

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 16th March 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

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Application Number	14/02239/HHD
Site Address	Windrush Old Minster Lovell Minster Lovell Witney Oxfordshire OX29 0RN
Date	4th March 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Minster Lovell
Grid Reference	431976 E 211025 N
Committee Date	16th March 2015

Application Details:

Erection of garage and felling of eleven trees.

Applicant Details:

Mr Brewer
Windrush
Old Minster Lovell
Minster Lovell
Witney
Oxfordshire
OX29 0RN

I CONSULTATIONS

I.1 Parish Council

MLPC strongly objects to this application as follows;

This application response should be considered in conjunction with MLPC response for 14/02052/HHD.

Of primary concern, access to the property (and potential new garage) is via an unauthorised gated entry situated along a one way system. The residents and their employees are driving against the flow of traffic passed a No Entry sign into oncoming traffic (See figure 2 of our response to 14/02052/HHD. The Parish Council considers that the existing garage should be used for vehicles instead of office space. Indeed, does the existing office have the appropriate planning permissions to be used as such. Another garage is felt to be superfluous to a property of this size.

The removal of 11 trees from the wood will have an adverse impact to the property, community recreational field known as Wash Meadow and the Conservation Area. The photo in figure 1 shows a taped area which is understood to be where the proposed garage will be situated. Removal of the trees will create a large gap in this area.

The photo at figure 2 shows the rural surroundings of the area with the wood on the right hand side. Wash Meadow is a much valued asset to the community and is extremely busy, particularly in dry weather with walkers and visitors. Removal of the trees will adversely affect the main area and also arguably the listed properties that border Wash Meadow that have views of the wood. The application is therefore considered contrary to the following policies; WOLP 2011
BE2 a, c, d, e, f, BE3a, b, BE4, BE5, BE8, NE1, NE3, NE4, NE6, H2a, b, d, e, f and NPPF Policies 60, 61, 115 and 131.

1.2 WODC Env Services - Landscape

The proposed garage is sited within an existing woodland plantation which, as far as I am aware, does not fall within the domestic curtilage of the property. I am not aware of a change of use application from what was a separate plantation but which has been gradually taking on the appearance of a garden which in my opinion is detrimental to the character of the Conservation Area and setting of Wash Meadow.

The particular trees proposed for removal are not particularly special in their own right but their loss will open up the woodland quite considerably at that point and clearly once gone, and the space used for a building and parking/manoeuvring there will be a net loss of woodland and would further erode the wooded/rural character of the site. If additional garaging (bearing in mind the construction of a double garage, storeroom and office in 2002) can be justified I suggest it should be located closer to existing building, and within the curtilage of the property.

2 REPRESENTATIONS

No comments received.

3 APPLICANT'S CASE

A Design and Access Statement has been submitted and has been briefly summarised as:

- This proposal is to erect a detached single storey pitch roof horizontal boarded double garage with felt roof. The garage will be used for parking vehicles and part storage.
- The double garage will have a floor area of 36m², eaves height of 2.1m and ridge height of 2.8m.
- It will be of open space.
- The bulk of the building will be sited below existing highway level set on existing lower ground level within the trees.
- It will be sited at the bottom of an incline down from the host dwelling. It will be erected to the south side of the existing driveway with 11 trees to be felled to accommodate. External boarding will be treated to match colour of existing boarded buildings on site. Extension of existing driveway to new garage position will be of granular material to match.
- Access will be maintained as exists at present.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

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

5 PLANNING ASSESSMENT

5.1 Cllr Mr Robinson has requested that this application is to be heard at the Committee meeting.

5.2 The application was deferred from the February Lowlands Planning Sub-Committee to enable confirmation from the Council's Landscape Officer that the assessment had been made on the correct area of land.

Background Information

5.3 The application refers to a detached dwelling located within the Conservation Area. The proposal is for a new garage and alterations to the finish of the driveway. To enable accommodation of the garage on site, 11 trees are proposed to be felled. The river Windrush is located adjacent to the site.

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 Officers consider that the main issue is whether the proposed garage and felling of the 11 trees would preserve or enhance the existing visual character and appearance of the Conservation Area.

5.6 The proposal is to build a new garage half way up the existing unmade track, within the existing woodland. Officers consider that this existing woodland and plantation significantly contributes to the character and appearance of this part of the Conservation Area. Officers are of the opinion that the garage is not appropriate in itself and also due to the number of trees in a single group close to the lane which need to be removed to accommodate it. Notwithstanding some effort has been made to keep the form and materials of the proposed development relatively simple, the development itself is not justified and the loss of trees will be detrimental to the appearance of the area and erode the rural wooded character of the site.

Siting, Design and Form

5.7 Although officers are of the opinion that the form, scale and materials have been chosen to be sympathetic to the area, due to the loss of trees and that the proposed building does not relate well to the existing dwelling (due to the distance it is located away from it), any form of development here will appear intrusive and incongruous to the setting of the Conservation Area.

Highway

- 5.8 No comments have been received.

Residential Amenities

- 5.9 Officers do not consider that adjacent properties residential amenities will be adversely affected by the development. Private views cannot be considered as a planning issue.

Conclusion

- 5.10 In view of the above comments, officers consider that this application has not been justified in terms of need or suitability as there is an existing garage with office space above. Officers are also of the opinion that the garage will have an urbanising and incongruous appearance within the woodland and adjacent to the river. As such the application fails to preserve and enhance the character of this important part of the Conservation Area.

6 RECOMMENDATION

Refuse for the following reason:-

- I It has not been demonstrated to the satisfaction of the Local Planning Authority that the loss of eleven trees which contribute significantly to the visual character and appearance of the Conservation Area is justified. The garage will also result in an urbanising incongruous feature within the wooded and rural context. As such the proposal is contrary to Policies BE2, BE5, NE3 and NE6 of the West Oxfordshire Local Plan 2011 and the relevant paragraphs of the NPPF.

Application Number	I4/02156/FUL
Site Address	Land At Shilton Downs Farm Shilton Oxfordshire
Date	4th March 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Shilton
Grid Reference	425850 E 209028 N
Committee Date	16th March 2015

Application Details:

Construction of a solar PV park, to include the installation of solar PV panels, with a control room, transformer housings, inverters, security system (fencing and infrared cameras), underground cabling; landscaping, access tracks and other associated works.

Applicant Details:

Mr Daniel Shoemith
Unicorn House
Russell Street
Stroud
Gloucestershire
GL5 3AX
United Kingdom

I CONSULTATIONS

I.1 Parish Council

Shilton Parish Council object on the following grounds:

Works traffic accessing the site through Ladburn Lane. This is a limited width and two vehicles passing causes damage to the verges.

The development of this land will define it as a brown field site that could lead to housing development once the lease on the land has expired. We cannot accept this.

The site boundary is too close to Ladburn Lane and the neighbour's caravan storage area. The plan needs to be altered

The site boundary close to the farm barns and cottage is too close and the plan requires modifying

We already have two solar farms on or close to our Parish and this will be a third one.

If the application is approved, we will require a I06 agreement paid to the parish

- I.2 OCC Highways No objection subject to conditions requiring an HGV construction traffic routing agreement, a construction traffic management plan, wheel washing facilities and a prohibition of depositing materials on or obstructing Shilton Public Bridleway 7, which is outside the development area but partly on the route of proposed cabling.
- Although vehicle movements would increase during the construction phase, this would not represent the severe harm which the NPPF states is necessary to warrant refusal on highway grounds.
- I.3 WODC Env Health - Lowlands No objections.
- I.4 WODC Landscape And Forestry Officer No Comment Received.
- I.5 OCC Archaeological Services There are no archaeological sites or features of such importance to preclude development but the application site is within an area of considerable archaeological potential.
- 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.
- I.6 MOD (Brize Norton) No Comment Received.
- I.7 British Horse Society No Comment Received.
- I.8 OCC Rights Of Way Field Officer Shilton Public Bridleway 7
- The above path passes outside of the development area but the proposed route for the cabling to the development appears to follow Shilton Public Bridleway 7 for a distance. I refer you to the enclosed extract of the definitive map.
- Please advise the applicant that no materials, plant or temporary structure of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place, nor should there be any encroachment on to the existing width, or change in the route of the path.
- I.9 Mr Neil Rowntree I have recently become aware of the above application and wish to submit the following comments on behalf of the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). As a wildlife conservation charity our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

Some efforts have been made to ensure that the proposals would provide for a net gain in biodiversity in line with the NPPF, however further information is required to secure this in the long-term. Further information is needed on the green hay spreading technique to be used, details of the species and size of plants to be used to plant up the new hedgerow and gap up existing hedgerows on site, further detail on the long-term management of all habitats on site including the hedgerows and grassland.

