds Farm, Little Faringdon</u>	55
I4/01863/OUT	<u>Land West Of Station Road, Eynsham</u>	61
I4/01971/FUL	<u>79 Milestone Road, Carterton</u>	69
I4/02205/FUL	<u>Land North Of Northolt Road, Carterton</u>	75
I4/02062/FUL	<u>North Street Farm House, North Street, Aston</u>	80

Application Number	I4/1009/P/OP
Site Address	Land To The West Of Fruitlands Eynsham
Date	7th January 2015
Officer	Kim Smith
Officer Recommendations	Approved subject to Legal Agreement
Parish	Eynsham
Grid Reference	442427 E 209807 N
Committee Date	19th January 2015

Application Details:

Erection of 19 dwellings with associated access and open green space. (Amended plans and description)

Applicant Details:

J A Pye (Oxford) Ltd
Langford Locks
Kidlington
Oxon
OX5 1HZ

I CONSULTATIONS

- | | | |
|------|---------------------------------|--|
| I.1 | Natural England | No reply to reconsultation to date |
| I.2 | Parish Council | No reply to reconsultation at the time of writing |
| I.3 | WODC Env Services - Engineers | No reply to reconsultation at the time of writing |
| I.4 | WODC - Arts | No reply to reconsultation at the time of writing |
| I.5 | WODC Community Safety | No reply regarding reconsultation at the time of writing |
| I.6 | Environment Agency | No reply regarding reconsultation at the time of writing |
| I.7 | WODC Env Consultation Sites | No reply regarding reconsultation at the time of writing |
| I.8 | WODC Env Services - Car Parking | No reply regarding reconsultation at the time of writing |
| I.9 | WODC Env Health – Lowlands | No reply regarding reconsultation at the time of writing |
| I.10 | WODC Env Health – Uplands | Ne reply regarding reconsultation at the time of writing |
| I.11 | WODC Head Of Housing | No reply with regards to reconsultation at the time of writing |

I.12	WODC Env Services – Landscape	No reply with regards to reconsultation at the time of writing
I.13	WODC Legal & Estates	No reply with regards to reconsultation at the time of writing
I.14	WODC Planning Policy Manager	No response with regards to reconsultation at the time of writing
I.15	WODC - Sports	No response with regards to reconsultation at the time of writing
I.16	WODC - Tourism	No response with regards to reconsultation at the time of writing
I.17	TV Police - Crime Prevention Design Advisor	No response with regards to reconsultation at the time of writing
I.18	Thames Water	No response with regards to reconsultation at the time of writing
I.19	WODC Env Services - Waste Officer	No response at the time of writing to reconsultation
I.20	WODC Landscape And Forestry Officer	This was the response to the original submission: WODC would not be interested in taking over the incidental open space.
I.21	One Voice Consultations	In response to the original scheme OCC's consultation response was as follows : OCC: Transport No objection subject to legal agreements to secure contributions of £2753 per dwelling towards bus infrastructure and services and control works on and adjacent to the public highway and to conditions requiring details of estate road junctions with the public highway, a travel information pack to be provided to every household on first occupation, a Construction Phase Traffic Management Plan, implementation of the approved Travel plan and a drainage strategy incorporating SUDS. Guidance offered on the site layout which would be formally considered at the reserved matters stage. OCC: Archaeology There is evidence of a later prehistoric settlement to the south, features of which may extend into the site, but no objection subject to condition requiring the approval and implementation of a scheme of archaeological investigation.

OCC: Education

No objection subject to contributions for the expansion of permanent primary school (£93,698) and secondary school (£113,719) capacity in the area and for the expansion of Special Education Needs (£4,951) provision.

OCC: Property

No objection subject to contributions towards health and well-being resources (£4,246), waste management (£4,110), libraries (£5,495) and museum resource centre (\$321).

OCC: Ecology

The Council should seek its own advice and refer to the guidance in Biodiversity in Oxfordshire.

- I.22 The Wildlife Trust Objection due to insufficient mitigation and compensation of ecological impacts. particularly loss of scrub habitat, which would lead to a net loss in biodiversity contrary to the NPPF and Core Policy 18 of the draft Local Plan 2012.
- I.23 Natural England Response to the original submission is as follows:
- The development would be unlikely to affect any protected sites or landscapes. Standing Advice should be referred to in relation to protected species and consideration should be given to the impact on local sites and SSSI's. There may also be opportunities for biodiversity and landscape enhancements.
- I.24 Eynsham Parish Council Consultation response to the original submission is as follows:
- Objection for the following reasons:
1. No positive support has been received from any residents of Eynsham for this application. The Applicant's own Statement of Community Engagement shows overwhelming objection to the application.
 2. Granting consent for building on what had been designated as public open space with landscaping would allow the Applicant to profit from its previous breaches and the lack of enforcement of WODC's planning conditions (Planning Statement).
 3. The Strategic Housing Land Availability Assessment, June 2014 assesses the site (180) as 'not suitable' citing 'Loss of important amenity space; intrusion into the soft rural edge of the village; possible harm to biodiversity'. The West Oxfordshire Landscape Assessment also says further urban intrusions to the attractive rural fringes to the west of village should be discouraged.

4. The Applicant admits the proposal does not conform to H7 (Planning Statement). Adequate transport, service and community infrastructure are not available (BE1). Building on the only existing woodland in Eynsham would result in a loss of a facility of benefit to local residents and of an area of nature conservation value (BE2 and NE6). The surface water drainage proposals could cause unacceptable levels of pollution (BE18, NE7 and NE11). It would set an undesirable precedent for other sites on the western edge of the village (H2).

The Applicant approached the Parish Council regarding development of this site in November 2010 and the Parish Council participated in the Applicant's public consultation by posting details of the proposed development (SHLAA Site 180) on the Council's website. At the end of this the Council concluded that 'in the absence of any positive support from Eynsham residents for development of the site and in light of the statements made in the appeal decision for the Fruitlands development, and the draft SHLAA (January 2010) the Parish Council does not support development of Site 180'. A complete copy of this statement was appended to the Council's response to WODC's consultation on the Draft Local Plan.

The appeal decision by Mrs S I Rees dated 11 May 1982 granted consent for the existing Fruitlands development on condition that the current application site be retained as public open space with the express conditions-

'...(ii) Before the first occupation of any of the dwellings hereby permitted the open space to be provided on the site shall be levelled, laid out, planted and seeded in accordance with a scheme to be agreed with the local planning authority;....'

The Applicant appears to have proceeded to develop and sell the Fruitlands dwellings in breach of this consent. The scheme referred to was not agreed until (WODC letter of) 17 May 1985 but the Parish Council is informed that the Applicant still failed to comply.

In June 2014 the Applicant again approached the Parish Council with substantially the same proposal for development, which is the subject of this application.

The local planning authority should seek legal advice on the breaches by the Applicant of the previous consent, W478/81.L and W1150/81.L.

While the Applicant's Transport Statement alleges 'the traffic impact on the local network will be minimal', the proposed development would be a cul-de-sac at the end of a dead-end road (Fruitlands) at the end of a dead-end road (Old Witney Road) which accesses Witney Road near one of the busiest junctions in Eynsham, with the A40. The Council is informed by residents of both Fruitlands and Old

Witney Road that there are regular traffic jams at peak periods.

The whole of Eynsham's foul water drainage flows through a single pipe beneath the Bitterell footpath to the Thames Water pumping station on the east side of the eastern bypass. The proposed site's connection to this would be one of the furthest away of any development in the village. Existing Fruitlands residents have reported blockages in the current system. Adding the proposed pumped sewage from a further 21 houses could cause further problems not only in Fruitlands but elsewhere in the village with what is already becoming an overstretched system.

While the Applicant's Drainage Statement says surface water will be dealt with by 'a full infiltration system' the proposed drainage strategy plan (14-1477-03 Rev P04) clearly shows intended run off of surface water towards the drainage ditch to the west of the proposed site, which already receives surface water sewer drainage from Fruitlands itself. This could increase the risk of pollution to a wider area as this ditch flows into the Chil Brook and from there to the Wharf Stream and the Thames.

The Applicant admits overcrowding at the local primary school and oversubscription at Bartholomew School. It is unlikely that any s106 contribution by the Applicant will offset the impact of the proposed development on the existing school problems. The Applicant also fails to address the impact on local healthcare, with the one health centre in the village already obliged to restrict appointments.

If the local planning authority does grant consent, this should be conditional on strict restrictions on construction traffic and times of travel as the only access to the site is along Fruitlands itself which is unsuitable for heavy construction traffic.

If consent is granted the Parish Council requests a developer contribution in the amount of £9,500 towards street furniture, play areas or other appropriate village amenities to reflect the additional strain on existing community infrastructure this development will represent.

I.25 WODC Env Services -
Car Parking

The following response was made to the original submission:

The northern portion of the site is exposed to considerable noise from the A40, so conditions should require a noise survey and compliance with noise standards in BS8233:2014.

I.26 WODC Legal & Estates

No Comment Received.

I.27 WODC Community
Safety

No Comment Received.

I.28	WODC Env Consultation Sites	No Comment Received.
I.29	WODC Env Services - Waste Officer	No Comment Received.
I.30	WODC - Sports	No Comment Received.
I.31	WODC - Tourism	No Comment Received.
I.32	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.33	WODC Env Services – Engineers	No Comment Received.
I.34	WODC Env Services - Landscape	<p>The following was the response to the original submission:</p> <p>The site is a locally valuable landscape and ecological resource providing a strong landscape buffer and valuable low-key habitat and it is unrealistic to conclude that there is much scope for mitigating the impact or retaining of any of the larger trees. However, if developed at around the proposed density, suggestions are made for incorporation in a reserved matters application.</p>
I.35	WODC Env Health – Lowlands	No Comment Received.
I.36	WODC Env Health - Uplands	No Comment Received.
I.37	WODC Head Of Housing	<p>The following response was made to the original submission:</p> <p>Supports the application. There are 51 households who qualify for housing in Eynsham and sufficient to warrant the proposed mix.</p>
I.38	WODC Landscape And Forestry Officer	No Comment Received.
I.39	WODC Planning Policy Manager	No Comment Received.
I.40	WODC - Arts	<p>The following response was made to the original submission:</p> <p>In principle it is appropriate to consider public art within the scheme and a Public Art Statement should accompany any reserved matters or full planning application. The Council would favour an approach which promotes the protection, enhancement and extension of green infrastructure in and around the village.</p>

- 1.41 Environment Agency Response to the original submission is as follows:
No objection subject to a condition requiring foul drainage details.
No comment made on flood risk because of the size of the site within Flood Zone 1, but reference is made to standing advice on flood risk.
- 1.42 Thames Water Response to the original submission is as follows:
No objection on water supply or drainage grounds subject to a condition requiring a strategy detailing any on and off site drainage works.

2 REPRESENTATIONS

- 2.1 The following is a summary of the principal matters raised in response to the original application proposals. It is not practical to provide full details of all of the submissions, but all representations are available for inspection.
- 2.2. Objections have been received in some 99 representations. These raise the following concerns:

Conflict with planning policy and other documents

- It has always been WODC's planning policy and practice to resist development to the west of Eynsham.
- The development is not rounding-off or infilling and conflicts with Policy H7.
- The destruction of 1.31 ha of woodland, encroachment of development into the countryside and the character of the development would conflict with Policies BE2, NE1, NE6, NE13, H2, with new Core Policies 2 and 4 and with the NPPF
- The loss of open space would conflict with the NPPF, the PPG and with Policy BE4.
- The SHLAA 2011 summary states: land releases for housing in this area could lead to a lead to a very large scale development that would destroy Eynsham's village character and its relationship with the surrounding countryside as well as overwhelm village structure. Nothing has changed to invalidate these findings.
- The SHLAA 2014 states that the site should not be built on citing loss of an important amenity space, intrusion into the soft rural edge, possible harm to biodiversity.
- The WODC 2011 Draft Settlement Survey warns in relation to any development needing access from Old Witney Road states: A key concern is that Oxford bound traffic would need to pass through the already congested historic core of the village or along residential streets." The proposed development proposes 62 parking spaces.
- The development would not be sustainable in terms of the NPPF. It would conflict with the economic role (wrong type of land, wrong place and lack of infrastructure), social role (affordable housing among and beyond expensive houses will not support strong, vibrant and healthy communities) and environmental role (loss of trees on natural environment, biodiversity and climate change).

Traffic impact and transport

- The village roads generally are too narrow and grid-locked by traffic, parked cars and occasionally by snow to handle the increase in general and construction traffic passing through the village particularly because of the prohibition of right-turning onto the A40 at Witney Road. In particular, Old Witney Road is only 15ft wide with permanently parked cars reducing this to 10ft with a record of several minor accidents at the Fruitlands junction) and Witney Road is crowded with coaches around Bartholomew Road.
- WODC must ensure that the safety of transit is protected for existing residents down Old Witney Road to Fruitlands, including refuse vehicles which have difficulty negotiating the road and have damaged verges.
- Fruitlands is too narrow for additional traffic (a 100% increase proposed), with a very narrow first bend and existing problems from home delivery lorries. It has no footways, so all access on foot to and from the development would be along the road and children would need to cross it twice to reach the play area/playing field on Old Witney Road, which would be dangerous.
- Additional traffic could affect the safety of the play area at the end of Old Witney Road.
- It is understood that further development could not take place without a second entrance/exit.
- The development would increase the horrendous congestion on the A40 and on the approach to the Toll Bridge during peak hours particularly as a significant proportion of new residents being likely to be employed in Oxford. This needs to be addressed before new development is permitted.
- The village has become a rat-run because of the lack of development of the A40 and Toll Bridge with cars and buses exceeding the 20mph speed limit outside Bartholomew School.
- Additional traffic would jeopardise safety in the village. Could a 20mph limit, a car share scheme and dedicated cycleways be introduced before any new houses are constructed?
- There are exiting parking problems in the narrow village streets, particularly from people leaving their cars and travelling to Oxford by bus causing problems of safety in crossing the road, particularly by children and the elderly: a park and ride facility to the north west of the Eynsham roundabout would help alleviate parking in the village and congestion on the A40.

Other infrastructure issues

- No further development in Eynsham should be considered until a clear study of how infrastructure (water supply, sewers, schools, medical facilities, roads and parking) will be adapted or extended to allow for further development.
- The development could put a strain on schools: nursery care and the primary school are already full and the secondary school is having to expand.
- No additional retail space has been made available locally and the existing pharmacy and supermarkets cannot meet current demand.
- The Eynsham Medical Centre cannot cope with the present population with difficulties getting an appointment and a need to use of facilities in Long Hanborough.

- The dental surgery could also be under strain
- The sewage system is totally inadequate and is a source of problems in Fruitlands: the playing field were recently contaminated by raw sewage. The proposed pumping station would make this worse.
- Crime figures are rising.
- The development would adversely affect gas and water pressures, which have already reduced with increased demand, unless the size of the supply is increased.

Character, amenity and landscape issues

- The development sets a precedent for creeping expansion of the village and the erosion of its natural boundaries: it has been a barrier between houses and the open countryside and expansion of the village to the west has been successfully resisted in the past.
- The gap between properties 13 and 14 clearly allows for further expansion.
- The development would result in the loss of valuable green space enjoyed by local residents and children in particular. The open space should be designated as a Local Green Space.
- This is the last woodland area between Eynsham and Witney and its loss would erode the natural gap between the settlements.
- Too many houses have been built in recent years. Saturation point has been reached and further development would destroy the rural character, identity and countryside setting of an historical village.
- The proposed open spaces would suffer from lack of maintenance.
- The style of development (7 different styles of dwelling with varying materials, few garages and many parking spaces) would appear cluttered and out of keeping with existing development in Fruitland and would be an incongruous urban extension contrary to Policy H2

Flooding

- There would be increased flooding on site or further down the road flooding occurs in Witney Road despite a pumping station in Willows Edge.

Ecology

- The development would displace the wildlife, including protected species, contrary to Policy NE13 and NE15: it is full of trees, animals and birds
- With the increased population of the village there is an increased need for a site with potential to increase biodiversity.
- The environmental report is over 4 years old, albeit with a recent 'walkover', and there is no recent evidence on bats or that the continued monitoring of badger activity referred to has taken place despite the presence of setts and active badgers nearby.
- Bats are present most evenings. The report is incomplete and requires further investigation including a bat activity survey.
- There is little by way of proposals and in response to suggestions and recommendations in the environmental report.

Living conditions

- 61 Witney Road could become surrounded by new development because of the precedent that this would establish.
- The houses on Plots 1-4 unacceptably harm the outlook from 22 Fruitlands. They should be relocated to the western edge replaced by a bungalow.
- A footpath round the back of Plot 1 would become fenced-in and would encourage anti-social behaviour.
- Four of the properties would overlook an adjacent property.
- Noise and disturbance would be caused during development.
- The position of the new pumping station would cause noise and smells.
- Procedural and factual matters
- The Council failed to enforce the dedication of the public open space as part of a development granted in 1982 on appeal which was intended to prevent further development and would have prevented this application. It should be enforced now.
- The development establishes a precedent for further development that would cumulatively cause substantial harm: one of the reasons that planning permission was refused on appeal for development at Eynsham Garden Centre was that it would then be difficult to resist further development west of the village
- The methodology of the community engagement statement is of concern: not all written representations have been reported and verbatim comments have been included.
- Some of the application documentation is incorrect: Eynsham is a village not a town and is 7 not 5 miles from Oxford; there are 21/22 not 23 houses in Fruitlands; the adjacent playing fields are a private (school) not a public facility; the site is bordered to the west by gardens not the garden centre and the land is woodland not scrub.
- The Arboricultural Report does not list all trees over 75mm diameter.
- Part of the Ecological Report is missing.
- In the absence of a new Local Plan, to consider the matter properly and to enable the completion of the Village Neighbourhood Plan any decision on the application should be deferred.

Need and other options

- The SHMAA does not set housing targets and needs to be considered along with environmental and infrastructure constraints.
- The development would have a minimal effect on local housing need.
- There has been a substantial amount of development in recent years. Eynsham has had more than its fair share and further development should not be permitted.
- If development is to take place to the west of the village, it should be undertaken in a comprehensive manner not on an ad hoc basis.
- If developed at all, the site should be together with all other land in Old Witney Road (57a, 59, 61 65a, 65 and the Garden Centre with the appropriate road structures.

Other matters

- The houses should be 'lifetime homes' and designed with public health as a priority.
- The number of houses is too great and the proportion of affordable housing seems extraordinarily high: this could have a harmful effect on property prices.
- A right of way over the whole of the application site has been created by uninterrupted, unchallenged and unfettered use from 1984.
- If approved, the affordable housing should be scattered through the development.
- Comment has been received in one submission which raises no objection in principle but asks for consideration to be given to the impact on local facilities, to the need for improved road surfaces and traffic management, and to the need for good sustainability standards, particularly in terms of insulation and energy efficiency.

2.3. Additional representations have been received in respect of the amendment to the original submission. These are summarised in a précis form below, but can be viewed in full on the Council's website. At the time of writing written comments have been received from the following in respect of the amended scheme for 19 houses:

- In light of global warming it would be perverse for WODC to allow virtually all of the trees to be torn down to build 19 houses, so far from the village centre;
- There are plans to build up to 250 houses within yards of this woodland and with no need to remove any trees. In addition there is a brownfield site far more central to the village desperate to find a developer
- The Fruitlands site has been used by villagers for leisure purposes over generations, has a wide range of wildlife and is probably as good an example of biodiversity outside of Wytham Woods for many miles around. To develop the woodland would be a huge loss to the village. It is an area used by many adults for recreational purposes as well as picking the fruit and walking dogs. Children spend their weekends and holidays riding their bikes around a track they have made and making camps, all a safe distance from their homes;
- To resurrect the old 1970's plan to develop the west side of the village without the provision of a western by pass to link up with a 1970's scheme to develop and dual the A40 would lead to even more traffic chaos especially as this traffic would have to cross the village to gain access to either the grid locked A40 or toll bridge;
- Looking at the revised plans there is still the provision for a block of six houses backing closely on to the hedge at the rear. This would inevitably lead to a reduction in the height of the hedge to enable enough light in to the gardens;
- To allow any development of Fruitlands would open up and join up potentially enough space for 100 houses with virtually no trees in sight or thought for extra traffic, school space or additional medical care;
- The mistake made by the Secretary of State in 1982 can probably be forgiven, a further mistake in 2014/15 certainly would not be;
- I would remind you of core policy 17 landscape character para 3 'new development should not result in the loss of trees, woodlands or hedge rows or their settings which are important for their visual amenity, historic or biodiversity value';
- The land was intended as open space and was described as such in planning documentation relating to the granting of planning consent for the building of Fruitlands;

- The access to the site is not capable of supporting a further 19 houses;
- The village infrastructure will find it very difficult to absorb a further 19 families;
- The development would set a precedent for the development of land to the West of Eynsham, Fruitlands forms a natural boundary to Eynsham;
- Statements made in the revised design statement would only apply if you would be leaving it as a public open space and not building a housing estate on it;
- Plonking the affordable housing in the middle of a green space looks totally out of place and could cause social problems in the future;
- Because a lot of people have used the site in question as public open space for recreational purposes for in excess of 50 years, without hindrance, the residents will have certain rights over the site;
- Eynsham is in danger of losing what bit of open woodland we have;
- Old Witney Road is quite narrow with a children's playing field at one end also cars will cut through Evenlode car park for access to the A40 to avoid traffic lights in Witney Road;
- It is wrong that these developers think that a minor reduction in the number of houses could be any better for the environment of this valuable site, which contributes greatly to the amenity of the village. The land is quite simply not suitable for development;
- WODC failed to enforce the Public Open Space in 1982, which would have prevented this planning application being submitted;
- This area of land creates a natural habitat for various wild animals and birds which should be preserved. It also provides a fun play area for the young people of Eynsham;
- The existing Fruitlands Road is not wide enough to carry additional cars. The first bend is narrow. Home delivery lorries often cause problems;
- Any new building in the village will spoil the identity of the village. I suggest that new housing needs are fulfilled by building a new village with its own infrastructure;
- Object to the development of the orchard adjacent to Fruitlands and our garden. The land was designated as public open space when the original Fruitlands development was approved, we need these amenity spaces;
- Object to Pye's Landscape and Visual Assessment in which it states 'There is little in the way of social or cultural associations within the site that give it social value apart from the local footpaths and the adjoining green space'. In fact within the site there is clear physical evidence of long term local use by children (tree swings, BMX bike trail) not to mention a myriad of other well used paths and trails throughout the site by dog walkers all year round and fruit pickers in season;
- Section 4.4.2 of the viewpoint analysis states 'Housing restricts views from Old Road and Fruitlands. The only exception to this is a wide access area with bollards that allows some visibility into the site although vegetation greatly restricts views and access'. Pye seem to have misunderstood the word 'view'. In this case the vegetation IS the view. The main beauty of the site is the foliage and paths winding through the woodland. Creating open spaces would be completely at odds with the intrinsic nature of the site;
- Pye classes the site as 'ordinary landscape, an area of unmanaged scrub. There is an opportunity for enhancement with open green areas.' It takes an extremely creative mind to argue that building on and concreting over at least 80% of natural vegetation is 'enhancing a natural amenity'.

- 4.7 of the Impact on Local Amenity states, 'As the back gardens back on to the site, any new development would have a minimal impact from the viewpoint of living rooms'. 5 houses of the original Fruitlands development face on to the site, the view from those living rooms would be negatively affected by the development. Of those 5, 3 would also have the proposed development to the back of their property;
- 6.5.1 of the Impact on Landscape Character states 'The proposed development has the potential to create a positive character that is appropriate for this setting, combined with a highly improved landscape that is of ecological value and of considerable benefit to the immediate surrounding landscape'. In order to 'improve' the landscape the majority of the site will be cleared of vegetation. Untold damage will be done to wildlife and their habitats. The majority of the 'improved' open space will not be accessible to the public as 70% will be private back gardens. 'Pye' claims that as 'the land was previously private there was less permeability for residents to access the countryside'. However, the whole of the site has been used freely by the public for well over 30 years. After the completion of the original Fruitlands housing the remaining land was believed to be designated for public use. No 'Private' notices appeared until 'Pye' began 'testing the water' for future development 4 years ago. Pye is claiming to be benefiting the local environment when in fact they are taking away the majority of a well-used, much loved public amenity;
- Section 8.3.2 mentions 'an access road north of the site linking to Old Witney Road'. I am unaware of anything classed as a road linking the site on the northern side. Is Pye planning to apply for a change of status for an existing path creating an opportunity for further widespread development on the western edge of the village;
- It seems a pretty pointless exercise for Pye to have revised their plans. WODC has already declared this site (180 in the latest SHLAA) not suitable for development. The number of houses is therefore irrelevant as none should be built;
- Although the reduction in numbers provides welcome additional open space, it still builds on what is currently green space on the western edge of the village and puts additional pressure on infrastructure;
- The proposal talks of 50% affordable housing but the site plan identifies only 6 out of the 19 as affordable;
- The planning document also states that the development has preserved pedestrian access to the playing field to the south of the site: these playing fields are an important amenity, which the proposal recognises, and if this application is granted it will be even more important to preserve them in future.

3 PLANNING HISTORY

- 3.1 162/79 Planning permission was refused for 'Residential development and 5 acres public open space' for the following reason:

'That in the opinion of the DPA the proposed development is premature pending the completion of the approved Local Plan for Eynsham.'

- 3.2 478/81 Planning permission was refused for the erection of 15 houses with garages and public open space.

3.3 I150/81 Planning permission was refused for the erection of 22 houses, public open space and a new access for the following reason:

'That the proposed development , which is outside the limits of development of the village of Eynsham, is contrary to the approved Local Plan for Eynsham which accords with the policies of the approved Structure Plan for Oxfordshire'.

This refusal of planning permission was the subject of an appeal the outcome of which was that planning permission was granted by the Secretary of State subject to the following conditions:

1. The development hereby permitted shall be begun not later than 31 May 1987;
2. The materials and their colour to be used for the external walls and roofs of the buildings, the means of enclosure and windows shall be as may be agreed with the local planning authority;
3. Before the first occupation of any of the dwellings the open space to be provided on the site shall be levelled, laid out, planted and seeded in accordance with a scheme to be agreed with the local planning authority;
4. Trees shall be planted upon the land in the positions indicated on the layout plan No. PL.2b '81 of such species as may be agreed with the local planning authority. Any trees removed, dying or becoming seriously diseased within 2 years of planting shall be replaced by trees of similar and species of those originally required to be planted.

Paragraph 5 of the appeal decision letter states as follows:

'The Secretary of State notes the Inspector's view with regard to the open space element of the appeal proposal. The grant of planning permission will not of itself ensure that the land becomes a public open space but the S.O.S. sees no reason to question your client's good faith in this matter. However, he agrees with the Inspector that it would be proper to impose a condition to ensure the levelling , seeding and planting of the open space in accordance with an agreed scheme'.

3.4 It appears from the above planning appeal decision that whilst the application was described as the erection of 22 houses and public open space, the provision of public open space was not essential in the Secretary of States analysis to secure planning permission for the 22 dwellings. The conditions attached to the appeal decision letter are similar to landscaping conditions imposed today which seek to deal with visual amenity issues. The Inspector did not impose either a condition or a legal agreement to secure the use of land as public open space in perpetuity.

3.5 The land has not been transferred to either the District Council or the Parish Council as public open space post the grant of planning permission at appeal and remains in the ownership of the application. There was no obligation under the 1982 appeal decision for the land to become public open space.

3.6 Other Relevant Planning History

The site occupies site 180 put forward in the SHLAA call for sites. Following consideration in the context of the SHLAA this site was considered not suitable for development for the following reason:

'Loss of an important amenity space; intrusion into the soft rural edge of the village; possible harm to biodiversity'.

4 APPLICANT'S CASE

Below is a brief summary of the applicants case. The relevant supporting documents can be accessed in full on the Council's website.

4.1 Amended Planning Statement

WODC do not have an adequate 5 year housing land supply to meet projected housing needs.

The application should be determined in accordance with the presumption in favour of sustainable development as outlined in paragraph 14 of the NPPF. The development is therefore contributing to the future housing need of the District, which would not otherwise be met.

The development proposals conform with the requirements of sustainable development because it is:

- Located within the village of Eynsham, which is considered to be a sustainable settlement and suitable for growth.
- Provides a mix of dwellings to support a strong and varied community with a range of needs.
- Conserving and enhancing the natural environment by incorporating existing and new natural features and employing high design standards to ensure efficient and low impact housing.

This proposed development in Eynsham will create a sustainable form of development with economic, social and environmental benefits for Eynsham and will complies with existing planning policies by:

(i) Creating 19 much needed houses to assist in achieving the council's 5-year housing supply.

(ii) Providing 9 affordable houses, 50% of the total, in line with planning policy that would allow local residents starting out on the housing ladder to remain in the village.

(iii) Offering a mix of dwellings for all household sizes.

(iv) Ensuring that new residents of the proposed dwellings will have convenient access to every day facilities such as the village shop, Post Office, school and public house within a reasonable walking distance.

(v) Enabling a significant number of trips to be conveniently made by sustainable modes of transport by means of the bus stop located on the A40 with a very frequent bus service to the surrounding settlements.

vi) Providing the opportunity to significantly reduce the risk of flooding in the immediate vicinity of the site through the inclusion of the proposed Sustainable Drainage System.

This Planning Statement has demonstrated that the development proposals conform with all relevant planning policies at the national and local level, including all other material considerations. In accordance with the National Planning Policy Framework it has been shown that the proposals represent sustainable development and that there will be no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

4.2 Amended Transport Assessment

This Transport Assessment has reviewed the highways and transport implications of providing 19 dwellings on land off Fruitlands, Eynsham.

The site is in a sustainable location with access to education, retail and employment facilities and is within walking distances of local bus services.

The proposed internal road layout places pedestrians and cyclists first, promote an inclusive development, reflect pedestrian access desire lines, provide a permeable network, propose street character types, encourage innovation and adaptation and limit traffic to a maximum design speed of 20mph.

The traffic generation forecasts confirm that the site will generate modest levels of traffic on the wider network.

In the context of the adjacent highway network, the traffic generation of the proposed site is negligible and would have no material impact on the network. The most recent five year accident data record of the site has indicated there were no collisions in the vicinity of the site.

The Transport Statement has demonstrated that the development is fully in accordance with both national and local policy and in particular confirms that the impact of the development is not severe. On this basis it is concluded that there are no grounds for refusal on highway grounds.

4.3 Amended Design and Access Statement

This planning application is for the erection of 19 dwellings with all matters reserved except access. This has been reduced from 21 dwellings based on feedback from local residents, the Parish Council and West Oxfordshire District Council Officers. The application at this outline stage provides a clear rationale for the proposal with a clearly defined illustrative site layout which has also been revised in light of feedback received.

The design of the proposals have evolved since the commencement of the project based on the site's character, setting and relationship with the existing village of Eynsham. The further amendments to the illustrative layout submitted with this revision to the planning application has a focus on providing clear lines of sight into the development from the playing fields to the south

and from the access at Fruitlands. The southern part of the site has been left largely as open space which will retain some key trees as a focal point and ensure protection and enhancement of the hedgerow along the southern boundary of the site.

The amendments to the scheme will provide a more natural and open environment.

Vehicular access will be taken from the existing turning head connection from Fruitlands requiring little modification. The increase in traffic generated from the development will be negligible.

The development proposal is contributing towards the Council's need for an adequate supply of land for housing over the next 5 years and providing much needed affordable homes.

The development proposals have evolved with a close regard to relevant policies in West Oxfordshire District Council's adopted Local Plan and other guidance documents, and it is considered that the proposals are consistent with the National Planning Policy Framework (NPPF).

4.4 Amended Landscape Appraisal

The site has been considered in terms of its current baseline status both to evaluate its value and to whom it has value. The importance of this has then been used to establish a series of development criteria, which have assisted in mitigating potential adverse effects during the design process. These have created an iterative process with the architects to ensure that the resultant design responds appropriately and that areas of potential adverse impact are acknowledged and minimised.

The proposed scheme has then been assessed in terms of its landscape and visual effects on the landscape, with reference to both national and county level character assessments, to identify the key landscape elements within the site and the visual impact of the site on the surrounding landscape. The scheme makes efficient use of the land, whilst ensuring the site sits well within the local landscape. An appropriate architectural response and complementary landscape design, such as has been adopted here, will mean that the proposal will enhance the area.

A landscape strategy has been created which positively contributes to the character of the site and its surroundings and seeks to mitigate any residual effects. It also takes into account the recommendation of the ecology report regarding the habitats on site and the use of locally typical planting. This approach will ensure a strong positive character is created in a manner appropriate to the local landscape character and also its ecology. It is therefore concluded that development of the site will not harm the local environment and will have a strong, positive impact on the locale in the medium to long term.

There are no planning constraints to prevent the proposals for this site from gaining planning approval. The proposals are for a sensitive development with retention of a substantial number of trees and without detriment to the 'green' entrance to this part of the site. Pedestrian access will also be preserved to the playing fields to the south. The proposals seek to maintain a high quantity of open space within the site, well above that required by local planning policies.

"There are no over-riding ecological constraints to the development proposals to preclude planning permission being granted at this stage, subject to a suitably worded condition.

Appropriate and proportionate mitigation is available and deliverable to ensure that impacts on protected species and local wildlife is minimised and that enhancement measures are implemented to ensure there is some gain to local biodiversity."(AA Environmental LLP, 2014, Ecological Report Update Letter)

The proposed internal road layout places pedestrians and cyclists first, promote an inclusive development, reflect pedestrian access desire lines, provide a permeable network, propose street character types, encourage innovation and adaptation and limit traffic to a maximum design speed of 20mph. (David Tucker Associates, 2014, Transport Statement)

The replacement trees are to be planted within the Public Open Space and selected rear gardens of proposed properties of this development to mitigate the loss of the trees removed as part of this proposal. The replacements will provide a net gain in canopy cover, biodiversity benefit and visual amenity. (Lockhart Garratt, Arboricultural Impact Assessment, 2014)

4.5 Amended Archaeology Report

There are no known heritage assets on the site or in a position to be affected by its development. It remains therefore to establish if there may be potential for previously unknown heritage assets, that is, below-ground archaeological remains.

In considering the archaeological potential of the study area, various factors must be taken into account, including previously recorded archaeological sites, previous land-use and disturbance and future land-use including the proposed development. The HER information for the local area and general archaeological background of the wider region show that the site lies within the archaeologically rich Upper Thames Valley.

Finds dating back to the Palaeolithic period have been recovered at Stanton Harcourt to the south-west while, nearer the site, crop marks, geophysical survey and excavation have revealed the presence of later prehistoric remains. Archaeological, historical and cartographic evidence have shown that the town of Eynsham retained an almost constant size clustered around the market place in the centre and only expanding into the Old Witney Road area in the 20th century. The proposal site is therefore likely to have remained as small-scale farmland since at least the medieval period with the more detailed maps of the 19th and 20th centuries showing that, aside from a single field boundary across the centre and the growth of the wood/scrubland, the land has undergone very little change. This would suggest that any buried archaeology present will have been preserved in a relatively undisturbed state with potential for remains from the prehistoric period onwards.

It will be necessary to provide further information about the potential of the site from field observations in order to draw up a scheme to mitigate the impact of development on any below-ground archaeological deposits if necessary. A scheme for this evaluation will need to be drawn up and approved by the archaeological advisers to the Borough and implemented by a competent archaeological contractor.