If the District Council is minded to permit this application then I recommend that they condition the recommendations for mitigation and enhancement as set out in Chapter 5: Ecology of the Environmental Report submitted with this application and require that a Biodiversity Management Plan is submitted detailing further information on how the enhancements to biodiversity on site will be maintained in the long term.

2 REPRESENTATIONS

2.1 The following is a summary of the principal matters raised in response to the application proposals. All representations are available for inspection. Objections have been received in 22 representations on the following grounds:

- Harm to local ecology - the site adjoins a wood with over 150 Rook nests and is close to fields with breeding Little Owls and Barn Owls all of which would suffer disturbance during the six month construction period.
- Loss of good Grade 3 agricultural/arable land contrary to DEFRA Guidelines.
- Harm to landscape in an AONB and to views across the Downs. The proposed planting would not be effective for at least four (five to seven) years and until then the panels would be very visible from the Ladburn Lane bridleway and would detract from its use by riders and walkers contrary to Oxfordshire's Countryside Access Management Plan.
- Rows and rows of substantial steel-framed structures are out of character in a rural area and should be confined to brownfield land and south-facing commercial roofs.
- The development is too close to Shilton village and the cumulative effect of this and other solar farm developments nearby on the village and landscape would be devastating.
- The development is too close to one of the County's notable towns and sets a worrying precedent.
- The development would harm the open agricultural landscape makes an important contribution to the setting of the Shilton Conservation Area.
- Disruption to use of bridleway during construction and a continued hazard for horses from the humming from inverters and transformers.

- The access passes through a 7.5t weight restriction in Shilton village and along Hen'n'Chick Lane, which is unsafe and unsuitable for heavy construction traffic being narrow, well used by riders. The increase in HGV traffic would exacerbate the existing poor state of repair of the lane. In addition, the junction of the lane with the A361 is close to the access to the Cotswold Wildlife Park, where sightlines are restricted and there is an accident record. Increased traffic would increase the accident risk.
- Ladburn Lane is unsafe and unsuitable for heavy construction traffic being narrow, single track, in poor condition and well used by children, walkers and riders. The use of the bridleway for construction traffic should be revalidated. A building site on the corner already causes congestion which will continue for some time. An alternative access, such as an extension of the track to Porter's Buildings off the A361, should be provided.
- Unneighbourliness - the control room and compound are at the closest point of the site to residential properties where they would cause noise and disruption. They should be moved to the north east corner where they would be set against the backdrop of existing agricultural buildings. Traffic on Ladburn Lane would also be unneighbourly.
- Conflict with Government advice that solar farms should not be constructed on green fields and there are no special circumstances to justify it.
- The application lacks necessary information about how the PV array will be connected to the national grid in terms of the nature, location and scale of works. The overall effects of the development cannot therefore be assessed.
- There is no assessment of the impact of the proposed large metallic construction on the rf radiation pattern from the GSM cell transmitter tower some 800m to the south (and possible creation of a 'not-spot' contrary to Government guidelines) or on the coverage provided to emergency services by the two Airwave transmitter sites within 3 km.
- There has been no consultation with the local community. A letter of intent to submit an application was sent three days before submission and showed a different site plan.
- Comments include the provisos that, if approved, there should be a requirement that the land must revert to agricultural use and a restriction on construction traffic using village roads. It is also stated that there is a need for a payment towards community benefits for Shilton village if the development is approved.
- A question was raised on what would happen to the land at the end of the working life of the solar farm.

3 APPLICANT'S CASE

3.1 The following documents have been submitted in support of the application and are summarised below:

Design and Access statement

3.2 Solar PV panels on a pile driven framework:

Transformer housings;

Security system comprising of a wire-mesh fence and infrared security cameras;

Onsite access tracks;

Onsite control room and underground cabling; and landscaping.

- 3.3 In addition to the above components of the operational solar park, the construction phase will also involve the following temporary infrastructure components:
- 3.4 A temporary construction compound.
- 3.5 Ecotricity have not yet specified a final solar PV panel. Instead, and in agreement with West Oxfordshire District Council (WODC), a site layout parameter plan has been prepared for approval, which locates infrastructure components within specified zones. This plan also specifies maximum industry standard dimensions that any proposed panel will fit within. The assessments undertaken within this Environment Report (ER) and accompanying Flood Risk Assessment (FRA) are based on these 'worst case' areas and dimensions, though in practice some dimensions are likely to be lower.
- 3.6 If consented Ecotricity would then undertake a detailed site design to confirm the locations of site infrastructure. Such detailed site design would be within the worst case dimensions and specified zones. A plan showing the detailed site design would then be submitted to WODC prior to construction commencing, as part of a condition to the planning permission. This updated plan would then supersede the indicative plan as seen in Figure 2.1B: Indicative Site Layout with Mitigation and Enhancements of the ER.
- 3.7 Ecotricity has undertaken an indicative site design based on current panel technology.
- 3.8 This approach allows Ecotricity a degree of flexibility that is required to ensure the Proposed Development can capture further advancements in panel technology between the application and construction phases, thus ensuring optimum panel efficiency, performance and carbon savings. As well as avoiding unnecessary work further down the line in the form of amendments, for both Ecotricity and WODC.
- 3.9 Each string of panels will be mounted on a rack framework supported by pile driven foundations at an approximate depth of 1.5m spaced, at approximately 2.6m intervals.
- 3.10 The exact depth will depend on site conditions and will be confirmed following ground investigation. Between each string of panels there would be a distance of approximately 4-5m to avoid any shadowing effect from one panel to another. The panels would be mounted at approximately 0.8m from the ground at the lowest edge, rising to a maximum of 3m at the highest point (the rearmost edge).The panels, tilted at approximately 20-23 degrees from the horizontal, are fixed in place rather than moveable and will run from east to west with a south facing orientation towards the sun.

- 3.11 For the purpose of security it is proposed to erect security fencing around the Panel Zone to protect the solar PV panels from theft and vandalism. A green coloured weld mesh fence with a maximum height of 2.2m is proposed.
- 3.12 The fence would be inset from the Site Boundary leaving a field margin of approximately 20m.
- 3.13 Hedgerows will ensure screening from all sides. Additionally as part of the security system approximately twelve infrared cameras will be installed around the perimeter of the site and within the Panel Zone, and one adjacent to the control building and within the Control Building Zone. The rotational cameras will be mounted on poles at an approximate height of 3m. The entire system will be remotely managed and will not require any lighting, thus avoiding unnecessary activity and lighting on site.
- 3.14 The inverters that convert the generated current from DC to AC are strategically located across the Panel Zone and are mounted on the framework underneath the panels, at least 40cm from the ground. In turn, the current feeds into the transformers that are located strategically in seven transformer housings across the Panel Zone. The transformer housings will have a maximum height of 3m and are made from Glass Reinforced Plastic (GRP) that will be coloured to reflect a typical agricultural building to blend into the site. The foundation design is subject to ground conditions.
- 3.15 The transformers will alter the voltage accordingly and feed this into the control room via underground cabling, thus allowing electricity to be exported to the national grid. The control room will be coloured to reflect a typical agricultural building to blend into the site and is located within the Control Building Zone, near the entrance of the site outside of the Panel Zone.
- 3.16 As part of the application Ecotricity is proposing a number of landscaping proposals that are intended to enhance the visual amenity of the site in keeping with the current landscape character. The proposals are also designed to enhance the biodiversity of the local area, filter views and integrate the Proposed Development into the surrounding landscape:
- Gap planting and new planting of hedgerows with native species;
 - Scattered planting of native trees along stretches of the boundary;
 - Planting of native climbers such as honeysuckle or clematis on the security fence;
 - The creation of semi-improved grassland; and the creation of swales.
- 3.17 Our anticipated construction programme maps out each stage of the construction phase on a rolling timetable and lasts approximately 26 weeks. Where possible stages overlap to allow an efficient and timely installation.
- 3.18 On the commencement of the construction phase a temporary construction compound will be established on site. The compound will be made of crushed aggregate and will be located adjacent to the access track and control room within the Temporary Construction Compound Zone. It will allow the storage of materials and components and some pre-assembly of frames during the construction phase.
- 3.19 The proposed access track from Ladburn Lane to site would require the widening of an existing gateway in the adjacent dry stone wall, and a new opening in the wall, adjacent to the Panel Zone. The openings would be replaced with gateways for the lifespan of the Proposed

Development, and would be removed on decommissioning and the wall restored to its previous condition. Where the new access track bellmouth meets Ladburn Lane it is proposed to tarmac a small area approximately 6m in length, with the purpose of preventing stone flick from vehicles during the construction and decommissioning phase.

- 3.20 The construction phase is not expected to create any sub-surface waste material. In the event that waste material is created it will be re-accommodated on site where possible, or else removed from site and transported by a licensed waste operative in the local area.
- 3.21 Construction activities will be carried out between the hours of 07:00 to 19:00 Monday to Saturday considering non-peak hour traffic. In the event that construction is required outside these hours, prior consent will be agreed with WODC.
- 3.22 It is anticipated that a Construction Environmental Management Plan (CEMP) will be developed and agreed with WODC prior to the any works commencing.
- 3.23 Solar PV panels have an estimated lifespan of 25 years, during that period the panels will be continuously operational.
- 3.24 During its lifespan the solar park would be monitored and managed remotely with annual maintenance visits.

Flood Risk Assessment

- 3.25 The overall conclusions drawn from this FRA are that future users of the development would remain appropriately safe throughout the lifetime of the proposed development, and that subject to a planning condition requiring the drainage arrangements as indicated on plan EI57/02B to be implemented and maintained in accordance with the procedures set out at Table D of this FRA and a Check Sheet attached as Appendix 6, the development will not increase flood risk elsewhere and will reduce flood risk overall.

The Introduction Chapter of the Environmental Report

- 3.26 The Proposed Development is sited on a series of agricultural fields to the east of, and forming part of Shilton Downs Farm on the northern outskirts of the village of Shilton, approximately 2.5km north-west of the town centre of Carterton, Oxfordshire.
- 3.27 The Proposed Development is located within the administrative area of WODC and will have an area of 22.3 hectares (ha), as shown by the area edged red on Figure 1.2.
- 3.28 Within the immediate vicinity of the site there are few residential properties and a network of minor roads with light volumes of traffic.
- 3.29 The site is predominantly flat with an Above Ordnance Datum (AOD) ranging between 115m and 124m, subtly sloping from the north-west corner of the Proposed Development down towards the south-east corner.
- 3.30 A network of dry stone walls and hedgerows, with the occasional hedgerow tree, mark the field boundaries whilst a small woodland/copse is located at the southern boundary of the Proposed Development. The low lying topography coupled with the dense vegetation create a well

vegetated appearance when viewed from the surrounding landscape, and ensures the Proposed Development is fully screened from the nearest 3rd party properties that are located along Ladburn Lane, on the edge of the village of Shilton.

- 3.31 There are no Public Rights of Ways (PRoW) or bridleways running through the site. The nearest footpath runs from Ladburn Lane and turns into a bridleway which continues in a north-westerly direction parallel to the B4020, before turning north-east and ending at Whitehills Farm on the B4020.
- 3.32 The site is not subject to any landscape or environmental designations.
- 3.33 Four Scheduled Monuments (SM) are situated between 3-5km from the site, all of which are screened from the site. Approximately 1.8km to the north of the site is the Cotswolds Area of Outstanding Natural Beauty (AONB) with its southern boundary demarcated by the A40. To the south-west of the site lies the Conservation Area of Shilton, approximately 200m at its closest point. The site is naturally screened from these designated areas through all seasons.
- 3.34 There are a number of Listed Buildings within 5km of the Proposed Development, namely within the Shilton Conservation Area and further afield in Burford. However given the low profile and enclosed nature of the Proposed Development, together with existing and proposed screening, visibility is minimised.
- 3.35 To the north of the site boundary, in an adjacent field, is the undesignated route of a Roman Road (Akeman Street) that is not accessible to the public. The road is recorded on ordinance survey but is not visible on the ground due to farming activity on the site. The route would be unaffected by the Proposed Development.
- 3.36 There are three Site of Special Scientific Interest (SSSI) designations within 5km of the site; Worsham Lane located approximately 4.4km directly to the east, Alvescot Meadows approximately 4.1km to the south and Westwell Gorse approximately 3.9km to the north-west of the site. There are no Special Protected Areas (SPA) or Special Areas of Conservation (SAC) within 5km of the site.

The Ecology Chapter of the Environmental Report

- 3.37 An Extended Phase I Habitat and protected species survey was conducted and followed up with several additional surveys. In using species and habitat information provided by these surveys, this chapter has considered the potential effects and provisional mitigation and enhancement for a range of protected species which may potentially be present on the site.
- 3.38 During construction there will be no negative effect on statutory and non-statutory designated sites, individual hedgerow trees, ponds and standing water, great crested newt, dormouse and brown hare. There will be a minor negative effect on the short- term and long term loss of semi-improved grassland, hedgerow, dry stone wall, reptiles during removal of the dry stone wall and ground nesting farmland birds during the erection of the solar panels. There will be a negligible effect on bats.
- 3.39 During the operational phase and following mitigation and biodiversity enhancements, there is a positive effect for farmland birds and skylark in particular, amphibians, grassland and open standing water. There is potential for the presence and ongoing operation of solar parks to

enhance a relatively poor foraging habitat for bats, however without detailed monitoring and research it is not possible to assess whether this will be a significant positive effect. There will be potential positive effects to the South Cotswold Valley CTA through improved connectivity and the potential for local grassland plants to spread to the Panel Area through using hay cuts for re-seeding.

The Landscape Chapter of the Environmental Report:

- 3.40 Implementation of the Proposed Development would result in the permanent loss of ~0.60ha of agricultural land, as a result of the Proposed Development infrastructure, primarily the access track. In context of the Shilton Downs Farm landholding (105.49 ha), the loss is negligible. Bearing in mind the low magnitude of physical impact and the low landscape sensitivity, the proposals would have a minor direct level of effect on the landscape in the medium to long term which is not significant and would be reversible following decommissioning.
- 3.41 The Proposed Development would have a minor level of effect on the character of the local landscape within approximately 0.5km of the Proposed Development. Beyond 0.5km character effects would be minor to none and the landscape effect on the Open Limestone Wolds LCT as a whole would be minor to none. These low level changes on landscape would not be significant. Adjacent landscape character areas would be unaffected by the proposals. The proposed hedge planting and gapping up would also mitigate these low level adverse effects over time and assist in enhancing local character.
- 3.42 No significant landscape effects would arise on any land or feature designated for its landscape or cultural heritage value in the 5km Study Area. The special qualities and valued characteristics of the Cotswolds AONB would be preserved, and neither the fabric nor the setting of any Historic Parks and Gardens or other landscape or historic asset of recognised value would be affected.
- 3.43 Of the seventy three properties assessed within 2km of the Proposed Development, no significant adverse visual effects on visual amenity are predicted. At worst, a moderate adverse level of effect is predicted for three properties, which is not significant and would not be considered to be detrimental to or detract from the visual amenity of residents.
- 3.44 No significant adverse effects on the visual amenity of settlements are predicted. The magnitude of worst case change to these settlements is predicted as negligible or none causing a minor adverse level of effect on visual amenity.
- 3.45 There would be no intervisibility with the proposed urban extension to Carterton due to screening by intervening vegetation, furthered by additional screening proposed as part of the Carterton extension.
- 3.46 Overall no predicted significant adverse effects are likely to be experienced by users of PRoWs within the 5km Study Area. In the worst case, users of one PRoW (340/7/20) would be likely to experience a low to medium magnitude of change to visual amenity, causing a moderate adverse visual level of effect that would not detract from their overall experience and enjoyment of the PRoW. Users of all other PRoW within the 5km Study Area would experience moderate/minor or lower visual effects.