4.6 Ecology Addendum

Overall the findings of the ecological assessments completed would indicate that there are no overriding ecological constraints to the development proposals to preclude planning permission being granted at this stage, subject to a suitably worded condition. Appropriate and proportional

mitigation is available and deliverable to ensure that impacts on protected species and local wildlife is minimised and that enhancement measures are implemented to ensure there is some gain to local biodiversity.

4.7 Arboricultural Impact Assessment

The proposal is for the construction of 21 individual properties with associated access, car parking and open green space. The proposal will require the removal of 19 trees or groups. Six trees have been recommended for removal due to poor structural condition and would be recommended for removal irrespective of this proposal. All trees proposed for removal as a direct consequence of this proposal are located internally to the site. Trees on boundaries have been retained wherever possible to provide an element of screening and mature treescape for the development, post construction. The extent and quality of retained trees, combined with proposals for tree planting within open space would enhance the existing tree stock and would provide further arboricultural and amenity benefits to the wider community.

4.8 Statement of Community Involvement

In line with requirements of NPPF community involvement was undertaken.

Members of project team met with Cllr Gordon Beech and Cllr Dennis Stukenbroker of Eynsham Parish Council and Cllr Peter Emery Local Ward Member to discuss the proposals.

Newsletter sent to 163 residents close to the site. This included details of the scheme, a location plan and key statistics.

A dedicated website was set up for the consultation.

Pye Homes have responded to the feedback from this consultation.

5 **PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

H11 Affordable housing on allocated and previously unidentified sites

H2 General residential development standards

H7 Service centres

NE6 Retention of Trees, Woodlands and Hedgerows

NE3 Local Landscape Character

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

6 **PLANNING ASSESSMENT**

- 6.1 This proposal relates to an area of land on the western edge of the village and covers an area of approximately 1.3 hectares. It is bounded to the north and east by houses, to the west by Eynsham Garden centre and to the south by playing fields.

- 6.2 The application seeks outline planning permission for 19 dwellings including 50% affordable housing. Public access to the playing fields adjoining the site to the south will be provided through the site, including a link from the existing residential area of 'Fruitlands'. The only non-reserved matter is that of access.
- 6.3 The wooded site is privately owned but is currently used for informal recreational purposes.

Background Information

- 6.4 The application has been revised since original submission from 21 to 19 dwellings and has been the subject of further advertisement and consultation. The original consultation responses and representations received in respect of the application for 21 dwellings are contained within this report in order for Members to have a detailed understanding of the issues that have been raised in respect of the proposals to redevelop the site for housing.
- 6.5 The application is accompanied by a Planning Statement, a Design and Access Statement, a Landscape and Visual Impact Assessment, an Ecology report, a Transport Statement and an Archaeological Desk based Assessment.
- 6.6 With regards to a number of representations received in respect of this application the planning history section of this report outlines the status of the land in terms of 'public open space'.
- 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 of the development
 - Design ,siting and landscaping
 - Highways
 - Ecology
 - Archaeology
 - Affordable Housing and Community Infrastructure Contributions

Principle

- 6.8 Local Plan Policy H7 relates to residential development proposals for Eynsham. This policy allows for infilling and rounding off within the existing built up area of the village. It is acknowledged that this proposal would not fulfil either of these criteria, as set out in the wording of the policy. However, as the Local Plan is out of date it is necessary to assess to what extent Local Policy is consistent with the NPPF. The Council is claiming a 5 year housing land supply but given the status of the Local Plan it cannot currently be demonstrated. Bearing this in mind it is necessary when considering the principle of residential development on the land to have regard to the provisions of the NPPF.
- 6.9 Eynsham is an important Rural Service Centre offering a wide range of facilities and employment and is easily accessible by private car and public transport. In this regard it is one of the more sustainable settlements in the District. Paragraph 55 of the NPPF allows for housing in rural areas where it will enhance or maintain the vitality of rural communities. The Draft Local Plan 2012 deals with development proposals for Rural Service Centres under Core Policy 2 .The draft policy states that having regard to scale and type of development envisaged in rural service centres, development will be permitted on land within the existing built up area. Further, it

envisages that development should be a logical compliment to the existing scale and pattern of development and character of the area and protect the local landscape and setting of the settlement.

- 6.10 Having regard to the above, whilst the development proposal does not comply with the definition of 'infilling' or 'rounding off' as prescribed in policy H7, your officers consider that the application site area is well related to the edge of the village in that it has residential development to the north and the east and a garden centre to the west and is of a scale and development type that pays regard to the sites context. Thus, in terms of principle, the proposal is considered to be a logical compliment to an existing pattern of development and as such sustainable development which accords with policy at both National and Local level.

PUBLIC OPEN SPACE

- 6.11 Members will note that within the representations received in respect of this proposal that it is claimed that the site is a valuable 'public open space' that has been used for many years for recreational purposes by both adults and children.
- 6.12 The fact in respect of this matter is that notwithstanding that the public have used the site for dog walking, fruit picking, den making, BMX track etc for an extended period of time (30years is claimed), the land is privately owned. The appeal decision in 1982 which related to the development of 'Fruitlands' and an area of public open space, allowed for the building of the houses without a legal agreement or planning condition requiring that the land, the subject of this application, be either used or retained as public open space in perpetuity.

SHLAA SITE

- 6.13 The site occupies site 180 put forward in the SHLAA call for sites. Following consideration in the context of the SHLAA this site was considered not suitable for development for the following reason:
- 'Loss of an important amenity space; intrusion into the soft rural edge of the village; possible harm to biodiversity'.
- 6.14 Whilst it is recognised by officers that the site was not considered acceptable for development in the context of the SHLAA, the application has been submitted with supporting evidence which seeks to address the reasons for determining that the site is not suitable for development. In this regard the issue of the value/status of the site as a local amenity space has been addressed above. The issues of visual intrusion and possible harm to biodiversity are addressed in later sections of this report.

Design, Siting and Landscaping

- 6.15 This application is in outline only with an illustrative layout which seeks to confirm that the site can be developed for 19 dwellings without causing harm to visual character and appearance of the area or the residential amenity of the adjoining dwellings.
- 6.16 The layout that has been submitted seeks to ensure that redevelopment of the site will not intrude into the soft rural edge of the site as it abuts the playing fields to the south or the garden centre to the west. The southern section of the site has a terrace of six dwellings the

rear elevation of which is set some 18m back from the existing established hedgerow which delineates the playing fields from the site. In addition the hedgerow sits outside of the garden enclosures serving these dwellings. In addition the southern section of the site provides a landscaped open space with a footpath link through to the playing fields beyond.

- 6.17 To the west of the site a number of trees are to be retained along the north western boundary and additional hedge and shrub planting is indicated. In this location beyond the site boundary there is a substantial swathe of woodland screening.
- 6.18 Bearing in mind the above, officers consider that the site can be developed as proposed without damaging the soft rural edge of this part of the village.
- 6.19 The illustrative layout confirms that the site can be redeveloped for up to 19 units without causing harm to the residential amenity of either existing or future occupiers.
- 6.20 In light of the above assessment this outline proposal for 19 dwellings is considered acceptable on its merits in terms of the illustrative siting and layout.

Highway

- 6.21 County Highways has raised no objections to the proposal subject conditions and financial contributions per dwelling towards improvements to public transport corridor between West Oxfordshire and Oxford.

Ecology

- 6.22 The application is accompanied by an ecological report dated July 2010 , a report dated 30 June 2014 and a further ecological assessment dated 30 October 2014. The latest report seeks to address concerns raised by BBOWT , the County Ecologist and local residents in respect of the earlier submissions (July 2010, June 2014).
- 6.23 The latest report contains the findings of bat survey results undertaken on the 10 and 17 September 2014 and seeks to address concerns raised by the County Ecologist that the ecological assessment was focussed on protected species rather than the habitat on the site in its own right. Further, it seeks to address BBOWTS concerns over the mitigation and/or compensation for any biodiversity loss.

BATS

- 6.24 Following the bat survey work only a limited level of bat activity was recorded, the majority of which was recorded to the south of the site which provides a minor flight line for bats commuting out of Eynsham to the wider countryside. The report advises that with the limited level of bat activity recorded on the site during the surveys, there is considered to be no significant impact of the proposals on the local bat population.
- 6.25 The majority of trees on the site were not considered to provide suitable roosting opportunities for bats, although a small number of the trees to be felled were considered to be of some limited value. It is therefore recommended that these trees should be felled using the soft fell protocol of experienced contractors.

- 6.26 A series of bat and bird boxes will be installed on some of the established vegetation to be retained and incorporated into the new build.

MITIGATION AND /OR COMPENSATION FOR ANY BIODIVERSITY LOSSES

- 6.27 A range of measures have been put forward to deal with these concerns which include:

The retention and sensitive management of dedicated areas on the site for the benefit of wildlife; retention of logs from any felled trees for the benefit of bryophytes, fungi and invertebrates, replacement planting of fruit trees; installation of bat and bird boxes; hedgerow planting, management of hedgerow along the southern boundary to include interplanting gaps to strengthen and protect existing bat flight lines and further tree and shrub planting throughout the site.

COUNTY ECOLOGIST'S COMMENTS

- 6.28 Although the site is acknowledged to be of some value it does not support a rare habitat such as ancient woodland and the species that have been recorded can be described as common or abundant and are found in similar places across much of southern Britain. However, as the site does have some value a range of proportionate mitigation and enhancement measures are proposed including the retention of large areas of the site.

CONCLUSION

- 6.29 The applicants ecology report concludes as follows:

'Overall the findings of the ecological assessments completed would indicate that there are no over-riding ecological constraints to the development proposals to preclude planning permission being granted at this stage subject to a suitably worded condition. Appropriate and proportionate mitigation is available and deliverable to ensure that impacts on protected species and wildlife is minimised and that enhancement measures are implemented to ensure that there is some gain to local biodiversity'.

- 6.30 At the time of writing officers have not yet received any further comment from BBOWT following the further ecological work that has been undertaken. In anticipation that their objection will be removed, in light of the above, a condition is recommended that the development proceed in accordance with the enhancement and mitigation measures outlined in detail in the ecologists report/s submitted with the application.

Archaeology

- 6.31 The County Archaeologist has raised no objections to the proposals subject to conditions.

Affordable Housing and Community Contributions

- 6.32 The application proposes a mix of housing types and sizes, including a bungalow and 50% of the units are to be affordable. The proposal is therefore considered compliant with policies H3 and H11 of the adopted WOLP 2011.

6.33 Financial contributions have been requested towards education, waste management, libraries and a museum resource centre and for improvements to public transport by Oxfordshire County Council. The applicant has noted the request for financial contributions.

Conclusion

6.34 In light of the above assessment, subject to concerns regarding ecological enhancement and mitigation measures having been addressed, the application is considered compliant with policies BE2, BE3, H2, H3, H11, NE3, NE6, NE13, NE15 and T3 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF and is recommended for conditional approval with a legal agreement to secure up to 50% affordable housing and financial contributions towards community infrastructure and improvements to public transport.

6.35 The consultation response from BBOWT in respect of the latest ecology report will be sought prior to the presentation of the application to the Sub Committee.

6.36 It is anticipated that further conditions relating to the following matters will be recommended prior to determination of the application:

- Archaeology
- Landscaping
- SWD and FWD
- Maximum Ridge Heights

7 CONDITIONS

1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the plans accompanying the application as modified by the applicant's agents letter(s) dated 5 December 2014 and accompanying plan and amended reports.

REASON: The application has been amended by the submission of revised details.

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.

4 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.

- 5 A travel information pack, the details of which are to be submitted to and approved by the LPA, shall be provided to every household on first occupation.
REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with the NPPF.
- 6 Prior to development, a Construction Phase Management Plan shall be submitted to and approved by the LPA. Thereafter, the approved travel plan shall be implemented and operated in accordance with the approved details.
REASON: In the interest of highway safety and convenience.
- 7 Prior to development a drainage strategy, incorporating SUDS, shall be submitted to and approved by the LPA.
REASON: To ensure adequate means of water disposal.

Application Number	I4/I130/P/FP
Site Address	58A High Street Witney
Date	7th January 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435689 E 209960 N
Committee Date	19th January 2015

Application Details:

Erection of four dwellings on flat roof above existing building.

Applicant Details:

A Dodd and Son (Construction) Ltd
C/O Agent

I CONSULTATIONS

- I.1 Parish Council No reply at the time of writing to the amended plans. However, in respect of the original submission the Town Council commented as follows:

'Witney Town Council objects to this application due to concerns about access and storage of bins which is contrary to Policy BE2(h) of the WOLP. Whilst the Town Council appreciates the proposal is sited at a town centre location and there is public parking available, the Town Council would like to see provision of adequate parking for residents and visitors in line with Policy BE3 of the WOLP.'
- I.2 OCC Highways This application should be granted but the suitable conditions applied (as below).

Conditions

I suggest the following conditions:

Cycle Parking Facilities

Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: To encourage the use of cycles as a means of transport

Construction Traffic Management Plan (CTMP)

A Construction Traffic Management Plan (CTMP) will be required to be submitted for approval and the approved CTMP shall be implemented prior to any works being carried out on site.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

General Observations

The proposal seeks the creation of four dwellings above the existing building.

There is to be no allocated parking for the proposal, however as the site is located within the centre of Witney. This offers good links to sustainable travel along with shopping, entertainment and employment opportunities in the town centre.

The proposal is unlikely to result in any significant intensification of transport activity at the property. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety.

- | | | |
|-----|---------------------|--|
| I.3 | WODC Architect | The Councils Conservation architect has no objections to the proposals subject to conditions in respect of materials and design details. |
| I.4 | Witney Town Council | No response received to amended plans |

I.5 OCC Highways No response received to amended plans

I.6 WODC Architect No response received to amended plans

2 REPRESENTATIONS

No representations have been received in respect of the proposal.

3 APPLICANT'S CASE

A design and access statement has been submitted with the application which in a summarised form states as follows:

The proposed building in terms of materials and style will be similar to the adjacent buildings and is sympathetic in scale it will, overall, enhance the appearance of the locality by creating an opportunity to eliminate the dominant alien appearance of the existing single storey flat roofed extension. The existing brick at ground floor level will be rendered to further improve the overall appearance of the building.

The landscaped roof gardens will significantly improve the appearance of the parking and pedestrian area.

The proposal to provide small residential units within an established town centre complies with government guidance in making the best use of a brownfield site, especially in a sustainable location with pedestrian access to public transport, shops and other facilities.

We believe the proposal complies with policy H7 of the WOLP in that it accords with the expectation that most new housing will be in Carterton and Witney.

VEHICLE AND PEDESTRIAN ACCESS

The flats are in a highly sustainable location;

Public transport is readily available on close proximity to the site;

Visitors and occupants have ample public parking available;

The dwellings are likely to be occupied by one/two persons who will be aware and accept that there is no parking provision;

Bin storage and cycle storage are provided at ground floor level under the roof garden of Unit 4, with access for bin collection and emergency vehicles.

FLOOD RISK ASSESSMENT

The proposed flats are located at first floor in an existing building. The proposal will not therefore affect the flood plain or contribute to flood risk within the area.

Access to the properties is direct from the High Street and in the event of a flood warning this would provide a safe route of escape. However, an alternative emergency escape route is available through the car park to the rear of the site to a public car park.

ENERGY EFFICIENCY AND SUSTAINABILITY

The development will be constructed to achieve code level 3 rating under the 'Code for Sustainable Homes and Green Requirements'.

CONCLUSION

The building is sympathetic in scale to the surrounding area with no visual impact on the High Street. It will significantly improve the appearance of the structure on which it is constructed and the immediate locality, not only in architectural style but also in landscaping terms, introducing planting to soften the stark silhouette of the facade of the existing building.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

BE3 Provision for Movement and Parking

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

H7 Service centres

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

5 PLANNING ASSESSMENT

- 5.1 This application is for the construction of four, two bedroomed residential units above the single storey flat roofed building that houses the shops in 'Waterloo Walk' shopping mall. The application as originally submitted has been the subject of amended plans which have been re-advertised.

Background Information

- 5.2 The units are one and a half storey in height, lit at first floor level by rooflights and dormer windows. Enclosed roof gardens are proposed at first floor level to serve each unit. Bin and cycle parking provision are included within the proposal. No on-site parking provision is proposed given the town centre location.
- 5.3 The site is located within the Conservation Area and part of the existing building above which the residential units are proposed is located within flood zone 2.
- 5.4 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

- 5.5 The principle of residential development within this town centre location is considered acceptable in policy terms. Indeed the mix of commercial and residential uses in highly sustainable locations such as the High Street add to the vibrancy of such areas.

Siting, Design and Form

- 5.6 The design of the units is considered sympathetic to the historic Conservation Area setting. Whilst the use of natural stone and render are acceptable in this location, officers are concerned about the use of red tiles and hence are recommending a planning condition that requires an alternative material (blue slate/artificial stone slate etc), more appropriate to the sites context.

Highways

- 5.7 Highways have raised no objections subject to the provision of cycle parking facilities and a traffic construction management plan which are the subject of recommended planning conditions.

Residential Amenities

- 5.8 The key concern in respect of the proposal as submitted is the impact of first and second floor windows and the proposed outside eating areas on the residential amenities of a range of cottages immediately to the south of the site. The scheme has been amended to have regard to these concerns and now proposes obscure glazed and partially fixed windows to the dormers and a 1.7m high obscure glazed screen to the front and sides of the roof gardens.

Flooding

- 5.9 In light of the fact that the development is to be constructed at first floor above an existing building the proposal will not contribute to flood risk in the area. In addition the access yard, which sits outside of flood zone 2, will provide a safe means of escape to both the High Street or alternatively to the public car park to the rear of the site.

Conclusion

- 5.10 In light of the above assessment the application is considered acceptable on its planning merits and is recommended for conditional approval accordingly.

6 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 The development shall be carried out in accordance with the plans accompanying the application as modified by the applicants agents E-Mail dated 9 December 2014 and accompanying plan(s) ref: 14.940/07B; 14.940/08.

REASON: The application has been amended by the submission of revised details.