- 3.47 One area of open access land is located within the ZTV. A minor/moderate adverse visual level of effect is predicted that is not significant.
- 3.48 The majority of public highways in the 5km Study Area would be unaffected by the Proposed Development as they fall outside the ZTV. Those surrounding the Proposed Development that have potential views would be affected to allow degree at most, due to the low profile form of the Proposed Development and the enclosed nature of the area and surrounding landscape. A low to negligible magnitude of visual change is predicted overall, causing minor level effects on the visual amenity of users of public highways, which is not significant.
- 3.49 No significant visual effects on other areas of interest and tourist amenity attractions are predicted.
- 3.50 No significant adverse effects on cultural heritage assets are predicted in the medium to long term following construction.
- 3.51 The potential for non-physical/indirect effects on cultural heritage resources, in particular their setting, is very small due to the low profile nature of the proposals and the varied, well contained character of the Proposed Development and its immediate surroundings that limit intervisibility. The Proposed Development settings of SMs, Listed Buildings, Conservation Areas and Historic Parks and Gardens in the surrounding area would be preserved, causing no significant adverse effects to occur.
- 3.52 Initial changes to views/visual amenity would be further ameliorated by the proposed hedgerow, gapping up and tree planting at the Proposed Development boundaries as set out in the landscape mitigation proposals. This additional planting would also provide an opportunity to enhance landscape character and biodiversity.
- 3.53 The cumulative magnitude of landscape and visual change with other existing or proposed renewable energy developments, including the adjacent wind turbine is predicted as negligible causing a minor cumulative effect that is not significant.
- 3.54 No significant cumulative effects relating to landscape, visual amenity and cultural heritage are predicted to occur.
- 3.55 No significant glint or glare effects are predicted to arise. This LVIA concludes that implementation of the proposed Shilton Downs Solar Park would, on balance, cause a very low level of landscape and visual change that would not be significant for the lifetime of the proposal.
- 3.56 The Proposed Development is finite and is reversible at the end of its useful life of approximately 25 years. The NPPF, PPG and Local Plan support the appropriate development of renewable energy. The Proposed Development would preserve both the distinctive character of the wider countryside and the setting of the historical environment.

The Transport section of the Environmental Report

- 3.57 Access from Ladburn Lane onto site will be provided by a short stretch of access track, approximately 160m in distance at a width of 3.5m through the widening of an existing gateway in the dry stone wall. As indicated on the Figure 2.1A and Figure 2.1B the beginning of the access track will be wider at 6m to allow a suitable turning radius for the HGV's.

- 3.58 On the commencement of the construction phase a temporary construction compound will be established on site. The compound will be made of crushed aggregate and is likely to be located adjacent to the access track and control room. It will allow the storage of materials and components during the construction phase, as well as allowing vehicles onto site to ensure there is no construction traffic parked on Ladburn Lane. On completion of the construction phase the compound will be removed and the area restored to its previous condition.
- 3.59 The construction phase of the Proposed Development is anticipated to take approximately 26 weeks. During this time there would be vehicular movements associated with the arrival and departure of construction staff; as well as the delivery of components and construction materials. Staff movements would be primarily made by car, van or minibus, whilst components and construction materials would be primarily by HGVs.
- 3.60 It is expected that the construction hours of operation would be between 07:00 and 19:00, Monday to Saturday, and considering non-peak hour traffic. In the event that construction will be required outside these hours, prior consent will be agreed with WODC.
- 3.61 Estimated vehicle movements for each stage of the construction phase are outlined below in Table 3.1: Indicative Offsite Vehicle Movements during Construction Phase. It should be noted that these figures are best estimates based on previous construction experience and will be dependent upon a number of construction programme elements, such as the shipping of materials.
- 3.62 All deliveries can be transported to site on standard sized vehicles; hence no abnormal load deliveries would be required. For this reason it has not been necessary to undertake a detailed assessment of the preferred access route in terms of a swept path analysis, as all vehicles can be accommodated within the existing local highway network without the need for any improvements.
- 3.63 On site, a Telehandler will be used along the access tracks, to transport materials and infrastructure from the construction compound onto site. This will help to reduce noise and soil/mud deposits on the public highways.
- 3.64 Deliveries will be phased to cause minimum disruption, the details of which will be established in the TMP. HGV.
- 3.65 It is estimated that the construction phase will generate approximately 138 HGV deliveries, a total of 276 HGV movements over the 26 week construction programme. It is therefore unlikely that, even at the most intense period of construction when solar panels and rack framework are being delivered, that there would be more than an average of 5 HGV deliveries (10 movements) per day. Following the initial construction deliveries of weeks 1 to 4, the number of HGVs reduces and is not expected to exceed 7 deliveries (14 movements) per week, an average of just over 1 delivery (2 movements) per day.
- 3.66 Typically, about 750 panels can be transported on a rigid HGV. On this basis delivery of the required ~43,200 panels will result in no more than 60 deliveries (120 movements) between weeks 2 and 13.

- 3.67 The most intense traffic movements occur in week 2, during which there will be a total of 46 HGV traffic movements (23 deliveries). In practice, as the deliveries will be staggered across the week and not concentrated in a single day it is anticipated that no more than 10 movements would occur on any one day. This represents less than 3% of the existing AADT HGV flow on the A361 and less than 1% on the A40, hence the HGV transport effects are deemed to be negligible and insignificant.
- 3.68 As established above, the unclassified minor roads of Hen N Chick Lane, The Hill and Ladburn Lane have no AADT data available given their low volume of users. Inevitably there will be an increase of movements through these highways; however given that these will be for a short period of time, of low volume, for short distances only and phased to cause minimum disruption, the HGV transport effects are deemed to be negligible and insignificant.

Light Vehicles

- 3.69 It is expected that during the construction phase there will be up to 25 staff on site. However this will vary according to the stage of the construction. It is considered that there will be a degree of vehicle sharing by staff, or that staff may be offered the potential to travel to site in a minibus from relevant population centres, such that the number of staff trips is reduced where possible. Accounting for such measures it is estimated that there would be no more than 40 light vehicles movements per day.
- 3.70 The proposed maximum daily light vehicle traffic movements (40) represent less than 1% of the AADT all vehicle flow (excluding HGVs) for both the on the A361 and the A40, hence the light vehicle transport effects are deemed to be negligible and insignificant.
- 3.71 For the same reasons as listed above, the transport effects (of light vehicles) on the minor and unclassified roads will be negligible and insignificant.
- 3.72 There will be twenty parking spaces provided within the temporary construction compound.

The documents that make up the application can be viewed in full on the website

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE12 Renewable Energy
NE13 Biodiversity Conservation

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The Proposed solar farm consists of the following components:

- 5.2 Solar PV panels on a pile driven framework; Transformer housings; Security system comprising of a wire-mesh fence and infrared security cameras; Onsite access tracks; Onsite control room and underground cabling; and landscaping.
- 5.3 It is sited on a series of agricultural fields to the east of, and forming part of Shilton Downs Farm on the northern outskirts of Shilton.
- 5.4 Within the immediate vicinity of the site there are few residential properties and a network of minor roads. There are no Public Rights of Ways or bridleways running through the site. The nearest footpath runs from Ladburn Lane and turns into a bridleway which continues in a north-westerly direction parallel to the B4020, before turning north-east and ending at Whitehills Farm on the B4020.
- 5.5 The site is predominantly flat with an Above Ordnance Datum (AOD) ranging between 115m and 124m, sloping from the north-west corner of the Proposed Development down towards the south-east corner.
- 5.6 A network of dry stone walls and hedgerows, with the occasional hedgerow tree, mark the field boundaries whilst a small woodland/copse is located at the southern boundary of the Proposed Development.
- 5.7 The site is not subject to any landscape or environmental designations.