- 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.
- 4 The external walls shall be constructed of natural local stone and render in accordance with sample panels which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the application details the roof of the building shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all doors, windows and rooflights at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 That prior to first occupation of the dwellings hereby approved the dormer windows along the south elevation shall be obscure glazed and fixed to enable only partial opening in accordance with details to be first submitted to and approved in writing by the LPA and shall be retained as such thereafter.
REASON: To safeguard the privacy of residential properties to the south.
- 8 That prior to first occupation of the dwellings hereby approved the 1.7m high obscure glazed privacy screen shall be erected in accordance with details to be first submitted to and approved in writing by the LPA and the said screen shall be retained as such thereafter.
REASON: In the interests of residential and visual amenity.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions including alterations to the roof or additional rooflights other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed in the interests of visual and residential amenity.
- 10 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 outbuildings shall be constructed.
REASON: Control is needed in the interests of visual amenity.

- 11 Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.
REASON: To encourage the use of cycles as a means of transport.
- 12 A Construction Traffic Management Plan (CTMP) will be required to be submitted for approval and the approved CTMP shall be implemented prior to any works being carried out on site.
REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.
- 13 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance).

Application Number	14/01583/S73
Site Address	The Old Courthouse 28 Bridge Street Witney Oxfordshire OX28 1HY
Date	8th January 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435892 E 210293 N
Committee Date	19th January 2015

Application Details:

Non-compliance with condition 2 of planning permission W/2003/1746 to allow removal of occupancy condition

Applicant Details:

Mr Ed Coyle
Darkley Rd
Keady
Armagh
BT60 3AX

I CONSULTATIONS

- 1.1 Witney Town Council Concerned about the loss of accommodation for nursing staff, therefore objects to the application.

2 REPRESENTATIONS

No third party comments have been received as a result of the displaying of a site notice.

3 PLANNING POLICIES

T1 Traffic Generation
BE2 General Development Standards
BE5 Conservation Areas
BE3 Provision for Movement and Parking
H7 Service centres
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

4 PLANNING ASSESSMENT

- 4.1 This application is seeking planning permission for the removal of a planning condition that restricts the use of the property to be used by nursing staff of the adjacent care home at Mill House Nursing Home only. Due to changes in ownership and leaseholders there is a requirement to sell the building and to do this the applicant is seeking removal the limiting condition so that the flats may be available on the open market. The application is before the Lowlands Area Sub Committee as Witney Town Council have objected to the scheme as they are concerned about the loss of accommodation for the care nursing staff.

Background Information

- 4.2 Application W2003/1746 granted planning permission for "Conversion of offices to form staff accommodation, ancillary to mill house nursing home" with condition 2 of that permission stating; "The accommodation hereby approved shall only be occupied by persons whose sole or main employment is with Crown Nursing Homes". The reason stated for this condition was 'To ensure the accommodation is retained for the specified purposed and that sufficient parking is retained'.
- 4.3 The application site is situated on the south west side of Bridge Street which is one of the main roads into the Town centre from the east and north of the town. Immediately east of the site is an access road which leads to a small business park to the rear. Across from the access road on the east side is the Mill House Care Home.
- 4.4 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:
- Provision of low cost accommodation
Sustainability and Traffic Impacts

Principle

- 4.5 The principle of a residential use of the premises has already been established by the 2003 application, what is for determination by this application is whether unrestricting the use of those premises from occupation of just nursing staff will have any detrimental impact on the provision of low cost accommodation in the area.
- 4.6 Policy H7 of the WOLP 2011 relates to the provision of housing within service centres, of which Witney is. This states that permission for new dwellings will be permitted in service centres in certain circumstances, one of which being the conversion of appropriate existing buildings. Whilst the physical conversion of the building has already commenced, in terms of the principle of the reuse of the buildings for dwellings, this would be in accordance with Policy H7 regardless of the occupancy type.
- 4.7 The premises has 12 one bedroom units. This accommodation type is limited in Witney Town centre and officers consider that there are many single person households who would benefit from housing provision of this type. This being said, it is officers understanding that there is no intention of the current residents (employees of the care home) to be removed from their accommodation, the applicant is merely seeking the removal of the condition to allow the resale of the property to be more viable on the open market in the future.

Siting, Design and Form

- 4.8 No external alterations are proposed, the application is merely seeking to remove the restrictive condition regarding occupancy. The proposal is not considered to result in any adverse effects on the character and appearance of the conservation area, nor wider visual amenity.

Highways

- 4.9 No comments have been received from the Highways Liaison Officer in relation to this application. No parking is provided with the premises however officers consider that the central town centre location of the property is highly sustainable due to its provision of local (within walking distance) facilities and access to regular and reliable bus services.
- 4.10 The units are one bedroom flats and studio type apartments, suitable for single people or couples. Policy T1 of the WOLP 2011 has been developed with the aim of, where possible, reducing the need for people to travel by car and to encourage movements by foot, bicycle or bus. Policy BE3 of the WOLP aims for development to make provision for the safe movement of people, and vehicles, whilst minimising impact on the environment. It states that proposals which will not have a detrimental impact on the local highway network should be supported especially where priority is given to pedestrians, cyclists and public transport. The proposal is therefore considered to comply with policies T1 and BE3 of the WOLP.

Residential Amenities

- 4.11 Residential amenities will remain unaffected by this proposal, is it not considered that the occupation of the units by any other than nursing staff would have any discernable difference on residential amenity.

Conclusion

- 4.12 The application site is in a highly sustainable and centrally located location where there is no reliance on the car. The premises will provide small units of affordable and low cost accommodation in an area where such accommodation type is limited. No adverse effects will arise as a result of this proposal on the visual amenity of the area, character of the conservation area or highway safety. The application is, for these reasons, recommended for approval and condition 2 of notice of permission W2003/1746 should therefore be removed.

5 CONDITIONS

No conditions apply

Application Number	I4/01592/FUL
Site Address	Laurel House Lew Road Curbridge Witney Oxfordshire OX29 7PD
Date	7th January 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Curbridge
Grid Reference	432950 E 208240 N
Committee Date	19th January 2015

Application Details:

Construction of a 45m x 20m menage surrounded by 1.2m-high post and rail timber fencing and illuminated by 6 x 50W LED lights on 3 x 4m-high retractable poles.

Applicant Details:

Mr and Mrs Adrian Sweet
Laurel House, Lew Road
Curbridge
Witney
Oxfordshire

I CONSULTATIONS

- I.1 Parish Council The Parish Council is happy about the construction of the Menage. However it would like to lodge an objection to the erection of the lights. It feels that these would be intrusive to the neighbours and not in keeping with the Village.
- I.2 WODC Env Health – Lowlands In respect of the above there seems to be a bit of conflict in the information supplied. The design and access statement talks about 6x 50W LED lights, whilst the information in the lighting brochure talks about 500W lights.

Given the fact that the lights are directional and designed to illuminate the ménage area and not the surrounding landscape, I feel that the risk of a light nuisance problem will be minimised. This obviously depends on the hours of use and for that purpose I would ask that a condition be attached to any consent granted restricting the hours of use of the lighting to 7am to 9pm.

This is based on the assumption that 50W LED bulbs are to be used in the lights and they will be of the directional type proposed.

I.3 OCC Highways No objection

2 REPRESENTATIONS

I letter received from Mr M Neilon of 102 Well Lane and 2 letters from Frank and Susan Richman of Minas Tirith, Well Lane. Their comments have been summarised as;

I am writing as a near neighbour to the above property, and so overlook the rear garden and paddock.

We have no objection to the construction of a ménage provided that there is no business use proposed, either now or in the future.

We do however object to the proposed floodlights. The lights will provide light pollution to the rear all close neighbours properties, being clearly visible from houses and gardens.

The rear of the properties along Well Lane are fortunate to overlook farmland which is not illuminated. The use of 4m lighting will impact on this, especially as the paddock is set back behind the building line.

There is added concern that whatever permission is granted the homeowner will not necessarily adhere to the strict letter of the permission, and in particular the number and wattage of the lighting proposed. Your records will show that there has already been an abuse of process relating to a previous planning approval, being the outdoor swimming pool. What has been built is materially different from the planning consent given. We believe this should be taken into consideration.

We have not had a letter of notification for this application yet!

My previous letter has not been acknowledged by you.

We do not object to the menage as such but we strongly object to the lighting on the grounds that they will be extremely intrusive to us and all the neighbours. The lights will cause light pollution and distress to wildlife across our adjoining land.

Question the need for a menage for private use, there is one already not 50 yards from Laurel House, how many menages does a village need_

Drainage will be via a soakaway into the field ditch, this ditch is in fact our ditch in our adjacent field and use our field on a daily basis and would not wish to have effluent oozing onto our land

Is lighting necessary_ surely a horse can be exercised in the daytime and doesn't want or need nocturnal training, even in Winter there is enough daylight

6 lights on 4 metre poles will cast light over a wide range, it will be clearly visible from our west facing windows and create light pollution to other neighbours and wildlife. We strongly oppose the lighting plans.

3 APPLICANT'S CASE

A statement and lighting brochure was submitted as part of the application, and the statement can be summarised as;

- the ménage will be for the private use of the applicant and his family it will not be commercial
- it will sit beside the two existing stables at the bottom of their horse paddock, 200m back from their house
- it will measure 45m x 20m, be surrounded by 1.2m high post and rail fencing and be illuminated by six 50W LED lights of three 4m high retractable poles.

In response to neighbour comments, the agent states:-

I notice from the WODC website that Curbridge PC plus the two local neighbours at No.102 and 104 Well Lane who have previously objected to all the other development proposals on this site, have all written in saying that they support the proposed construction of a ménage but that they oppose any form of illumination.

I would like to point out that the proposed illumination has all been deliberately sited along the eastern side of the ménage, facing away from all the properties in Lew Road and Well Lane, which are all in excess of 210m away from the proposed ménage and are extensively screened by intervening hedgerows.

The occasional illumination would enable the applicant's daughter to school her ponies in winter evenings when it obviously gets dark very early. The illumination from the six 50W LED spotlights on the three retractable 4m-high poles would be angled down so that they would only light the ménage and there would be hardly any light spillage outside the immediate area of the ménage.

We believe it would be unreasonable to withhold illumination of this private ménage and consider the three objection comments to be without foundation

Further to officers comments, emails and additional photographs were received from the agent. (The photographs can be viewed on line and will be shown at the meeting.) The emails have been summarised as;

- I can confirm that my client is quite agreeable to a time restriction as to the hours of illumination at the ménage. Obviously during the summer months the lighting will rarely be required before about 6:30-7pm but during winter months, when it tends to get dark at about 4pm, the lights would be required to enable schooling of the ponies.
- My client's daughter who rides and schools the ponies normally rides no later than 8pm; so I would like to suggest that we place a maximum time restriction of 4pm - 8pm each day.
- I hope that you find this suggestion reasonable and agree with me that the residential amenities of the few neighbouring properties who are within about 210-280m of the proposed ménage and have distant and largely screened views of it would not be significantly affected by our suggested illumination during such hours.

- On a separate matter, I would like to place on record that my client totally refutes the suggestion made by one local resident in Well Lane that his previous developments (his replacement house, garages, car ports and outdoor swimming pool) have somehow been built at variance to the approved plans. The site has been regularly inspected over the course of the last 18 months by officers from West Oxfordshire District Council and you and your colleagues have been able to satisfy yourselves that what has been constructed accords entirely with the planning permissions issued.
- As you will see from these images, the proposed location for this illuminated private ménage is extremely well screened by existing mature hedgerows and trees and these could, if necessary, be supplemented by further screen planting, which could be controlled by condition.
- The proposed early evening illumination of the ménage would only be required in winter months and it would not, in our opinion, be in any way intrusive either on the amenities of local residents or on the character of the countryside when viewed from the public footpath, as you have initially suggested.
- The stable already has a single security light on its southern gable end and the farmstead a couple of hundred metres further to the west, down the slight hill and alongside the footpath has its own additional night time security lighting. A couple of miles further to the west lies RAF Brize Norton, which has a significant night time glow on the horizon when viewed from Curbridge and Lew and the footpath from which occasional glimpse views are afforded northward through the hedgerow towards the proposed ménage site actually lies on the landing flight path to the RAF base, so already experiences considerable noise and some light impacts from the low flying aircraft coming in to land at Brize Norton.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 NE1 Safeguarding the Countryside
 BE21 Light Pollution

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

5 PLANNING ASSESSMENT

Planning History

- 5.1 The stable block/tack room was approved in 2012 under planning application reference 12/1267/P/FP.

Background Information

- 5.2 The application is for the erection of an illuminated ménage to the rear of the property, Laurel House. The proposed development will be 197.7m from the back of the existing dwelling and will be sited adjacent to an existing stable block. Six 50 watt lights will be fixed onto three retractable poles which are 4m in height.

- 5.3 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
Siting, Design and Form
Highways
Residential Amenities

Principle

- 5.4 Officers consider that the principle of a menage is acceptable in terms of its position and private use for Laurel House's occupants. However officers have concerns regarding the proposed lighting.

Siting, Design and Form

- 5.5 The size of the menage is 45m x 20m and located to the rear of the horse paddock adjacent to the existing stable block building. Officers do not consider that the menage itself will appear incongruous within the area due to the existing use and screening, but consider that the proposed lighting will have a detrimental impact to the open, unspoilt rural character of the locality. The poles to which the lights will be fixed to are proposed to be 4m in height and although retractable, officers consider that the reality of carrying out this task at the end of sessions is low. Although the hours of use have been suggested by the agent, officers still consider that the lights that remain on till 8pm will have an adverse impact upon the visual appearance and character of the area which is not currently developed but is unspoilt countryside.
- 5.6 The agent also has suggested supplementing the existing hedgerow on the boundaries with additional planting, however due to the siting of the menage officers consider that any new planting may not be able to be sustained.
- 5.7 Policy BE21 which refers to Light Pollution states that the installation of external lighting and proposals for remote rural buildings will only be permitted where all of the following criteria are satisfied:
- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light
 - elevations of buildings, particularly roofs are designed to limit light spill
 - the proposal would not have a detrimental effect on the amenity of surrounding occupiers
 - the proposal would not have a significant adverse impact on the character of a town or village and its setting or of the wider countryside
 - the proposal will not be detrimental to an area of nature conservation interest.
- 5.8 Officers consider that in this context this proposal's lighting is not appropriate and that it would have a significant adverse impact on the character of a village and its setting.

Highways

5.9 OCC Highways have no objection to the proposal.

Residential Amenities

5.10 Due to the distance between the neighbouring properties and the proposed menage officers do not consider that the residential amenities of these properties will be directly adversely affected.

Conclusion

5.11 Officers consider that the principle of a menage is acceptable with conditions restricting the use to private use only, however with the proposed lighting on poles of 4m in height, officers consider that the visual character and appearance of the locality will be adversely affected in an otherwise mostly unlit area.

6 REASONS FOR REFUSAL

- I The proposed lighting to serve the menage by reason of the number of lights and pole height of 4m would be of an obtrusive form, and as such would adversely affect the open, rural and generally unlit visual appearance and nature of the locality. The proposal is contrary to Policies BE2, BE21 and NE1 of the West Oxfordshire Local Plan and the related paragraphs of the NPPF.

Application Number	I4/01510/S73
Site Address	2 The Crescent Witney Oxfordshire OX28 2EL
Date	7th January 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney
Grid Reference	436334 E 210561 N
Committee Date	19th January 2015

Application Details:

Non-compliance with condition of planning permission I2/0049/P/FP to allow annexe to be used as a separate dwelling.

Applicant Details:

Mr & Mrs Denis O'Driscoll
2 The Crescent
Witney
Oxfordshire
OX282EL

I CONSULTATIONS

- 1.1 Parish Council "Witney Town Council has no objection to this application, providing that it remains ancillary to the host dwelling and does not become a separate residence"
- After seeking further clarification the Town Council confirmed their position
- "I can confirm the Town Council is therefore objecting to the removal of the condition and therefore the application".

2 REPRESENTATIONS

No letters of representation have been received.

3 PLANNING POLICIES

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.

4 PLANNING ASSESSMENT

Background Information

- 4.1 The application seeks permission to remove condition 2 of a previously approved application (reference: 09/1571/P/FP) which restricted the use of the accommodation to be ancillary to the main dwelling. In 2012 an application was submitted to change the use of the ancillary accommodation to a separate dwelling which was refused and later dismissed at appeal. The inspectorate concluded that "In terms of amenity space, the proposed development would not provide acceptable living conditions for the future occupiers, contrary to national and local policies."
- 4.2 The application is to be heard before the Planning Committee because the Town Councils opinion is at variance with those of officers.

Planning History

- 09/0938/P/FP - Erection of single storey extensions and conversion of garage to form self-contained living accommodation. Refused.
- 09/1571/P/FP - Erection of single storey extension and conversion of garage to form additional living accommodation. Approved.
- 12/0049/P/FP - Change of use of ancillary accommodation to dwelling (Retrospective). Refused
- APP/D3125/A/12/2176982/NWF - Change of use of ancillary accommodation to dwelling (Retrospective). Dismissed

- 4.3 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:

The siting and quality of amenity space available to the annexe.

Principle

- 4.4 The principle of the unit being used as an independent dwelling was accepted subject to satisfactory amenity space as part of the previous application (12/0049/P/FP). Given that consent has previously been granted for the conversion, the issues over design and siting have also previously been accepted.

Highways

- 4.5 Highways have raised no objection to the parking layout in the previous application and the parking situation on site is not proposed to change. A condition has therefore been added requesting a detailed layout parking plan.

Residential Amenities

- 4.6 The applicants have sought to address the issue of amenity by sub-dividing the plot with a close boarded fence to create a private amenity area to the side of the annexe. The proposed amenity space would be sited in a position which would afford the property a degree of privacy unlike the previously proposed amenity space to the front.
- 4.7 The proposed amenity space would provide a small area of space that would be relatively well screened from the road and where the occupiers would be able to hang washing or put out table and chairs.
- 4.8 The annexe is modest in size and the proposed amenity space is therefore considered to provide satisfactory outside space for size of the property and the occupiers of the annexe.
- 4.9 A condition has also been added removing the permitted development rights from the property to ensure that the amenity space is safeguarded from further development.