Planning History

- 5.8 For background information this history section informs on a couple of recent appeal decisions within the District for solar farms one of which was approved and one of which was refused.
- 5.9 Westerfield Farm, Carterton, Oxford- Appeal Allowed.
- 5.10 This site has no national landscape designation.
- 5.11 The Inspector considered that the main issues were considered to be whether the solar farm would be a sustainable development with regard to its environmental, social and economic roles. In particular: what effect would the development have on the landscape character and visual amenity of the area; and would any identified harm in those or other respects be outweighed by any benefits of the proposal.
- 5.12 In coming to his decision the Inspector states in the appeal decision letter as follows:

'Both parties have drawn attention to the PPG. PPG Paragraph 5-013-20140306 recognises that large scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, but that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. It refers specifically to the potential to mitigate landscape and visual impacts through screening with native hedges, as proposed here. I consider that this proposal would be well planned and well screened.'
- 5.13 The paragraph also cites particular factors to consider. It does not preclude development on greenfield land but it suggests that the use of agricultural land should be shown to be necessary, that poor quality land is used in preference to higher quality land and that it allows for continued

agricultural use and improved bio-diversity. In those regards the site has been assessed as of Grade 3b (moderate) agricultural quality and thus is of poorer quality than 'best and most versatile' Grade 1, 2 or 3a land which the Framework at paragraph 112 requires to be taken into account for its economic and other benefits. Brownfield land is generally to be preferred for most forms of development.

- 5.14 If they exist, they are likely to be of a smaller scale and they would in any event remain available for other proposals. It can be expected that the Council would know what brownfield land is available in West Oxfordshire but there is no evidence before me that non-agricultural brownfield land of comparable scale and suitable for solar energy is available in West Oxfordshire or that there is any local policy to identify such land for renewable energy or to direct development towards it.
- 5.15 This is proposed to be a temporary and reversible development. Some continued agricultural use of the appeal site would be possible, and is proposed, by means of sheep grazing between and around the panels (albeit that grass growth, and thus stocking levels, would be reduced compared to an unshaded grass field). Significant biodiversity improvements would be created by the hedge and tree planting and the proposed wildflower seeding at the site margins.
- 5.16 The above PPG paragraph also refers to a speech by a former Energy Minister on 25 April 2013. That again stated a preference for solar farms to be developed on brownfield land but it also allows that development may occur on low grade agricultural land with visual screening and grazing. I am aware from his Foreword to his department's UK Solar PV Strategy, also published in 2013, that the same Minister was also supporting a considerable increase in the installation of solar energy capacity from 2.5GW to 20GW whilst acknowledging the sensitivity to impacts on landscape, visual amenity and biodiversity.
- 5.17 Overall it is concluded on this issue that the proposed landscaping would support some of the WOLA landscape guidelines objectives for the area.
- 5.18 In considering the appeal the Inspector also has regard to ensuring that heritage assets are conserved in a manner appropriate to their significance and the impact of the solar farm on the views from private dwellings.
- 5.19 Land Adjacent to Banbury Road, Wootton Balk, Tackley - Appeal Dismissed
- 5.20 This site is located within the Cotswolds.
- 5.21 The Inspector considered that the main issue in the appeal is the effect of the proposed development on the character and visual qualities of the surrounding rural area, and whether any negative effect is capable of mitigation or is outweighed by the benefits associated with the scheme.
- 5.22 The Inspector considered the benefits of the proposal and comments as follows:
- 'The National Planning Policy Framework (NPPF) is supportive of renewable energy where its impacts are, or can be made acceptable but Planning Practice Guidance (PPG) makes it clear that the need for renewable energy does not automatically override environmental protection. The theme of support for renewable energy is, however, one which flows through much national policy, as has been demonstrated in the documentation submitted with the appeal. Solar PV is

one strand of renewable energy which is supported subject to it being in the right place, with acceptable impacts.

The very fact that a significant amount of renewable energy is proposed here is a factor of significant weight in favour of the proposal. It would add to energy security, reduce greenhouse gas emissions and assist in combating climate change.'

5.23 He then concluded as follows:

'I have found that the proposed development would cause significant harm to the character and visual quality of the surrounding rural area, and would conflict with policies of the development plan as indicated. This must attract significant weight in the planning balance. I have further found that proposed mitigation can be afforded only limited weight. The general support for renewable energy, though, attracts significant weight.

This is a finely balanced case, but the significant medium term harm which would be inflicted upon the landscape before mitigation could reasonably be expected to reduce impact is of overriding importance. Therefore, taken overall it is my judgement that the proposal fails to reach the position where the development has been shown to be acceptable in this location. The weight attaching to the harm is greater than the weight attaching to the benefits. As such it also falls foul of national policy expressed in the NPPF, and of Local Plan Policy NE12, which seeks to ensure that renewable energy schemes are permitted where there is no unacceptable impact upon the environment.'

5.24 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 amenity

Principle

5.25 In this regard policy NE12 of the adopted West Oxfordshire Local Plan, the NPPF and Planning Practice Guidance are all supportive of renewable energy where its impacts can be made acceptable. Solar PV development is one strand of renewable energy which is supported subject to it being in the right place, with acceptable impacts. In considering applications of this type of application the general support for renewable energy attracts significant weight.

Siting, Design and Form

5.26 Given the lack of objection to the application in respect of archaeology, ecology, flooding, impact on heritage assets, highways and local footpath/bridleway network, your officers consider that the main issue in consideration of this application is the effect of the development on the character and visual qualities of the surrounding rural area, and whether any negative effect is capable of mitigation or is outweighed by the benefits associated with the scheme.

- 5.27 In this regard your officers have assessed the proposal from a number of points around the area including views when travelling along the B4020, from Hen and Chick Lane and from the local road network. In light of the fact that the panels when fully tilted will have a maximum height of 2metres above ground level, that of a standard garden fence, and that the land which is generally flat but gently slopes away from skyline, your officers consider that the development will not be visible from the wider landscape given the existing and proposed hedgerow/tree planting.
- 5.28 The development will however be visible from the bridleway that runs to the north east of the site during the construction phase and until landscaping proposals to mitigate the development have established .In this regard the 'Landscape and Cultural Heritage' Assessment submitted with the application concludes that no predicted significant adverse effects are likely to be experienced by users of the public footpath network and due to the low profile form of the proposed development and the enclosed nature of the area and surrounding landscape the impact on users of the bridleway will not be significantly harmful.
- 5.29 In light of the above assessment in respect of the impact of the development on the visual character and appearance your officers have concluded that the proposal will not result in any significant adverse impact.

Highway

- 5.30 Whilst there has been concerns raised in the representations about access and road safety regarding the use of Ladburn Lane, County Highways has raised no objections to the development subject to an HGV Routeing agreement and a construction management plan. The construction management plan would address the concerns raised by people living along Ladburn Lane.

Residential Amenities

- 5.31 The key issues highlighted in the representations received regarding neighbour amenity relate to the closeness of the control room and compound to residential properties in Ladburn Lane and the fact that this would result in noise and disruption to those occupiers. Further, concerns have been raised about the impact of traffic on Ladburn Lane and noise from transformers associated with the development.

Location of the Control room and temporary construction compound

- 5.32 Whilst this is relatively close to residential properties at the top end of Ladburn Lane the site area for location of the construction compound is separated from these properties by an area of dense planting. During the construction phase there will be noise and disturbance associated with the construction of the solar farm however, planning conditions will be imposed to seek to protect the amenity of these dwellings. Further, once the development is completed the construction compound will be removed.
- 5.33 In addition it may be possible to locate the construction compound slightly further north of the indicative access track in the interests of the nearest dwellings. This matter will be discussed with the applicants prior to the date of the Sub Committee.

Traffic on Ladburn Lane

- 5.34 There will be an impact on Ladburn Lane during the construction phase which according to the application is to take approximately 26 weeks. The application indicates that on average there will be 5HGV deliveries per day (10 movements).Following initial construction, the number of HGV deliveries is not expected to exceed 7 deliveries per week an average of 1 delivery per day.
- 5.35 During the construction phase there are expected to be 25 staff on site. It is estimated that there will be no more than 40 light vehicle movements per day associated with the construction phase.
- 5.36 In light of the above, whilst the use of Ladburn Lane by vehicular traffic will increase during the construction phase of the development, the projected number and type of movements are not considered so harmful on residential amenity such as to justify a reason for refusal.