Conclusion

- 4.10 Officers therefore consider that the application addresses the concerns of the previously dismissed appeal and the application in terms of the quality and siting of the amenity space and the proposal is therefore considered acceptable.

5 CONDITIONS

- I The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.
- 3 Prior to first occupation a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority 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 Prior to first occupation, a plan showing car parking spaces that serve that dwelling shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) permission shall be sought for any development normally permitted under Article 3, and described within Class A and Class B of Part 1 to Schedule 2 of that Order.
REASON: To avoid any future harm to the living condition of the neighbouring residents and due to the constraints of the site.

Application Number	I4/01631/OUT
Site Address	Old Nursery Site South Of Standlake Road Northmoor Oxfordshire
Date	7th January 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Northmoor
Grid Reference	441385 E 202777 N
Committee Date	19th January 2015

Application Details:

Erection of a two storey dwelling with associated parking and access.

Applicant Details:

Mr & Mrs Cope
The Patch
Standlake Road
Northmoor
Oxfordshire
OX29 5AY
United Kingdom

I CONSULTATIONS

- I.1 WODC Architect No Comment Received.
- I.2 OCC Highways This application should be granted but the suitable conditions applied (as below).
Conditions
I suggest the following conditions:
- G11 Access to specification The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- G36 Car parking in accordance with approved plans The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- G310 Turning space in curtilage No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.
REASON: In the interest of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- G38 Retain carport(s) for parking The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- Vision splay details
The proposed vision splay shall be formed, laid out and constructed in accordance with detailed plans, which shall be submitted to the LPA and approved in writing by the Local Planning Authority prior to the first occupation of the development and the land within the splay shall not be raised or allowed to grow above a maximum height of 0.6 metres above the carriageway.
Reason: in the interest of highway safety.
- Vision splay dimensions
Prior to the first occupation of the development vision splays measuring 2.4m by 90m shall be provided to each of the sides of the access.

Reason: in the interest of highway safety.

The surfacing to the parking area should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant.

Reason to accord with Sustainable Drainage Systems (SUDS)

No surface water from the development shall be discharged onto the adjacent highway.

Reason: To avoid localised flooding

General Observations

The proposal seeks the creation of a dwelling. After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety.

- | | | |
|-----|-------------------------------------|---|
| I.3 | Thames Water | No Comment Received. |
| I.4 | Environment Agency | We have no objections to the above proposed development. |
| I.5 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.6 | OCC Archaeological Services | The proposed development lies in an area of high archaeological potential, surrounded by a Scheduled Monument (Scheduled Monument reference number 1006343) which consists of prehistoric and later settlement features. The site provides major evidence for settlement and agricultural land use during the Iron Age and Roman periods. The site also incorporates evidence for medieval occupation and land use including a moated site and field system. The archaeological deposits were first recorded as crop marks (buried archaeological features visible due to differential crop growth), and crop mark ring ditches and enclosures can be seen extending up to the edge of this proposed development site. Archaeological work has confirmed the presence and date of some of these features; an evaluation to the west of the site identified Middle Iron Age occupation and complex boundaries. |

Due to the proximity to these features, it is possible that related archaeological deposits may continue into the present application site. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological

organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

2) Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF

1.7 Parish Council

I refer to the above Outline Planning Application, and write on behalf of Northmoor Parish Council. Normally the Clerk would respond, but in this case he felt he had a conflict of interest, being an immediate neighbour, as did two of the councillors. These three therefore made statements, and then withdrew from the meeting, leaving us quorate with me as Chair plus the two remaining councillors.

After debate and consultation regarding our own Northmoor Parish Council Planning Policy (attached), we voted 2:1 to object to this application. FYI we developed our policy exactly for a case like this, where we have to consider our response as a Statutory Consultees, but almost everyone on the Parish Council has some connection with the applicant and we need to retain objectivity.

We have the following concerns.

- Proximity to the neighbouring house (Brookfield, Standlake Road, Northmoor)
- Potential conflict with the route of a proposed new sewer main
- Setting a precedent for in-filling in a highly rural village without good infrastructure and with a strong historical presumption against development
- Conflict with our Northmoor Parish Council Planning Policy
- The last of these was debated concerning what was meant by 'brown field site', as Mr Cope's Planning Consultant confirmed that there are the remains of the old glasshouses (a lot of broken glass in the surface soil and the bases of the old supporting stanchions still on the site), but we understand that nurseries are classed as agricultural and not industrial or housing.

2 REPRESENTATIONS

2 letters have been received from Valerie Ryan and Mr Soame on behalf of Mr Ryan. The comments have been summarised as:-

- The unnecessarily close proximity of the proposed dwelling to my house. As a result this dwelling will reduce light generally, in particular to my kitchen, especially as the height of the dwelling would be greater than that of my own house.
- The plan shows a door and window immediately facing my home less than 15 feet away, and will be intrusive to my general privacy.
- The foul water sewer runs under/close to where this proposed dwelling will be sited and the construction of the building could compromise this sewer. The position of this sewer is within 3 metres of the proposed new building and therefore would not comply with the statement made by Thames Water in their letter of the 24th November 2014.
- The proposed dwelling will be 1 metre away from the boundary hedge. The boundary between my home and the old Nursery Site is a conifer hedge that was put in place some 40 plus years ago and would be too close at this distance to this dwelling to maintain in a viable way without causing damage to the hedge.
- There will be an adverse effect on the local ecology. Since the time that the glasshouses were taken down this plot of land has been a haven for wildlife of many species in particular the common grass snake that inhabits this area in significant numbers. I believe this is a regular reptile habitat.
- My concern is also that this building will act as a precedent for further development both on this site and other potential sites along the length of the Standlake Road leading into the village and spoil the rural character of this village. situated as it is within the Conservation Area of Northmoor.

I act on behalf of Mr Michael Ryan of Brookfield, Standlake Road, Northmoor. He has instructed me to set out his objections to this proposal. These objections are firstly summarised as follows:

1. Contrary to current and proposed district council housing policies for this site.
2. Site is unjustified development in open countryside outside Northmoor village.
3. Proposal would significantly detract from the open character of this part of Northmoor Conservation Area.
4. It will not preserve or enhance the character of the Northmoor Conservation Area.
5. A significant and adverse precedent would result, if this development is approved.
6. Such a precedent could adversely affect other similar sites across the district.
7. No significant benefits would accrue by approving a dwelling on this site.
8. The proposal detracts from the amenities of the nearby house, Brookfield.

I. Contrary to current and proposed planning policies

We understand it has been the consistently held view of the district council over many years, that this site is not within the settlement of Northmoor, and that both new housing either in or around the edges of Northmoor have been resisted on the grounds that it is more sustainable for new housing to be concentrated in the towns and larger villages of the district. For this site, this was confirmed as far back as 1993, when in a letter dated 3rd August 1993, an officer on behalf of West Oxfordshire District Council stated:

"Having now had the opportunity of undertaking a site visit, whilst I can understand your concern about the current dereliction at Northmoor Nurseries, this current dereliction cannot be used as an excuse or a reason to introduce residential development onto a site that is well away from the main settlement of the village, and is effectively in open countryside."

While the site is seen as in open countryside, (indeed even if it were within Northmoor village itself - which it isn't), this is an area that is presumed to be outside of a sustainable settlement and so likely to be resisted by the Council under current housing policies and the strategy and policies being formulated for the District until 2029. The applicant's case rests mainly on the point that currently the Council have not at present shown sufficient future housing supply for the district going forward, and so they contend in their paragraph 4.6 that:

'Where policies are out of date, planning permission should be granted unless the adverse impacts would significantly and demonstrably [our emphasis] outweigh the benefits as assessed against the Framework taken as a whole, or where specific policies indicate development should be restricted.'

Weighing the 'benefit' of one new house to the total supply needed across the district, against the range of 'dis-benefits' set out below, it can be clearly shown that this development would significantly and demonstrably harm key planning issues that relate to this site, its surroundings, and the district as a whole.

2. Site is unjustified development in open countryside outside Northmoor village.

This site is outside Northmoor village, as the council have maintained since well before the 1990s. No agricultural or other exceptional reasons have been presented to justify this development. To allow such a site for even one dwelling without an agricultural justification would overturn long held policies which safeguard precious countryside around settlements in this district, and so significantly damage the credibility of this particular policy approach.

3. Proposal would significantly detract from the open character of this part of Northmoor Conservation Area.

The Northmoor Conservation Area includes agricultural and other open land beyond the village itself, including this site. When the Conservation Area was designated in 1990, the remnants of glasshouses near to the proposed site still existed. The intention was surely not to allow this as a spring board for housing on this site, outside the village, but to set out the District Council view that these rural areas were worthy of special protection. In other words the approaches into the village were of sufficient character (rural countryside in this case) to be worthy of designation and protection. If this is true, then new housing, also unjustified on agricultural grounds, will impact upon this special character, and in our view significantly detract from it. Scheduled Ancient Monuments exist nearby, the setting of these will also be detracted from if permission is granted.

4. It will not preserve or enhance the character of the Northmoor Conservation Area

It is a long held tenet that new development should "enhance or preserve" the character of the conservation area. This dwelling will fail to do this, indeed we maintain it will visually damage the otherwise mainly open rural approach into Northmoor village.

5. A significant and adverse precedent would result, if this development is allowed.

The applicant's agents make reference to this as a previously developed site, and their view is it has little ecological value. Naturally colonised sites that previously contained even small amounts of development, often have much ecological value. Apart from some now well hidden concrete bases far to the north east of the application site, that don't actually impinge of the development site itself, there is no above ground evidence of the former use. The few areas that formerly supported greenhouses have become home to grass snakes, newts etc, according to local knowledge. The previous existence of a horticultural use, now almost completely forgotten, cannot justify a visually and environmentally significant development in this open rural area.

To allow development of even one dwelling on this basis would create a dangerous precedent. It would make it difficult to resist many other sites in and around the approaches to Northmoor, a village with very limited facilities though clearly of an attractive character, worthy of protection and enhancement.

6. Such a precedent could adversely affect other similar sites across the district.

Should permission for this unjustified development be given, not only will it put pressure upon other nearby sites, and so significantly detract from the attractive rural character locally, it will be seized upon by other parties to push for similar development elsewhere in the district. The cumulative effect could be disastrous to the attractive rural character of many local villages and the open countryside as a whole, a key asset of this district.

7. No significant benefits would accrue by approving a dwelling on this site.

It is hard to see what benefits the area and the community as a whole would gain by this development being allowed. One dwelling ticked off the total housing supply needed, is a tiny benefit, and that is the limit of positive features we see in this scheme. The adverse impacts list is long and significant and well outweighs this meagre gain.

8. The proposal detracts from the amenities of the nearby house, Brookfield.

The large dwelling is shown extremely close to the site boundary and to the side face of Brookfield, which it is nearest. The effects upon the amenities of residents therein can be seen both from with that dwelling and its garden. Significant light will be lost to the kitchen and the rear garden closest to the house. This and related concerns are mentioned by Mrs Ryan in her won letter also. The main reason we can see that the dwelling is sited as it is, seems to us to be the intention to seek to reduce its impact in the street scene, though as it is much greater in form, scale and mass than its neighbours, this hardly makes much difference, it will appear as a significant visual intrusion into this relatively open and undoubtedly attractive approach into Northmoor.

In conclusion, it can easily and clearly be demonstrated that there are significant, adverse impacts attached to this scheme, and while we don't really need to point these out as I'm sure the Council will be aware of them, this letter sets out the reasons why Mr Ryan is objecting to this unwarranted and intrusive development.

3 APPLICANT'S CASE

3.1 A Tree Survey, Flood Risk Assessment, and a Design and Access Statement have been submitted as part of the application. These can all be viewed in full on line. The conclusion of the Design and Access Statement has been summarised as:-

- In the current context, whereby sufficient housing land supply cannot be demonstrated, the NPPF is an overriding material consideration and dictates that the proposal can be considered against the presumption in favour of sustainable development. This requires an assessment of the planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits
- In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development, an economic, social and environmental role.
- Economic role - the proposal will provide much needed housing and associated construction jobs and will be of economic benefit to the local area
- Social role - the development will help to address the shortfall in housing supply providing a well-designed dwelling in a rural yet sustainable location. The NPPF and NPPG are clear that all settlements play a role delivering sustainable development. There is a significant deficiency in the housing land supply in all scenarios but particularly when considered against the objectively assessed needs in the Oxfordshire SHMA.
- Environmental role - the illustrative layout and house design demonstrated that a dwelling can be accommodated on the site whilst respecting and reinforcing the character of the area and special character of the Conservation Area. The proposal will continue the linear form of development whilst retaining the rural character of Standlake Road. The hedgerows and distinctive poplars along the road frontage will be retained
- The character of the Conservation Area will be retained
- There are no significant and demonstrable adverse impacts which outweigh the benefits of the proposal and planning permission should be granted without delay.

3.2 Further comments received from agent;

You will be aware that Policy H4 is out of date and of very limited weight and that the recent West End Farm, Chipping Norton appeal decision (Dec 2014) identified a significant shortfall in housing land supply in West Oxfordshire. The NPPF presumption in favour of sustainable development, therefore, applies.

You will also note the appeal decision at Land adjacent to 5 Akeman Rise, Ramsden (Sept 2014) where a dwelling was allowed in Ramsden, a Policy H4 Small Village. The appeal decision highlights that, in accordance with National Planning Policy Guidance, all settlements play a role in delivering sustainable development and that the provision of even a single dwelling is of social and economic benefit.

The site does not lie within open countryside but lies adjacent to an existing group of dwellings including Brookfield and is within the village sign and speed restriction. Furthermore the site is within walking distance of the village facilities and bus services operate along Standlake Road.

Whilst the Council can approve the detailed design at the reserved matters stage, the information submitted demonstrates a dwelling can be accommodated on the site whilst maintaining the build line and preserving the rural character of Standlake Road. A gap to Fairacre Farm will remain as the remainder of the Old Nursery site lies within Flood Zones 2 and 3 as highlighted on plan I4-I546-01 Rev P01 submitted with the application.

Finally, it must also be acknowledged that the remnants of the former nursery buildings remain on the site with glass, metal stanchions, building foundations and concrete across the site. The site is unsuitable for use for any other purpose as it is not safe for keeping animals etc. The proposed dwelling will facilitate the clear up and improvement of the site which is clearly of benefit.

On balance, although Northmoor is a small village, the proposal will make a positive contribution to the housing supply whilst also preserving the character of the area and facilitating the improvement and productive use of this site.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

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

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application has been requested to be heard before the Committee by Cllr Mr Good. For the following reason:

I would request that the application from Stuart Cope of Northmoor should come before Lowlands please, as this needs to be seen to be being dealt with total transparently because (a) there are too many vested interests and (b) the new "Northmoor Parish Planning Policy" which I believe has no legal "authority" and is merely a "home grown" (but useful) advisory framework reference document, is being invoked for the first time, which in itself raises issues.

- 5.2 The application is for a detached dwelling in outline form, seeking approval for access only at this stage. All other matters including design are reserved matters.
- 5.3 The site is located in Northmoor and within the Conservation Area. The local facilities that are available in Northmoor include The Red Lion - Community Pub, the village hall and Church.
- 5.4 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

- 5.5 In terms of the Council's position with the 5 year housing supply, there is still a review taking place in view of the recent appeal decision at West End Farm Chipping Norton. Although some weight can be afforded to Policy H4 of the West Oxfordshire Local Plan 2011, the NPPF contains the Government's planning policies and how these are expected to be applied. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the policies in paragraphs 18 to 219 need to be taken as a whole.
- 5.6 Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include, the essential need for a rural worker, where such development would represent the optimal viable use of a heritage asset, where the development would re-use redundant or disused buildings, exceptional quality or innovative nature of the design of the dwelling.
- 5.7 Assessing this proposal, officers consider that the application site falls within an open countryside location as it is not within the main village but on the outskirts. The application states that the site is within walking distance of Standlake, however officers consider that the distance to Standlake is approx 1.5 miles and has no formal pavements or street lighting. Officers consider that in reality, the majority would use cars especially if transporting children to the primary school. The agent refers to a recent appeal decision at Ramsden, however officers consider that this proposal is not directly comparable as the Ramsden case was effectively considered to be infill and would not appear to represent an expansion of the settlement.
- 5.8 In conclusion, as the Council cannot completely state that there is a 5 year housing supply, the above harms would constitute adverse impacts that significantly and demonstrably outweigh the benefits of a very small addition to the supply of housing, when assessed against the policies in the Framework as a whole.

Siting, Design and Form

- 5.9 With regards to the impact to the visual appearance and character of the Conservation Area, officers consider that in essence the context here is open countryside, and clearly well beyond edge of the settlement to the East. There are a scattering of dispersed properties along this lane, but these read as outliers, with a sizeable gap and open space between Fairacre Farm to the East and Brook Field to the West.
- 5.10 Officers are of the opinion that as well as being likely to erode the generally rural, beyond-the-village feel of this stretch of the lane, development here might increase the likelihood of the gap between Fairacre Farm and Brook Field being further closed, leading to an uncharacteristic linear pattern of development here, and an undue urbanisation of this currently rural context.
- 5.11 Although the application has been made in outline form only and the designs and scales are of an illustrative nature, officers still would comment that in respect of design, the chosen aesthetic here is essentially 'barn conversion'. Given the rural context, there is an obvious logic to this. However the building is still likely to look incongruous: it is simply set in line with Brook Field to the West and, given the nature of boundary treatments, entrance, garden space, parking etc., is

unlikely to look like an authentic barn that has been converted, but rather a barn-style executive house. Given its location on the site and its considerable size (9m ridge and 17m+ width) even with screening it would be likely to have a significant physical and visual presence in the street scene.

Highways

- 5.12 In terms of the assessment of the proposed access, OCC Highways have no objection to the proposal subject to conditions and so forth.

Residential Amenities

- 5.13 As the submitted plans are for illustrative purposes only officers do not consider that the existing adjacent property would be adversely affected, however this would be fully assessed if a reserved matters application were to be submitted if this application was granted.

Conclusion

- 5.14 Officers conclude that even if the design and scale of the proposed dwelling were to be modified, the matters of principle and the impact to the visual appearance of the Conservation Area and general surroundings as referred to within the NPPF would still override these issues.

6 REASON FOR REFUSAL

By reason of the site's location, beyond the built up limits of Northmoor, which is one of the Districts smallest villages and least sustainable locations, the proposal, for which no exceptional justification or special circumstances has been provided, is considered contrary to the provisions of the NPPF, in particular paragraph 55.

Application Number	I4/01669/S73
Site Address	Hulse Grounds Farm Little Faringdon Lechlade Oxfordshire GL7 3QR
Date	7th January 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Little Faringdon
Grid Reference	423208 E 202004 N
Committee Date	19th January 2015

Application Details:

Non-compliance with condition 3 of planning permission 10/1054/P/FP to allow unrestricted occupancy of converted barns.

Applicant Details:

Mr & Mrs J Holden
Hulse Ground Farm,
Little Faringdon
Lechlade
Gloucestershire
GL7 3QR

I CONSULTATIONS

- I.1 Parish Council No Comment Received.
- I.2 WODC Architect CONTEXT: Substantial un-Listed stone-built C19 (though with possible earlier origins) barn group, associated with Listed stone-built C18 and later farmhouse, in fairly isolated rural setting next to woodland block - further to 10/1054/P/FP.

OPINION: The barn group in question has considerable merit - both in terms of its historical association with the Listed farmhouse, and in terms of the wider agricultural landscape setting. The plan-form is distinctive and, whilst there is clearly room for some improvement works (removal of some later block work additions and restoration of roofs etc.) much that is characteristic and period survives.

On its merits and in design terms, the residential conversion as proposed in 10/1054/P/FP looks okay to me, inasmuch as the integrity of the existing volumes and openings is largely respected; roof-slopes left largely unbroken; and little by way of conspicuously residential- or domestic-type additions introduced. If one were nit-picking, the enlargement of the existing openings in the NE elevation does introduce a couple of unduly un-barn-like (and expansive) windows; and fewer roof-lights would be better.

However, given the existing Policy context, I do have some misgivings about this. We start from a position that says that the best possible use for such agricultural building is the use for which they were originally intended. I understand that this is still a working farm. The most appropriate use for this barn-group - in terms of its LB and landscape context - is agricultural; albeit ideally with some improvement works. Even if some form of conversion were to thought or deemed appropriate, then why residential over, for instance, a rural workshop or even office use, which could be carried out with less visible impact to the barns and their context? I don't see the evidence that other options have been carefully explored; and there is a strong case that they should be given the sensitivity of the context here, and the potential for a better outcome.

With all barn conversions, it is often such associated aspects as access, landscaping, garden space, and boundary treatments which can still cause harm even where the conversion itself has been well considered and executed. If these barns were to be converted for residential use, then such issues would become especially pronounced.

1.3 OCC Highways No Comment Received.

2 REPRESENTATIONS

No letters of representation has been received.

3 APPLICANT'S CASE

3.1 The applicant's agent has submitted a Design and Access Statement in support of the application.

3.2 The key paragraphs are listed below

The applicants do not have any plans to sell the site, given the location of the buildings in relatively close proximity to their own home, they have a string desire to maintain control over the barns and by whom they are occupied. However, as things stand, they have no realistic possibility of securing finance to complete the development if the holiday let use condition remains in place.

Since the granting of application 10/1054/P/FP in September 2010, it is relevant to note that Government planning guidelines relating to the re-use of rural buildings has materially changed and, as a result, it follows that corresponding development plan policies - which were framed in the context of the earlier guidance - are now potentially outdated.

PPS7 (and all other PPS and PPG guidance) was effectively superseded by the Government's introduction of the National Planning Policy Framework (NPPF) in March 2012. At paragraph 55, the NPPF states that the new isolated homes in the countryside should normally be avoided, but identifies special circumstances where such development would compromise sustainable development.

It is considered that the 'special circumstances' requirement, identified above, would be met in this instances on the basis the proposed conversion and re-use of the barns would result in the longer term protection and improvement of a range of vernacular buildings (which are heritage assets in their own right) and, in turn would materially enhance the setting of the adjoining listed farmhouse.

The cost of converting the buildings to 'high end' holiday lets would be approximately £500,000 per unit and £1m in total, based on average conversion cost of £1500 per sqm; this figure being in the mid-range of build costs estimates.

The applicants have also advised that the sale value of the unconverted buildings - with the holiday let restriction - is in the region of £250,000 - £375,000 in total, whereas the sale value of the buildings converted, but with the holiday let restriction in place, would be in the region of £1-1.2m in total. In other words, the cost of conversion would exceed the increase in value of the barns and, self-evidently, would be uneconomic.

In terms of securing third party financing, the applicants have also investigated this matter and have been duly advised by a financial adviser, that they have no reasonable prospect of securing finance to complete the approved development given the fact that the security value of the barns as holiday lets (i.e. the value any lender could derive from the re-possession and sale of the buildings in the event of a mortgage default) would not adequately cover the loan required to convert the buildings.

Additionally, on the basis of projected year on year income figures for the holiday lets, it is apparent that the 'business' income generated by the letting of the barns as holiday lets would not be sufficient to pay off the conversion costs for a period within 20 years.

It is also noted that other unconverted barns subject to a holiday let restriction have previously granted permission for unrestricted occupation.

In the context of policy H10 it is, therefore considered that the only realistic way in which the heritage benefits of converting and enhancing the barns could be achieved would be through the granting of permission that would allow for the residential occupation and use of the units without restriction. If the applicants were able to have the holiday let use condition removed, opportunities to access conversion finance would be more readily available to them given that the sale of each unit would significantly increase. In this regard, the applicants have been advised by the agents that an open market price for the converted barns, without restriction, would be around £800 -825,000 per unit.

4 PLANNING POLICIES

NE1 Safeguarding the Countryside

H2 General residential development standards

H10 Conversion of existing buildings to residential use in the countryside and

BE3 Provision for Movement and Parking

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

5 PLANNING ASSESSMENT

5.1 The application seeks permission to remove condition 3 of planning approval 10/1054/P/FP to allow unrestricted residential occupation of the converted barns. The barns sit within close proximity to the Grade II Listed Farm House but are not considered to be curtilage listed.

5.2 The application has been referred to the planning committee by Councillor David McFarlane.

"I am concerned to hear you are planning to refuse the application for the conversion of barns to provide much needed new housing in the district.

I have been a strong supporter of the need for more small scale rural housing in my ward, and I believe we should look carefully at each and every opportunity to provide such housing that arises; I would therefore ask that this decision be referred to committee."

Background Information

5.3 In 2010 planning permission was granted for the conversion of the barns to holiday lets. Works to the barns has started and therefore the permission has been partially implemented.

5.4 The original application was granted with the condition restricting its use as the application site is situated in an area where new dwellings would not normally be permitted.

5.5 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

5.6 Hulse Ground Farm is located in an open countryside location between Little Faringdon and Langford. Policy H10 of the West Oxfordshire Local Plan (WOLP) states that the conversion of existing building to a dwelling outside the built-up areas of the settlement will be permitted in the following exceptional circumstances and where retention of the building meets overall sustainable objectives.

5.7 The applicant questions the validity of the council's policies and whether they can be considered relevant. Policy H10 is considered to have full weight and has indeed been confirmed NPPF compliant in a number of recent appeal decisions, including when the Council were not claiming a 5 year housing land supply. Bearing this in mind the applicant needs to demonstrate that there are exceptional circumstances in this case to allow the barns to be used for unfettered residential use as opposed to the sequentially preferable alternative uses cited in the policy. This application has failed to address the terms of this policy

5.8 In addition to the above policy paragraph 55 of the NPPF is of relevance. This paragraph advises that new isolated homes in the open countryside should be avoided unless there are special circumstances to allow them. The most relevant points of the paragraph which the applicant has highlighted as particularly relevant states:

- 'where such development would represent optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage assets'.

- 'where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting'
- 5.9 The applicant states that the special circumstances would be met in this case of this application as the conversion to dwellings "would result in the longer term protection..., and, in turn, would materially enhance the setting of the adjoining listed farmhouse".
- 5.10 Officers agree that the barns have considerable merit and it would be beneficial to retain the buildings. The design and access statement appears to provide out of date information in relation to point a) as set out in policy HPI0, which refers to alternative uses. The application provides no information on possible alternative uses for the buildings prior to establishing that holiday lets are not viable which officers consider crucial in the consideration of the application. In the applicants design and access statement they state
- "It is understood that the potential to convert the barn for B1, B2, B8 and community uses were discussed but discontinued at pre application stage in 2009 - in discussions between the architects and Rupert Lloyd - on the basis that such uses would generate a significant number of traffic movements over and above the number that would be generated by two dwellings and, additionally, on the basis that commercial uses, particularly those involving movements by larger vehicles and activities involving noisy working, would also be likely to have a detrimental impact upon the living conditions of the existing farmhouse. Accordingly residential re-use albeit with a holiday let restriction in the first instance - was identified as being the only suitable use for the barns".
- 5.11 The applicants also seek to argue that the proposed conversion of barns to holiday lets are not viable and the conversion to dwellings is the only viable option. Again no supporting information has been provided to suggest that there are no other viable options for the barns. The supporting design and access statement states that
- "The applicants have undertaken through research to understand the issues around both the running of commercial holiday lets and the securing of third party funding for such activity".
- 5.12 The supporting information relating to financing and conversion costs supplied by the applicant has been sought after permission was granted and there is no information to show that the scheme was ever going to be a viable option for the barns. Officers consider that the proposal to convert the barns to holiday lets was at the applicants risk and therefore the consideration of the viability of the scheme is only relevant to this specific scheme and in itself does not meet the objective of policy H10 of the WOLP. No other less costly options appear to have been considered such as camping, or even just a much more basic conversion which would require less funding.
- 5.13 Notwithstanding the above issues surrounding viability both policy H10 of the WOLP and the thrust of the NPPF seeks to promote sustainable development. The applicants have focused on paragraph 55 in terms of the special circumstances. The conservation officer has commented on the application and also questions why other uses have not been considered in terms of enhancing the immediate setting and securing their long term protection. Officers also consider that the NPPF should be read a whole document and it's clear that the NPPF seeks to promote sustainable development in the first instance. Officers therefore consider that by allowing the

barns to be used as unrestricted dwellings before fully exploring other options which would be in line with policy H10 of the WOLP and the overarching aim of the NPPF in promoting sustainable development would be contrary to both local and national planning policy.

- 5.14 The applicants also draw attention to the prior approval process which falls under class MB, which has recently been introduced by the government, allowing for the conversion of barns in to dwellings. The council has recently won an appeal in which the council refused to grant prior approval due to the barns location in an unsustainable location. The appeal was dismissed and the inspector stated "I appreciate that the proposal would utilise an existing building and deliver an additional dwelling. However, I do not consider that the benefit of one additional dwelling would justify an isolated home in the countryside contrary to national planning policy". The decision highlights the importance of reading the NPPF as a whole as the inspector goes on to say "due to its location the proposed development would not constitute sustainable development, and as such would be contrary to paragraph 6 of the Framework which states that the purpose of the planning system is to contribute to the achievement of sustainable development". The conversion of the barns to dwellings would therefore still have to go through the prior approval process and officers would still have to consider the conversion in line with the NPPF.
- 5.15 Although this specific scheme is considered unviable for the applicants, officers consider that no real consideration has been given to alternative uses. Therefore allowing two unrestricted dwellings in the countryside without properly exploring alternative options would be considered inappropriate and contrary to policy given the councils policies in allowing unrestricted dwellings in the open countryside and the NPPFs aim in promoting sustainable development

Siting, Design and Form

- 5.16 The siting and design of the converted barns has been approved through the previous permission and has been partially implemented.

Highways

- 5.17 At the time of writing the report Oxfordshire County Council Highways has not commented on the application.

Residential Amenities

- 5.18 The properties have been designed in a way to reduce the impact between the units, although it is not clear from the application how the residential curtilages would be separated. The position of the courtyards also allows the domestic paraphernalia to be relatively well screened from wider views.

Conclusion

- 5.19 In light of the above planning assessment the proposal is considered to constitute unsustainable development contrary to the key objectives of the NPPF and policy H10 of the adopted West Oxfordshire Local Plan. No overriding case has been made as part of the application submission which allows for the said policy context to be set aside. The application is recommended for refusal accordingly.

6 REASON FOR REFUSAL

It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings, which lie well outside any settlement and in a remote open countryside location, are not suitable or reasonably capable of holiday let use or alternative uses, such that unrestricted residential use of the barns (in this highly unsustainable location which does not accord with the overall sustainability objectives of planning policy, both local and national, relating to the location of new housing), is the only option. As such, the proposal is considered contrary to policy H10 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF (at the heart of which is a presumption in favour of sustainable development)

Application Number	14/01863/OUT
Site Address	Land West Of Station Road Station Road Eynsham Oxfordshire
Date	7th January 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Eynsham
Grid Reference	442933 E 209101 N
Committee Date	19th January 2015

Application Details:

Proposed Residential Development of up to 49 dwellings, Public Open Space, Vehicular Access, Landscaping and Associated Works.

Applicant Details:

Mr Gladman Developments
Gladman House
Alexandria Way
Congleton
Cheshire
CW12 1LB
United Kingdom

I CONSULTATIONS

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|-----|-------------------------|---|
| 1.1 | One Voice Consultations | No Comment Received. |
| 1.2 | WODC Architect | No Comment Received. |
| 1.3 | Thames Water | Advise that the receiving sewer may not have capacity to accommodate the net foul water flows and request a Grampian condition to require drainage works to be undertaken prior to occupation |
| 1.4 | Environment Agency | No Comment Received. |
| 1.5 | Natural England | No comments to make |

I.6	WODC Head Of Housing	<p>I can confirm that were there to be a development completed today, then over 300 households would qualify for affordable housing in Eynsham.</p> <p>The vast majority of these would not be able to afford to purchase one of the 'intermediate' homes being put forward by the developer. Were this Outline Application to be granted Planning Permission, then the council's preferred affordable housing mix would be as follows;</p> <p>Affordable rent- 4 x 1BF, 8 x 2BF / H, 5 x 3BH and 1 x 4BH = 18</p> <p>Shared Ownership- 5 x 2BH & 2 x 3BH = 7</p> <p>If the developer were to agree to meet the above identified need, and comply with policy in this regard, then I would be able to support this Application. However there is insufficient detailing what exactly 'intermediate' in this context means and how flexible this tenure type could be.</p>
I.7	WODC - Sports	No Comment Received.
I.8	WODC - Arts	No Comment Received.
I.9	WODC Env Services – Engineers	No Comment Received.
I.10	WODC Env Consultation Sites	No Comment Received.
I.11	WODC Planning Policy Manager	No Comment Received.
I.12	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.13	Parish Council	No Comment Received.

2 REPRESENTATIONS

23 Letters of representation had been logged at the time of agenda preparation with more in the system. Any received after the papers have been collated will be reported by way of the additional representation report or verbally at the meeting. It is considered that the key points raised may be briefly summarised as follows:

- New houses are not required
- Recent development has taken place in the village
- It is a 2-3 week wait for a doctor
- Schools are full
- Drainage is inadequate
- Traffic congestion/gridlock will be exacerbated

- Additional pollution and traffic fumes
- Road is not suitable to serve the development
- Busses are already full at peak times
- It is a historic and important green open space
- Impact on ecology
- Loss of green lung for the village
- Increased flood risk
- Design will become more intense when detailed scheme is submitted
- Village services are full to capacity
- Will increase car usage
- Increased danger at junctions
- Land flooded in 1968, 2007, 2008 and 2009
- Site has a high water table
- Will harm character of the village
- It is another nibble at the edge of the village
- Affordable housing just not justify the harm
- Site is probably the burial ground for the Abby and is part of the setting of the fishponds
- Proposals ignore heritage importance of the site and contravene NPPF and policy BE12 of WOLP
- Affects setting of Abby Barns, Abby Farm barns, Eynsham Abby fishponds and the Conservation Area
- Setting of the medieval Abby Barn is the context of open farmland and rural views and will be greatly harmed
- Permitted development rights were removed when the barns were converted
- Gladman have ignored key views and the setting of the fishponds
- This part of the CA has a very different character to the centre of the village and will be urbanised
- It is little changed from its monastic past at present
- Loss of the visual connection of the village and its countryside would be lost
- Inadequate shops and facilities
- We already have playgrounds and football pitches and do not need more
- It is the last rural approach to the heart of the village
- Site was considered unacceptable by the last inspector
- Density is too high
- Should use brown field sites first
- Surface water drainage problems with the site
- We have already flooded and this will add to the flood risk
- SHLAA rated the site as unsuitable for development

3 APPLICANT'S CASE

- 3.1 The applicants have submitted a vast array of technical and supporting documents that may all be viewed in full on line. The conclusion to their planning statement is reported in full below:

Without the right type of new housing further pressures will be placed on house prices, people will be forced to move further away from the area and new investment and growth could ultimately be stifled.

New residential development has a critical role to play in all aspects of social, economic and environmental needs of the area, and as demonstrated this development will contribute to all.

The economic benefits of this development are more important than ever in the current economy and should not under any circumstances be overlooked.

Eynsham should not be deprived of deliverable investment in the short term, there is currently no plan in place to allocate any housing to the village. Additional housing is vitally important in safeguarding local services and improving the local economy, it is in reality only large scale developments that can aid this, rather than piecemeal small scale developments and it is on this basis that Gladman seeks to promote a development that will support local needs, housing needs and services allowing for growth of Eynsham, allowing it to continue to thrive and provide for the daily needs of the existing residents.