Noise from Transformers

- 5.37 This concern has been considered by your Environmental Health Officer who has advised upon receipt of further information from the applicant that there is no objection to the proposals on noise grounds.

Conclusion

- 5.38 In light of the above assessment your officers consider that the application is acceptable on its merits subject to conditions to include the following matters:

Archaeology
Biodiversity Management Plan
HGV Construction traffic routeing agreement
Construction Traffic Management Plan
No obstruction of Shilton Public Bridleway 7
Hours of operation during the construction phase
Detailed landscaping proposals
Precise positioning of the temporary compound
Max height of the panels not to exceed 2.2 m above ground level

- 5.39 The suggested conditions will be available for Members information in the 'Additional Representations' report.

6 CONDITIONS/REASONS FOR REFUSAL

Provisional approval.

Application Number	I5/00087/FUL
Site Address	43 Burford Road Witney Oxfordshire OX28 6DP
Date	4th March 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Witney
Grid Reference	434785 E 210283 N
Committee Date	16th March 2015

Application Details:

Erection of two dwellings with access off Davenport Road.

Applicant Details:

Mr Stephen Holborough
43 Burford Road
Witney
Oxon
OX28 6DP

I CONSULTATIONS

- 1.1 Parish Council There appears to be a lack of sufficient amenity space and only 2 3/4 size parking when for the development of this size there should be 3. The windows at the rear overlook the neighbouring gardens and this could be considered over- development.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect on the local road network.
- No objection subject to
- G11 access specification
 - G36 parking as plan
- 1.3 WODC Architect No Comment Received.

2 REPRESENTATIONS

- 2.1 Comments have been received from Mr and Mrs Towlson of 1 Davenport Road, Mrs Strutt of 27 West End, Mr and Mrs Heeley of 2a Davenport Road, Miss Sanford of 41 Burford Road, Mr and Mrs Everett of 2 Davenport Road, Sue Hewer of 32 Queen Emmas Dyke, Carl Wilsden of 45 Burford Road, Dr Janet Bouillin of 51 Burford Road, Mr and Mrs Ball of 'Kinsale', Davenport Road, Ralph Norman of 51 Davenport Road and Mr John Radburn of 50 Davenport Road. Their

comments are available in full on the Council's website and are briefly precised as follows under a number of headings:

Design and siting

- 2.2 The proposed two semi-detached houses would occupy most of the site and would be out of keeping with local housing. Most houses around that area of Burford and Davenport Roads have reasonably-sized gardens. A single dwelling in its own garden, with ample parking space, would seem much more appropriate.
- 2.3 The pair of semi-detached 4 bed houses are out of keeping with the surrounding properties in Davenport road by virtue of their relative size to the plot of land on which they are proposed and also in their relative close proximity to the road; they will have only a 4m deep frontage whereas most properties have at least a 6m deep frontage. Given the overall size of the proposed site I believe building two dwellings would constitute over-development. A single dwelling of a bungalow or 1.5 storey chalet style property, with adequate off-road parking and turning space would be more appropriate and in keeping with the plot size and the immediate surrounding properties.
- 2.4 We intend building a two storey extension and wonder how the proposed development will affect our plans.
- 2.5 This is a case of overdevelopment on a fairly small site and the fact that they have two storey dwellings will have a negative impact on the surrounding area in regard to privacy.

Highways

- 2.6 Allowing 2 dwellings of this size on this site is overcrowding the area and would increase on road vehicle parking and traffic.
- 2.7 There is also parking issues. With the addition of a potential eight cars with only a small amount of parking space available because of over development it would mean cars parking on the roads. This will mean the buses that have a route around davenport road having to mount the pavement endangering pedestrians lives. Many school children use this path to get to The Tower hill primary school. Fire engines would also have a restricted access into davenport road.
- 2.8 The planned houses are nearer the edge of the road than other buildings on the same side of Davenport Road. Access for both houses would be near a corner where cars already have difficulty turning out into and out of the busy Burford Road. The parking of potentially multiple vehicles would cause further problems in this narrow road which is also a bus route.
- 2.9 Houses of this size are highly likely to have at least two cars associated with them excluding visitors to the properties. While the planned development includes a garage and a driveway for each house, which together would accommodate two vehicles, the current design is very likely to necessitate shunting vehicles on and off Davenport road or result in one car being parked on the roadside / pavement, both scenarios would present a danger to pedestrians and other vehicles using the road as the development site is within 50m of the busy junction of Davenport road and Burford road. In reality it is probable that the houses will have more than two cars each which will add to the problem of parking and create a risk to the safe movement of pedestrians and vehicles within the vicinity.

- 2.10 The onsite parking is inadequate for the proposed four-bedroomed houses. This will result in cars being parked on the narrow Davenport Road close to its junction with Burford Road. It should be noted that Davenport Road is a bus route adding to the problems that will result from on-road parking.
- 2.11 I drive past the proposed properties several times a day and there are often traffic issues at the junction of the Burford Road and Davenport Road. These are mostly due to parking too near to the actual junction forcing vehicles to be on the wrong side of the road when trying to access the (very busy) Burford Road.
- 2.12 The traffic issues are largely related to the residents of the properties opposite the proposed site who park on the road due to inadequate off road parking being available already, and this will be made worse by the limited parking proposed for the new premises.
- 2.13 Finally, the 'expert' opinion from the Highways Department that there will be no effect of traffic is ridiculous, and perhaps a visit to the road over a weekend or evening would rather than during a working day would confirm this?
- 2.14 Many school children use the road both walking and on bicycles.
- 2.15 Have concerns about how it will affect the local bus service if additional cars park on the road because on occasions the bus could not get through.
- 2.16 There is a potential for 8 extra cars on the road not including visitors and there is insufficient parking provided. Although garages are proposed they are very rarely used these days.
- 2.17 Cars parked on the road in front of the site will cause an obstruction.

Amenity

- 2.18 This is a property that is next to our property and feel that the addition of the two dwellings will be to overpowering for the land that they are proposed to be going on.
- 2.19 There is also a privacy issue, where any person stood in any of the front rooms of the proposed development will be looking directly into our bedrooms, kitchen and back garden. With small children feel this is a safe guarding issue.
- 2.20 The front elevation windows will have a view directly into our lounge, a bedroom and main garden area completely removing any privacy we have enjoyed while occupying Kinsale for the last ten years.
- 2.21 The proposed development along the west boundary will have a detrimental affect on our enjoyment of our garden by way of loss of privacy through overlooking of our garden, patio, conservatory, kitchen and main bedroom. Secondly, we would lose all sunlight during the second half of the day. The overbearing and intrusive nature of this development is causing us great concern and worry.
- 2.22 We live in the bungalow opposite and the new houses will overlook our property, thus denying us the small amount of privacy we have at present.

- 2.23 As we have no choice but to sleep at the front of our bungalow we are worried that noise might be a problem.
- 2.24 We have a large window on the second floor of our property which currently has views of trees and offers natural light to our property. If the development goes ahead we will have a view of the side of a house in very close proximity to our window which is unacceptable.
- 2.25 Where will all of the work vehicles be parked during construction.
- 2.26 The proposed development would create unacceptable living conditions for existing and new residents and is contrary to policies H2 and BE2 of the WOLP. The proposed development is over dominating and would create unsatisfactory living conditions for the occupiers of 41 Burford Road by eroding their existing residential privacy and amenity. Sunlight would be severely reduced to the garden and house at 41 Burford Road and also impact on 43 Burford Road. The NPPF states that sustainable development should be the 'golden thread' running through planning. New developments should ensure that orientation, architecture and layout be used to optimise solar gain, secure good levels of natural sunlight and reduce overshadowing for both new and existing properties. The proposed development fails to do this.
- 2.27 The severe under provision of well designed, useable garden space for a family home is out of place with the existing character and urban grain of the local area.

Ecology

- 2.28 If allowed would require the felling of several well established trees which are home to many types of birds, and Bats which can frequently be seen flying in and out of these trees and hanging from the overhead cabling, as you would expect and look for in a rural location.
- 2.29 There is also an environment issue, there are a total of eight well established trees that would have to be removed for the development to happen. These trees not only help reduce the emissions but are home to many varieties of bird but are also home to many bats as we see them most evenings flying around and suspending from the electric cables that run between the houses.
- 2.30 The loss of many lovely trees will disturb animals and birds in the area.