Having identified that the West Oxfordshire Local Plan is time expired and relevant housing policies are out-of-date, and having identified the strong accordance with the Framework and the matters of housing need and land supply, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted now based on the significant weight of material considerations that outweigh any departure from the Development Plan.

The change from agricultural use to residential following detailed consideration of the surroundings, and views into and out of the Site would not result in substantial harm that would significantly and demonstrably outweigh the significant benefits generated by the development, the presumption in favour of development should apply.

The Council are asked to approve the application accordingly.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE12 Archaeological Monuments
BE13 Archaeological Assessments
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE5 Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H11 Affordable housing on allocated and previously unidentified sites
H2 General residential development standards
H7 Service centres
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
T1 Traffic Generation

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is an outline application that seeks planning permission for the erection of up to 49 houses on a site located in the green corridor of land that runs either side of Station Road as it approaches the settlement from the south. All matters except access are reserved for future determination although the application has been accompanied by an illustrative master plan and considerable supporting information which may all be viewed on line or upon request to the case officer.
- 5.2 Existing housing development comprises the northern boundary of the site and a small outlier of dwellings sits along a small part of the southern boundary. The site lies partially within the floodplain and abuts the conservation area with the historic buildings and remains associated with Abby Farm lying on the opposite side of Station Road.

Planning History

- 5.3 The site has been promoted for development on a number of occasions and is again tabled by the owner for potential inclusion as a SHLAA site. It was also the subject of an appeal in 1990. When last considered in the context of the WOLP 2011 the Inspector advised that the application site and the land opposite "provide an attractive approach to the village. These open fields, enclosed as they are by stone walls set the scene for the traditional Cotswolds buildings which line Station Road and which lead to the historic core of the village... whilst the site lies outside the Conservation Area it makes a positive contribution to its setting (and) even if the development were set back from the road one could not hide the fact that the space was filled by houses. He concluded that notwithstanding the sustainable location that the development of the site was likely to have an adverse impact on the setting of the conservation area and that this "provides compelling reasons not to include this site as an allocation in the Local Plan"
- 5.4 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

- 5.5 The site lies adjacent to one of the larger settlements in the district in a location which the last local plan Inspector considered was sustainable. Whilst the Council is currently claiming a 5 year land supply the fact that the policies pre date the NPPF, were predicated on no green field releases and were aimed at a housing supply target substantially less than is now being sought all mean that the strategic Housing policies of the adopted local plan should no longer be accorded full weight in determining the application and the provisions of paragraph 14 of the NPPF are invoked. Thus there is a presumption in favour of sustainable development and the principle of the development is considered acceptable unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

Siting, Design and Form

- 5.6 In terms of the individual elements of the scheme this is an outline proposal and so it is only the access that is being considered. Creation of the access will involve removal of a section of the existing boundary wall but not to the extent that this would be problematic as it could be rebuilt behind the vision splays. Taken in the round it is not considered that there are any issues arising from the illustrative plan that would indicate that it would not be possible to design a scheme that was attractive in its own right notwithstanding that the illustrative layout that has been included in the design and Access Statement appears to have had very little regard for the characteristics and local distinctiveness of Eynsham.

Highways

- 5.7 The views of OCC as Highway Authority have yet to be received. They will be reported verbally to the meeting or by way of the additional representations report.

Residential Amenities

- 5.8 The site sits in close proximity to existing houses along the northern boundary. However there is an extant tree screen that will filter views from the existing houses and there is no reason why the proposed site should not be built out in a way that does not give rise to undue overlooking, overbearing, overshadowing etc.

Conservation Area impact

- 5.9 This is a key issue. As set out above the site in its undeveloped state has been consistently considered as an essential part of the setting of the Conservation Area with the last local plan Inspector finding that the harm to the CA was a compelling reason to not allow the development of the site. At pre application stage English Heritage were contacted by the applicants to seek their views and they similarly considered that the rural unspoilt nature of the site contributes in a very positive way to the relationship of the market settlement to its rural hinterland and that development would unacceptably harm this relationship. Their comments in respect of the application are still awaited.
- 5.10 In your officers opinion there is a clear relationship of the undeveloped land comprising the application site with the similarly largely undeveloped land on the opposite side of Station Road. The fact that the land opposite contains a number of important heritage assets that rely in whole or part upon a rural context adds weight to the importance of preserving the land in an open state. The applicants state in their heritage assessment that the majority of heritage assets will not be impacted and that whilst there may be some impact on the setting of the Church of St Leonard, The Barn at Abby Farm Chil Bridge and the Conservation Area that these impacts will be negligible with only minor negative impacts. Your Officers would not concur that the impacts are only of a minor nature and consider that the impact on the open unspoilt rural character of this part of the village and the role it plays in the setting and understanding of the heritage assets will actually be of a higher order than claimed by the applicants. Your officers, in weighing the harm and the weight that is required to be given to preserving the setting of listed buildings and preserving/enhancing the setting of Conservation Areas do not consider that the benefits of the scheme in terms of the provision of affordable housing, open space and new housing development with its associated economic benefits etc outweighs the harm to the stated heritage assets which will be irreversible and, as set out by the last local plan inspector, are not readily capable of being mitigated in any meaningful way. The harms are considered to continue to justify withholding consent.

Landscape Impact

- 5.11 The WOLA identifies the southern approach to the settlement, of which this site forms part, as having a generally soft urban/rural edge with an attractive mix of older buildings and mature trees on the urban edge. It notes the attractive backdrop to southerly views out from the urban edge and the need to resist any further encroachment of urban influences onto the rural fringe with the urban edge being quite sensitive to change. The plans of the area note the strong landscape edge and strong river corridor landscape. Your officers would entirely concur with this assessment and consider that the extension of the settlement into this area will cause many of the urbanising harms identified in the WOLA to the extent that this justifies refusal. Additionally there are the very attractive views down the Chil Brook looking west that would be severely compromised by the extension of urban form into the views from Station Road and this adds further weight to the harms identified above

Benefits/mitigation Package

- 5.12 The applicants are proposing 50% affordable housing- albeit that Members will note the concerns of the Housing enabling officer as to the mix and affordability of the offer. Some public open space and a play area are detailed on the illustrative plans and the applicants are offering monies to improve the heritage trail opposite. The County Council will presumably be requesting contributions towards Education and other County functions and there is no indication that the developer is not willing to make these payments. However at the time of agenda preparation there is not a formal mechanism to ensure delivery of the required mitigation/amelioration package and therefore an additional refusal reason is recommended in this regard in order that the matter can be fully debated in the event of any appeal- albeit that Members will be aware from similar instances that the refusal reason is capable of being overcome by further negotiation.

Flooding

- 5.13 Members will note that flood risk and impact are one of the key concerns of local residents in light of a series of flooding events in the vicinity of the site. The site does appear to include an area of land within it that falls within the floodplain and as such it would usually be necessary for the applicants to provide sufficient data for the LPA to undertake a sequential test to ascertain if less vulnerable sites are available to meet housing need. However, the documentation that accompanies the application appears to show that as part of their pre application discussions the applicants have undertaken modelling that has persuaded the EA that the site does not lie in an area at risk. The formal views of the EA have not been received and so a verbal update regarding this aspect of the scheme will need to be given at the meeting.

Ecology/ Archaeology

- 5.14 Respondents have raised concerns regarding the ecological value of the site and the potential for archaeological remains to lie under it. However it is understood that the County Archaeologist has no objections subject to conditions being imposed on any approval and the submitted ecological appraisal of the site does not indicate that it has any especial value such as would justify refusal of the scheme and that mitigation measures could be secured by condition.

Conclusion

- 5.15 The Council is currently claiming a 5 year land supply albeit that this is disputed by the applicant. Never the less it is considered appropriate to assess the application on the basis that the adopted housing policies do not have full weight and that as such the provisions of the NPPF regarding the presumption in favour of sustainable development apply and that applications should be approved unless there are significant and demonstrable harms that outweigh the benefits when assessed against the policies of the NPPF as a whole. In that regard the scheme is considered potentially capable of being neighbourly and will not cause unreasonable harms to ecology or archaeology. The flooding and highway impacts are not yet fully known but at the time of agenda preparation appear capable of being satisfactory. The location is sustainable in terms of proximity to a service centre and development would bring benefits in terms of financial contributions and affordable housing etc.
- 5.16 However, to set against these benefits the development is considered to cause unacceptable harm to the setting of the conservation area and the setting of other heritage assets. The extension of urban form into this sensitive landscape edge of the settlement is considered to cause harm to the qualities of the rural edge and the approach to the village. The mitigation package is not yet either fully quantified or agreed. Having applied the relevant weight to the respective merits your officers are of the view that the identified harms do clearly outweigh the benefits and as such are recommending refusal. NB Further refusal reasons regarding highways and flooding may emerge in response to third party consultations that have as yet not been received.

6 REASONS FOR REFUSAL

- 1 By reason of the harmful urbanising impact on the sensitive rural edge/approach to the settlement and the harm to the setting of listed and unlisted heritage assets the proposed development is considered to unduly urbanise an attractive area of open countryside, compromise key views, harm the setting and context of heritage assets and detract from the attractive agrarian character of the settlement edge at this point. These harms are considered to substantially outweigh the benefits of the development and would be contrary to policies BE2, BE4 BE5 BE8 NE1 NE3 and H2 of the WOLP and the relevant provisions of the NPPF
- 2 In the absence of an agreed mitigation package and securing the appropriate amount and nature of affordable housing it has not been demonstrated that the development would not give rise to undue harms and impacts. As such the scheme is considered contrary to policies BE1 and H 11 of the adopted WOLP and the provisions of the NPPF

Application Number	I4/01971/FUL
Site Address	79 Milestone Road Carterton Oxfordshire OX18 3RL
Date	7th January 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427815 E 206111 N
Committee Date	19th January 2015

Application Details:

Proposed residential development of the site to provide 14 apartments and associated access, parking and landscaping.

Applicant Details:

Mr Brad Andrews

I CONSULTATIONS

- | | | |
|-----|----------------------------|--|
| I.1 | Parish Council | <p>Council strongly objects to this application for the following reasons:
There are insufficient car parking spaces for 14 apartments and parking on Milestone Road itself is not satisfactory as the road is a very busy one.</p> <p>The apartments look like office accommodation and the exterior materials need to be the same as those that were used on the previous building.</p> <p>The apartments are not in keeping with the other houses in the road and do not meet the vernacular style that Carterton is striving for.</p> <p>We would suggest that a traffic survey is carried out prior to commencement of the development in view of traffic concerns.</p> |
| I.2 | One Voice Consultations | No Comment Received. |
| I.3 | WODC - Arts | No Comment Received. |
| I.4 | Mr Neil Rowntree | No Comment Received. |
| I.5 | WODC Architect | No Comment Received. |
| I.6 | Environment Agency | No comments to make |
| I.7 | WODC Env Health - Lowlands | I have no objection to the application in principle, but have some reservations as to the internal layout of the proposed flats. In two of the flats shown the living rooms are above the bedrooms of the flats on the ground floor. |

This could give rise to the increased risk of noise problems between the flats and the Code For Sustainable Homes Technical Guide (if it had not yet been withdrawn) states:

"It is considered good acoustic design not to have habitable rooms on one side of a separating wall or floor with non-habitable rooms on the other side".

Whilst a living room is not a "non-habitable room" a kitchen is classified as such and the proposed development has an "all-in" kitchen and living area.

All of the other proposed units show a repeat layout for the ground and first floor and if the design could be amended so this is repeated for all units it will reduce the likelihood of noise disturbance between units.

My only other comment is that a small scale construction management plan will be required to demonstrate the minimisation of disturbance during the demolition and construction phase, should consent be granted.

1.8 WODC Head Of Housing

No Comment Received.

1.9 WODC - Sports

Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £81,600 (Sport England Facility Costs Fourth Quarter 2013 plus 2% inflation for 2014) and a commuted maintenance cost of £204,408 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £462,547 per 1,000 population or £1,110 per dwelling (at an average occupancy of 2.4 persons per dwelling).

Contributions

$£1,110 \times 14 = £15,540$ off site contribution towards sport/recreation facilities within the catchment.

Play Facilities

WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas of Play, LEAPs - Local Equipped Area of Play and NEAPS - Neighbourhood Equipped Areas of Play).

DEVELOPMENT TYPES, THRESHOLDS AND REQUIREMENTS

Of the FIT standard of 8sq m of play space per person, we will expect 5sq m to be casual and 3sq m to be equipped. At an average occupancy rate of 2.4 persons per dwelling this equates to 12sq m of casual space and 7.2sq m of equipped space for every dwelling. We will liaise with the town/parish council to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. In particular, the type of play facility will need to reflect the minimum sizes for a Local Area for Play (LAP) (100m²), a Local Equipped Area for Play (LEAP) (400m²) and a Neighbourhood Equipped Area for Play (NEAP) (1,000m²) and the need for adequate buffer zones and minimum distances from dwellings. Generally, on developments of fewer than 60 dwellings, we will expect applicants to make provision by way of a contribution to an equipped off-site facility.

Contributions

The cost of providing and maintaining play facilities of the minimum sizes set out above is estimated to be as follows:

Facility	Provision	Maintenance
LAP	£ 16,000	£ 22,128
LEAP	£ 68,000	£ 71,916
NEAP	£143,000	£197,769

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a NEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £143 for provision and £197.77 for maintenance. This equates to an overall contribution of £817.85 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$£817.85 \times 14 = £11,450$ for the enhancement and maintenance of play/recreation areas within the catchment.

I.10	WODC Planning Policy Manager	No Comment Received.
I.11	WODC Community Safety	No Comment Received.
I.12	WODC Env Services - Waste Officer	No Comment Received.
I.13	WODC Drainage	No Comment Received.
I.14	Natural England	No Comment Received.

2 REPRESENTATIONS

3 letters of objection, one of which is anonymous have been received. It is considered that the main points raised may be summarised as follows:

- This development of 14 apartments covering 3 stories seems a little out of the keeping with buildings on Milestone Road most of which are bungalows or chalet bungalows
- It will be a big building making an even worse eye sore than currently there. The industrial look of the buildings seems a little out of place in this street and just because it suits one site near the centre of the town doesn't mean it would fit somewhere else.
- When we requested planning permission to build our property we had to be in keeping with the other houses on the estate.
- Yes I would like the eye sore of the care home gone but the people who live opposite and close by would prefer I think residential bungalows that look in keeping with the street.
- The current design of packing as much as you can into a plot seems a little silly and since the country needs more residential properties maybe bungalows or chalet bungalows with plenty of parking at the front and a good size gardens would be a better option.
- I believe that half the number of apartments or even a few bungalows would be better in keeping with the rest of the street. Also I believe there not to be enough parking for all the apartments and thus more cars parked on the road on Milestone would end up being like an obstacle course than a road.
- We have discussed this with our several of our neighbours who feel the same and have the same opinions. At least build something in keeping and that looks good, not like an industrial or commercial building, on a residential road.
- On street parking in the road is increasing and it is used as a bus route.
- If this increases on street parking it will be reckless.
- There may be many more cars than spaces available.
- The third storey in the stark design is design overkill for Milestone Road and out of keeping.

3 APPLICANT'S CASE

- 3.1 Writing in support of the application the agent has submitted a covering letter which may be viewed in full on the website. The conclusion is reported below:

Policy H7 of the adopted Local Plan 2011 identifies the criteria whereby residential development within service centres such as Carterton will be considered. However, para 49 of the NPPF identifies that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year housing land supply of deliverable housing sites.

Whilst it is considered that the proposed development accords with policy H7 of the adopted Local Plan 2011, given that West Oxfordshire District Council are unable to demonstrate a five-year housing land supply of deliverable sites, policy H6 is not considered up-to-date. As such, having regard to para 14 and where relevant policies are out of date, planning permission should

be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.

The siting, design and form of the proposed development has been subject of extensive pre-application discussions and reflects guidance within the West Oxfordshire Design Guide.

The proposed development provides an acceptable level of amenity for existing and future residents. The proposed development provides the opportunity to enhance the visual amenity of this part of Milestone Road.

The proposed development parking provision has been the subject of pre-application discussions with Geoff Arnold of Oxfordshire County Council.

- 3.2 Having regard to the above, it has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission. As such, it is respectfully requested that planning permission is granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a fire damaged nursing home located in Milestone Road. It seeks consent to demolish 2 of the former dwellings that formed part of the nursing home and create a new complex of 14 2- bedroomed flats. The flats will be served with 18 parking spaces plus cycle parking. The existing hard surfaced frontage to the site will be landscaped to match the front gardens of neighbouring properties and the flats will be served with communal garden areas
- 5.2 The design style is a modern flat roofed aesthetic modelled on the new flats adjoining the new Morrisons store in the centre of town. It is primarily 2 storey height but features one flat at second floor level.
- 5.3 The site has a long Planning history originally as 3 separate dwellings (of which this application site was 2 of the original dwellings). The dwellings have been linked together but this scheme would detach the final unit. Members will also be aware that they resolved to approve outline planning permission for redevelopment of the open land to the rear of the site for an Extra Care facility and approx. 100 houses. Those applications remain undetermined as the legal agreement remains unsigned.

- 5.4 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

- 5.5 The site is located within the second largest settlement in the District and on a site where residential use is already established. Redeveloping to make best use of the available land is therefore considered acceptable in principle.

Siting, Design and Form

- 5.6 The design is closely modelled on the new flats adjoining the Morrisons superstore. Milestone road is characterised by a variety of built forms and heights and in this context the provision of a modern design aesthetic is considered entirely appropriate and if undertaken correctly should certainly enhance the street scene in comparison with the existing fire damaged and much extended/compromised buildings that are to be replaced. Your officers do have concerns regarding the third floor. Notwithstanding that the flat roofed form will enable a greater number of storeys to be more easily assimilated the adjoining properties are overwhelmingly single or 1 1/2 storey height and in this regard the second storey is considered to be unduly prominent and would be incongruous. Officers will be seeking its deletion.