Other

- 2.31 The footprint stated in the Access & Design Statement submitted by the applicant is at best inaccurate and could possibly be seen as misleading. The statement refers to a footprint of 6.5m frontage, 7.5m front to back. From the scale plan submitted it can be seen that this appears to omit the garage / utility / family bathroom / 4th bedroom area of the buildings which has a footprint of approximately 22sqm, equal to about 44% of the stated size, the inclusion of this creates a total footprint of approximately 8.9m frontage, 8.9m front to back, albeit the garage steps back approximately 1m at the front and the utility room 1.5m at the back. This places the rear elevation only 1.5 m from the rear boundary with three first floor windows and two attic area windows overlooking the adjoining gardens.

3 APPLICANT'S CASE

3.1 The application is accompanied by a Design and access statement which is briefly summarised as follows:

- The design of the new dwellings will be semi- detached units together with garages and will sit in harmony with the local style of dwellings that exist in Davenport Road.
- The dwellings will be constructed of traditional materials so as to blend in with the local vernacular. The footprint being 6.5m frontage, 7.5m front to back and 3.3m to eaves at front, 4.8m at rear and 8m to ridge.
- Applications for new dwellings should be housing policy compliant.
- A pre-app was submitted to establish if this application was likely to receive officer support. Officers recommendations have been taken on board and introduced into the proposals.
- It will be noted that car parking has been included within the constraints of the site.
- There are no areas within these proposals for public open space, therefore landscaping will be located within the private garden areas shown for each plot.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

NE13 Biodiversity Conservation

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

5 PLANNING ASSESSMENT

5.1 This application is for a pair of 4 bed semi detached units on garden land serving 43 Burford Road. The main ridge height is 8m with a secondary wing with a ridge height of 7m. The external materials are render and plain tiles.

Background Information

5.2 The application is before the Sub Committee for consideration following receipt of a request for referral from the local Member.

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 principle of residential redevelopment of the plot is considered policy compliant.

Siting, Design and Form

5.5 The size and design of the semi-detached pair by reason of the extensive plot coverage of the building and the limited amenity space and off street parking space remaining and the height and scale of the building will, in your officers opinion, result in a cramped form of development that

will appear 'shoehorned' in to the plot to the detriment of the visual amenity of the street scene. As such, the proposal is considered contrary to policies H7, H2 and BE2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Highway

- 5.6 Members will note that OCC Highways has raised no objections to the off street parking space provided to serve the development. Your officers however consider that the space surrounding the dwellings to provide for both amenity and off street parking is very limited and that in all likely hood a level of on street parking will be required to serve the development. Given the level of representation received in respect of the application in terms of the existing on street parking problems in 'Davenport Road' officers are of the opinion that this proposal is likely to exacerbate the situation to the inconvenience of highway users.
- 5.7 Prior to presenting this application to the Sub Committee your officers will further consult with OCC Highways in respect of the limited off street parking provision.

Residential Amenities

- 5.8 There have been a number of representations received which raise concerns about the impact of the development on residential amenity.
- 5.9 The occupiers of two properties on the opposite side of the road have raised concerns about overlooking and noise. In your officers opinion the relationship of the existing dwellings with the proposed units is typical of 'across the road' relationships throughout the towns and villages in the District and is not so harmful as to justify refusing the application.
- 5.10 The occupiers of 1 Davenport Road have raised concerns about the loss of light and overbearing impact to a first floor gable window in their property which is set approximately 8m away from the proposal for the site. Given the separation distance and the northerly location of the proposed building officers do not consider that this relationship is unacceptable in amenity terms.
- 5.11 It has also been asserted that the rear outlook of 43 Burford Road will be adversely impacted by the proposal. Given that the physical relationship of the existing dwelling to the proposal is similar to that of 45 Burford Road and 'Kinsale' on the opposite side of 'Davenport Road' officers are of the opinion that unacceptable levels of harm to outlook of 43 cannot be identified.
- 5.12 In your officers opinion the property that is most impacted by the development is 41 Burford Road, where the building at its closest point is located within 1 metre off of the boundary. The dwelling is however, set some 15m back from the rear outlook of 41 and overlooks the bottom half of the garden. Bearing this in mind, whilst the semi-detached pair will be visible from the rear outlook of 41 and will result in an overshadowing of the lower end of the garden in the late afternoon, the relationship is not so poor as to justify a refusal on amenity grounds.

Other

- 5.13 One issue that has been raised in the representations relates to protected species, mainly the alleged presence of bats in the trees within the garden area.

- 5.14 This matter will be discussed with the Council's ecologist prior to the Committee presentation and Members will be updated as to whether or not in the absence of a bat survey as part of the application submission a further reason for refusal is warranted.

Conclusion

- 5.15 In light of the above planning assessment, the application is recommended for refusal on the grounds that the proposal constitutes over development which will appear cramped /'shoehorned' in to the plot and which is inadequately served by amenity and off street parking space.

6 RECOMMENDATION

Refuse for the following reason:-

- I By reason of the siting ,design and limited amount of space around the dwellings to provide amenity areas and off street parking, the proposal constitutes a cramped overdevelopment of the plot which will appear 'shoehorned' in to the site to the detriment of the visual amenity of the street scene, and which results in a poor level of amenity for future occupiers and which by reason of the likely increase in on street parking due to inadequate space within the residential curtilages results in inconvenience to highway users. As such, the proposal is considered contrary to policies H7, H2, BE2 and BE3 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Application Number	I5/00176/FUL
Site Address	58 Mill Street Eynsham Witney Oxfordshire OX29 4JU
Date	4th March 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Eynsham
Grid Reference	443341 E 209628 N
Committee Date	16th March 2015

Application Details:

Erection of one four bed and two one bed dwellings with associated parking.

Applicant Details:

Mr Scott Pickett
Grange House
Station Road
Eynsham
Witney
Oxfordshire
OX29 4HX
United Kingdom

I CONSULTATIONS

I.1 Parish Council

The Parish Council objected to the Applicant's previous application (14/0558/P/FP, withdrawn) on the ground of overdevelopment. In this application the Applicant has revised his proposal from three one bed flats to two one bed houses and slightly reduced the height of the four bed house, but the Council still objects on the same ground. The building of these three houses in the curtilage of the existing premises is overdevelopment.

The application does not respect the character and quality and does not relate satisfactorily to the site or the surroundings. The ridge height of the proposed house is still higher than the neighbouring properties fronting on Mill Street. The proposed one bed houses are intrusive to the adjoining property, 15a Newland Street. The proposed access to the infill one bed houses to the rear infringes on the access to the adjoining retail premises and existing residential units behind (BE2) The existing premises is in the Conservation Area and the Parish Council is concerned about the loss of curtilage and trees in an area that has already suffered substantial infill development (BE5).

- 1.2 OCC Highways No reply at the time of writing but on the basis that OCC Highways did not object to the earlier withdrawn application for a total of 4 units as opposed to the 3 the subject of this application, it is not anticipated that an objection will be received on highway grounds. Members will be updated verbally at the meeting.

2 REPRESENTATIONS

- 2.1 Mr and Mrs Reynolds of 56 Mill Street have made a representation. Their comments are as follows:

Construction of 2 flats

Strongly opposed to this part of the development in the conservation area for the following reasons:

- (1) Believe the proposal to build the flats is a gross overdevelopment of the site, harmful to the character of the Conservation area. No building should be allowed at the rear of this property for this reason.
- (2) The property is in the Conservation area, in an area that has seen a large recent back garden development, a few metres away. Adjacent developments are used in the application as an example to set a precedent, however this must count against the development as it leads to an overdevelopment of the site and the area.
- (3) Part of the driveway to the proposed flats is used by the residents of the adjacent flats. The development appears to use a current parking space time of planning to adjacent flats as part of its access, reducing parking. When the planning for these flats was approved (10/0344/P/FP) the Notice of Decision letter March 2010, states 'the Ca parking areas... be permanently retained and used for no other purpose. Reason: to ensure that adequate Car parking facilities are provided. Therefore it is not possible to access the site proposed without contravening this decision.
- (4) The driveway to the proposed flats is already used as a car park at night by residents of the adjacent flats. There is no on or off street parking spaces free at night where will this parking be displaced to?
- (5) The proposed entrance / exit to the flats is also used by customers for the shops and access to the flats. Intensification must be considered as this development will increase the traffic flow by more than 5% (likely to be 100%+). The access road to the flats is very difficult with no splay to assist and poses a significant risk to pedestrians. Additionally the access for children from the family home (58 Mill Street) leads directly onto the proposed access road.
- (6) The application states there are no trees within 5 metres of the planned building. There is currently a row of very large conifer trees along the back boundary, which when removed will have 2 effects 1) increase our property/garden being overlooked and 2) the stone wall will likely collapse which will affect the stability of the stone wall on our boundary.