Highways

- 5.7 At the time of agenda preparation no response has been received from OCC. The parking provision is 18 spaces for 14 flats and it appears from the documentation accompanying the application that this level has been agreed with OCC. A verbal update regarding parking and access will be given at the meeting

Residential Amenities

- 5.8 The scheme has been carefully conceived to provide a gap to the bungalow to the east of the site which has an active frontage towards the site. It will be an improvement for the outlook of that dwelling. The flat roofed form reduces the overall volume of the structure such that the provision of full 2 storey height will be largely assimilated within the prevailing built form which is generally single storey or with rooms in the roof and which additionally helps to reduce the overbearing and overshadowing impacts upon neighbours. Regarding the overlooking impact to the neighbouring property at 77 Milestone Road, Officers do however have concerns. The elevation features a series of full height windows located in close proximity to the side boundary serving bedrooms and kitchens. The degree of overlooking that would be possible is not considered to be acceptable as submitted but could be addressed by their replacement with high level windows. Negotiations are on-going seeking to secure this change along with clarification as to the concerns of the EHO and a verbal update will be given at the meeting.

Conclusion

- 5.9 The scheme is considered acceptable in principle and has the potential to substantially improve the street scene. However at present it is considered that the flat at second storey level is too prominent and that the frontage to 77 Milestone Road results in too much overlooking. These issues, along with the internal noise issue are capable of being overcome by deleting the top flat

and providing high level windows along the affected boundary and by providing additional insulation. Negotiations seeking to ensure those changes are underway. Subject to the receipt of satisfactory amended plans and to no adverse comments from Highways it may be possible to bring the application forward with a recommendation for approval subject to a legal agreement to secure the Leisure contributions. However as it stands the application is not acceptable and so refusal is currently recommended.

6 CONDITIONS/REASONS FOR REFUSAL

Officer to report.

Application Number	14/02205/FUL
Site Address	Land North Of Northolt Road Carterton Oxfordshire
Date	7th January 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Carterton
Grid Reference	427988 E 207332 N
Committee Date	19th January 2015

Application Details:

Erection of two dwellings

Applicant Details:

Mr Paul Mansbridge
Darley Grange
Barron Farm
Shippon
Abingdon
Oxon
OX13 6UX

I CONSULTATIONS

- I.1 Parish Council "Council objects to this application because it is over-developed for the size of the site and one car parking space is inadequate. Council feels that it should be made a condition that the garage is only used for a motor vehicle to ensure sufficient parking".
- I.2 OCC Highways No Comment Received.

2 REPRESENTATIONS

No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 The application seeks consent for a pair of 2 bedroomed semi-detached dwellings. Planning permission has already been granted for a new 4 bed dwelling on the site and therefore the principle of new residential development on the site has found to be acceptable.
- 3.2 The site is set within the established settlement of Carterton where there is a presumption in favour of sustainable development. Carterton is classed as a service centre in the WOLP.
- 3.3 The access to the site is off Northolt Road and has already found to be acceptable under the extant permission.
- 3.4 The application site lies within the settlement of Carterton. As advocated in paragraph 55 of the NPPF, the existing settlement pattern and hierarchy should be followed in seeking sustainable locations for development. The site is contained within the existing built up part of Carterton and within walking distance of a range of services and facilities.
- 3.5 Both dwellings have useable and private amenity spaces, including a rear patio area. To the front of the dwelling, private off street parking is provided on the drive. The site is within walking distance of the service centre where there is a range of local infrastructure and services.
- 3.6 The siting of the 2 new dwellings is shown to be located in a similar location and layout to the already approved scheme. The proposed development is of a modest scale that reflects the scale of surrounding development and is appropriate in size and scale to the site.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application proposes the erection of 2 x 2 bedroomed dwellings. The application site sits between Northolt Road and Lime Tree Close.

Planning History

- 5.2 The site has been subject to a number of previous applications.

08/1680/P/FP - Erection of two dwellings - Withdrawn
12/0460/P/FP - Erection of detached dwelling - Withdrawn
12//0811/P/FP - Erection of detached dwelling with associated garaging - Approved
14/1287/P/FP - Erection of two dwellings with associated works and provision of vehicular access - Withdrawn

- 5.3 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

- 5.4 The application site is located in the built up area of Carterton where residential development is permitted. The site has previously gained permission for a single dwelling and so the principle of development on the site has been established and found to be acceptable.

Siting, Design and Form

- 5.5 The application seeks to erect a pair of link detached properties which will be accessed from Northolt Road. Carterton Town Council has objected to the proposal on the grounds that the proposal is over development.
- 5.6 The site sits between Northolt Road which comprises predominantly terraced properties with a denser layout, and Lime Tree Close and Burford Road which is more spacious and varied in terms of character. Given that development faces on to Northolt Road the scale and layout is considered to relate appropriately to the proposed dwellings primary frontage. Officers consider that in terms of the site being overdeveloped, when compared against the neighbouring plot sizes located down Northolt Road, the proposed layout is considered to be in keeping and considered to respect the pattern and scale of the neighbouring properties to which they will visually relate.
- 5.7 The dwellings will be highly visible within the street scene. The design of the dwellings are considered to be in keeping with the varied style of housing in the area. The application proposes render for the external walls of the dwellings which would relate to the property the site is set behind. Officers consider that the design of the dwelling would not have an adverse impact on the street scene or wider area.

Highway

- 5.8 Carterton Town Council has also objected to the parking arrangement on site, stating that one car parking space is inadequate. The properties will each feature a garage as well as a parking space to the front and given that the properties are 2 bedroomed, the level of parking is considered sufficient. The Town Council also suggest that a condition should be added to stating that the garage is only to be used for motor vehicles, to ensure sufficient parking. Officers consider that it would be beneficial to retain the garages for parking so a condition will be added to ensure the garages remain for parking.

Residential Amenities

- 5.9 Officers consider that the proposed development is acceptable in terms of impact on the surrounding residents. The majority of openings will be in the front and rear elevations which are not considered to result in a heightened level of overlooking into the private amenity areas serving surrounding properties. Additionally, the proposed property is not considered to result in any undue overshadowing or overbearing impacts on any of the neighbouring properties due to the separation distances.

Conclusion

- 5.10 Given the above, the application is considered to be acceptable, subject to conditions, and is in accordance with Policies BE2, BE3 and H2, of the West Oxfordshire Local Plan 2011.

6 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 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.
- 3 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) permission shall be sought for any development normally permitted under Article 3, and described within Class A and Class B of Part 1 to Schedule 2 of that Order.
REASON: To avoid any future harm to the living condition of the neighbouring residents and due to the constraints of the site.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the East or West elevation(s) of the building.
REASON: To safeguard privacy in the adjacent property.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building(s) is occupied.
REASON: To safeguard the character and appearance of the area.
- 7 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before occupation of the dwelling hereby approved.
REASON: To ensure a safe and adequate access.

- 8 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 9 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 10 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

NOTES TO APPLICANT

- 1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council before March 2014. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).
- 2 Where communal drainage schemes are proposed approval of the scheme will probably be required from Oxfordshire County Council after April 2014 and the scheme will need to be adopted under the Flood and Water Management Act.

Application Number	I4/02062/FUL
Site Address	North Street Farm House North Street Aston Bampton Oxfordshire OX18 2DJ
Date	7th January 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney
Grid Reference	434133 E 203390 N
Committee Date	19th January 2015

Application Details:

Proposed residential development including the erection of four dwellings, the conversion of two redundant agricultural buildings to form two dwellings, extensions to the existing farmhouse and associated access, parking, landscaping and demolition.

Applicant Details:

Mr H Chopping
N/A
United Kingdom

I CONSULTATIONS

- I.1 Parish Council No Comment Received.
I.2 Thames Water Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

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

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

- 1.3 Mr Neil Rowntree No Comment Received.
- 1.4 WODC Architect No Comment Received.
- 1.5 OCC Highways No Comment Received.

2 REPRESENTATIONS

No representations have been received at the time of writing the report.

3 PLANNING HISTORY

14/1229/P/FP - Residential development to erect six new dwellings and extend existing dwelling with associated works - Withdrawn

14/0615/P/FP - Create new field access- Granted

14/0909/P/CLP - Certificate of lawfulness to allow a three storey front extension- Granted

4 APPLICANTS CASE

- 4.1 The conclusion of the Planning Statement submitted with the application is outlined below. The full statement can be accessed on the Council's website. The application is accompanied by a Bat Survey.

The application seeks planning permission for the residential redevelopment of North Street Farm, including the conversion of the existing traditional buildings and the erection of new build dwellings.

Policy H6 of the adopted Local Plan 2011 identifies the criteria whereby residential development within medium sized villages such as Aston will be considered. However, para 49 of the NPPF identifies that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year housing land supply of deliverable housing sites.

Whilst it is considered that the proposed development broadly accords with policy H6 of the adopted Local Plan 2011, given that West Oxfordshire District Council are unable to

demonstrate a five-year housing land supply of deliverable sites, policy H6 is not considered up-to-date. As such, having regard to para 14 and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.

The siting, design and form of the proposed development has been subject of extensive pre-application discussions and reflects guidance within the West Oxfordshire Design Guide.

The proposed development provides an acceptable level of amenity for existing and future residents. The proposed development provides the opportunity to enhance the visual amenity of the dwellings fronting North Street.

The proposed development utilises the existing access arrangements. It is not considered that the proposed development will raise any highway concerns.

An ecology report has been submitted in support of the application.

Having regard to the above, it has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission.'

5 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

H2 General residential development standards

H6 Medium-sized villages

H11 Affordable housing on allocated and previously unidentified sites

BE3 Provision for Movement and Parking

BE5 Conservation Areas

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

6 PLANNING ASSESSMENT

6.1 The application seeks planning permission for the residential redevelopment of the North Street Farm and includes:

- 1) The refurbishment of the existing farmhouse, to include the raising of the ridge height, the provision of a single storey extension to the side and the erection of an entrance porch;
- 2) The alteration and conversion of the traditional agricultural buildings to provide 1 no. 3 bedroom dwelling and 1 no. 4 four bedroom dwellings; and
- 3) The demolition of the attached cottage, modern agricultural buildings, outbuildings, concrete aprons and the erection of 2no. detached four bedroom houses and 2no. semi-detached 3 bedroom houses.

Background Information

- 6.2 North Street Farm is located on the northern periphery of the village of Aston. Aston is located approximately 6.4km south of Witney and 4.4km west of Standlake. The village of Aston is part of the Parish of Aston, Cote, Shifford and Chimney. Aston comprises a range of services and facilities, including a church, school, post office, general store and public house.
- 6.3 North Street Farm is located approximately 325 metres to the north of the High Street and the village centre. The application site is located to the east of the junction between North Street and Back Lane.
- 6.4 The Farm comprises a farmhouse and attached cottage with associated garages and outbuildings, together with a series of traditional and modern agricultural buildings.
- 6.5 The farmhouse and attached cottage sit in the centre of the site with their rear elevations fronting North Street. The existing farmhouse is a substantial 2 ½ storey property constructed of natural stone under a tile roof.
- 6.6 The attached cottage is also constructed of natural stone under a tile roof. The cottage provides accommodation over 1 ½ floors with dormer windows within the roof space. The cottage has been extended to the rear with a single storey lean-to extension.
- 6.7 There are a series of garage buildings and outbuildings serving both the farmhouse and cottage. These are of block work construction under very shallow (virtually flat) profile sheet roofs.
- 6.8 The traditional agricultural buildings are located to the east of the farmhouse. Immediately to the east, sits an 'L' shaped barn constructed of stone under a profile sheet roof. The primary range sits at right angles to the farmhouse and provides accommodation on two levels, with external steps to the rear. The barn has been extended with a single storey range, constructed of stone under a very shallow profile sheet roof.
- 6.9 To the south east of the farmhouse is a further barn constructed of stone under an asymmetrical profile sheet roof. The roof form of this barn has clearly been altered and historically would have had a symmetrical pitched roof. Photographic evidence found in the farmhouse indicates that in the early 1970's the barn had a curved profile sheet roof.
- 6.10 In the far south east corner of the application site, sits a further single storey barn. This range is linear in form and constructed of brick under a clay plain tile roof.
- 6.11 Immediately to the east of the traditional barns and beyond a large concrete apron sit two very substantial portal framed buildings. One of the buildings being used historically for the accommodation of livestock and one used for the storage of hay.
- 6.12 The application site is served by 2 existing vehicular accesses from North Street. One serving the dwellings to the south and a further access serving the farmyard to the north.
- 6.13 The application site comprises an area of approximately 0.6 hectares and has a broadly triangular shape. To the North West the application site is bound by North Street with dwellings fronting North Street beyond. To the south east the application site is bound by an agricultural field with the village beyond. To the north east the application site is bound by open countryside.

- 6.14 The application site sits within the Aston Conservation Area. The north eastern edge of the application site forming the boundary of the Conservation Area. There are no listed buildings within the vicinity of the application site and Aston does not sit within a wider landscape designation. The application site is not located in the Oxford Green Belt.
- 6.15 The application site sits outside of flood zones 2&3.
- 6.16 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

- 6.17 Local Plan Policy H6 relates to residential development proposals for Aston. This policy allows for infilling and rounding off within the built up areas of the village and the conversion of appropriate existing buildings. Given the extent of conversion works proposed and the agricultural character of the site it is acknowledged that this proposal does not fully comply with the criteria for residential development set out in the policy. However, as the Local Plan is increasingly out of date it is necessary to assess to what extent the Local Policy is consistent with the NPPF. The Council is presently claiming a 5 year housing land supply but given the status of the Local Plan it cannot currently be demonstrated. Bearing this in mind it is necessary when considering the principal of residential development of the land to have regard to the provisions of the NPPF.
- 6.18 Aston has a range of services including a primary school, a pub, and a shop and is therefore considered to be a reasonably sustainable location for some development. Paragraph 55 of the NPPF allows for housing in rural areas to be located where it will enhance or maintain the vitality of rural communities. The Draft Local Plan Core Policy 2 would allow development within, or on the edge of settlements, such as the application site subject to the development being a logical compliment to an existing scale and pattern of development and the character of the area.
- 6.19 Bearing in mind the above, officers are of the opinion that given that the site is well related to the village, being immediately adjacent to its edge and forming part of an agricultural unit with associated dwellings and agricultural outbuildings, both modern and vernacular, that the principal of residential redevelopment of the site to include a number of new build units is acceptable in policy terms.

Siting, Design and Impact on the Conservation Area

- 6.20 The proposal is to remove a number of modern agricultural buildings on the north eastern boundary of the site and construct two new dwellings of natural stone with vernacular design references. In all respects these dwellings are considered acceptable in terms of their design, scale and siting other than a two storey glazed front porch to plot 1 which is considered unacceptable as a design feature in this edge of village rural context. It is anticipated that this element of the design will be removed from the scheme by the applicants prior to determination of the application. The replacement of the redundant buildings prominently sited on the edge of the village with the two new dwellings of the design and siting proposed, will enhance the appearance of the gateway to the village and as such, comply with the requirements of policy BE5 of the adopted WOLP.

- 6.21 The central part of the site contains two existing stone barns which are to be extensively remodelled to provide two further dwellings. The general design and materials of both units are of the local vernacular.
- 6.22 Plot 5 comprises the existing farmhouse and the proposed alterations and extensions include the demolition of the existing adjoining cottage and raising the ridge by 3.5m and providing a single storey extension to provide additional living accommodation at ground floor level. The raising of the ridge of the existing dwelling will steepen the very slack roof pitch of the existing house, which will, in your officer's opinion, improve the character and appearance of the building and thus, enhance the character of the Conservation Area.
- 6.23 A further two dwellings (Plots 6 and 7) are proposed along the southern boundary of the site. These take the form of a semi-detached pair with ancillary rear and side wings and are of a scale and design appropriate to the sites context.
- 6.24 In order to seek to retain and thus preserve the semi-rural character and appearance of this part of the village, all of the residential units are set back in the site some distance away from the sites frontage.
- 6.25 In light of the above analysis the proposals for the site are considered acceptable in terms of design, scale and appearance and your officers consider that the character and appearance of the Conservation Area will be either preserved or enhanced.

Highways

- 6.26 At the time of writing OCC Highways has not commented on the proposals. It is anticipated however, given the proposal is to utilise two existing access points which have been used historically in association with the agricultural unit, given the positioning of the units on the land and further that the applicant will be in a position to make modifications to the existing access points, if required, that any highways issues arising will not preclude a favourable recommendation. Members will be updated on OCC's response at the meeting.

Ecology

- 6.27 The ecology report submitted with the application which indicates that three of the buildings at North Street Farm (Buildings 3, 5 and 8) are being used for shelter by a small number of non-breeding pipistrelle bats. The bats appear to be present in very low numbers and are using the buildings on an opportunistic basis as transient and temporary roost sites.
- 6.28 The Bat Mitigation Guidelines indicate that such roost sites are of 'low' conservation significance. However, all bats and their roost sites are protected under The Conservation of Habitats and Species Regulations 2010.
- 6.29 In light of the above the ecology report recommends a series of mitigation measures in respect of the protected species. These measures can be secured through the attachment of a planning condition should Members be minded to grant planning permission.

Affordable Housing

- 6.30 Given the recent change in Government guidance the proposal does not attract any affordable housing contribution nor contributions to community infrastructure.

Conclusion

- 6.31 In light of the above planning assessment the application is recommended for conditional approval subject to County Highways raising no objections and the applicants agreeing to remove the two storey glazed porch from Plot 1.

The proposed conditions would cover the following matters:

- Time Limit
- Materials
- Enclosures
- PD Right removal
- Parking/Access/Hardsurfacing
- Ecology
- Drainage

- 6.32 A detailed schedule of conditions will be provided for Members consideration as part of the late reps report which will be available prior to the date of the Sub Committee meeting.

7 CONDITIONS/REASONS FOR REFUSAL

Officer to report.