- (7) The planning application form says 3 flats, not 2?
- (B) Construction of a 4 bedroom house
- (1) The roof of the house appears from the plans to be higher than the adjacent buildings. This would not be in keeping with the houses on either side.
- (2) The plan suggests the building will be red brick. This is not in keeping with the adjacent buildings on the street so seems a bizarre choice. The Cotswold stone effect or brickwork in keeping with the adjacent house would be more appropriate
- (3) From the plans it appears the windows on the south elevation overlook one of our bedroom windows - we request these are obscured glass on the 1st and 2nd floor windows
- (4) The entrance of the 4 bedroom house will decrease availability of parking for flats opposite and this with the loss of parking from the proposed flats will lead to insufficient off road parking for neighbouring properties. There is already an increase in cars parking on the single yellow line during the day due to insufficient parking.
- (5) The house sticks further at the front than 58 Mill Street. This seems unnecessary, and it would improve our outlook if it was in line.

Notices of planning applications Failure to inform local residents:

- 2.2 We have not received a letter to do with this planning application, so the due process has not been followed. We only knew as we were keeping an eye on the WODC website.
- 2.3 There is only 1 notice on the 58 Mill Street property which is difficult to see, and none outside neighbouring properties. In fact the ones on neighbouring properties is for the previous planning and has not been removed. Therefore local residents may not have had the opportunity to have their say.

3 APPLICANT'S CASE

- 3.1 Full details of the applicant's case can be viewed on the Council's website. The Design and access statement submitted with the application advises as follows in a précis form:
- The design and layout responds to adjacent development in form and character;
 - Reference has been made to the West Oxfordshire Design Guide and Landscape Appraisal as well as the surrounding environment to determine the layout, design and external materials;
 - There have been many similar examples of backland development in the site locality and the village centre over recent years;
 - Plot 1 has a traditional simple appearance reflecting the local vernacular and the varied ridge lines down Mill Street;
 - We have chosen red multi brick for the new dwelling to break up the street scene as it does down Mill Street. The plain concrete roof tiles reflect development in Mill Street;
 - Access to plot 1 is via an existing dropped kerb in Mill Street;
 - Plot 2 and 3 are accessed via an existing vehicular entrance;

- The mature trees and hedges to the front of the site are to be retained;
- The development is not in the flood plain.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

BE5 Conservation Areas

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This planning application is for redevelopment of part of the garden associated with 58 Mill Street, Eynsham. The proposal is for a four bed dwelling located in an 'infill' position on the sites frontage between 58 and 56 Mill Street and a building to the rear of the plot to provide two one bed flats with bedrooms in the roof space. The building to the rear is just over 6.5 m to ridge and has dormer windows to the front and roof lights to the rear. Access to the flats is to be taken from an existing access serving the adjacent commercial use and two parking spaces are to be provided on land that presently sits within the garden of 58 Mill Street. The dwelling will be served by a new access onto Mill Street and will result in the removal of a length of low stone wall and mature hedgerow.
- 5.2 The site is located within the Conservation Area. The access and commercial premises and flats that abut the land are located outside the boundary of the Conservation Area.

Planning History

- 5.3 14/0558 Planning application for the erection of one 4 bed house and three 1 bed flats and associated car parking was withdrawn.
- 5.4 Planning history on the adjoining site that is of relevance is 10/0344 which conditions parking spaces to serve flats in a converted commercial building to be retained for parking purposes. These spaces potentially impact on the parking and manoeuvring arrangements to serve the two flats to the rear of the site.
- 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 The principle of additional residential development within the built up area of Eynsham is considered to be housing policy compliant.

Siting, Design and Form

Four Bed Dwelling

- 5.7 The dwelling is of a scale and design that is considered appropriate given the sites context which consists of an eclectic mix of housing types and materials. The building however is located approximately one metre forward of the existing house and officers have requested an amended site plan showing the new house in line with the existing house in order to ensure that it does not appear overly assertive within the street scene. The proposed walling material for the house is red brick. Officers have advised the applicants that red brick is unacceptable and that a more appropriate walling material is stone/artificial stone if the character of the Conservation Area is to be preserved.

Two, One Bed Dwellings

- 5.8 The two one bed dwellings are contained within a building located to the rear of 58 Mill Street. The building is of a size and scale commensurate with an adjoining building in use as flats. By reason of its backland location the building will not be highly visible within the street scene and in this regard the proposal is considered to preserve the character of the Conservation Area.

Highway

- 5.9 At the time of writing OCC Highways has not commented on the access and parking arrangements. However, no objections were raised to the earlier application for four units on the land under reference I4/0558 which was withdrawn prior to a decision being made.
- 5.10 Given the parking arrangements to serve the existing adjacent flats, the parking and manoeuvring plan submitted with the application is considered to need some modification in the interests of the convenience of future occupiers. In order to address this matter an amended layout plan has been requested which it is anticipated will be submitted prior to the determination of the application.
- 5.11 OCC Highways comments will be sought and reported to Members in respect of access and parking matters at the Committee meeting. In light of the earlier consultation response it is not anticipated that any issues will arise that cannot be dealt with by planning conditions.

Residential Amenities

- 5.12 In terms of impact on residential amenity the key areas of impact are on number 56 Mill Street, 15a Newland and the flats adjacent to the proposed development.

56 Mill Street

- 5.13 The infill dwelling is set off of the boundary with 56 Mill Street and as such will not in your officers opinion unacceptably overshadow or overbear on that property. The windows in the gable end light a stairwell and thus, given that they do not light main living room windows, will not result in unacceptable levels of overlooking of windows lighting bedroom spaces in the gable end of 56 Mill Street. However, if this is considered by Members to result in unacceptable levels of overlooking the higher level windows could be conditioned to be obscure glazed.

- 5.14 The two one bed dwellings are located such that they do not overbear or overshadow the private amenity space serving 56 Mill Street. The building does however have roof lights in the rear elevation fronting onto the bottom end of the garden serving both 56 Mill street and the proposed new 'infill' dwelling. In order to ensure that unacceptable levels of overlooking do not occur a condition has been imposed to ensure that the roof lights are high level with restricted openings.

15a Newland

- 5.15 The proposed two one bed dwellings abut, on a plot to the east, a large modern house. Notwithstanding the close proximity of the proposal to the existing house, the house at Newland is designed and orientated in such a way that it is not adversely impacted by the proposed development.

Adjacent Flats

- 5.16 The flats adjacent to the proposed development are orientated such that there is a neutral impact on the residential amenity of the existing occupiers.

Conclusion

- 5.17 In light of the above, subject to the receipt of amended plans which address officers concerns about how off street parking and manoeuvring is provided on site to the satisfaction of the Highway Authority and re-siting the building one metre further back in the plot in order to align with the front elevation of 58 Mill Street, your officers are recommending the application for conditional approval.

6 RECOMMENDATION

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 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 Notwithstanding the application details before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions including roof extensions or outbuildings other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed in the interests of visual and residential amenity.

- 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 elevation(s) of the buildings.
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) are occupied and retained as such thereafter.
REASON: To safeguard the character and appearance of the area.
- 7 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 8 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.
REASON: In the interests of road safety.
- 9 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 10 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)
- 11 Notwithstanding any indication given on the plans hereby permitted, the roof lights in the rear elevation of the proposed two one bed houses shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such. In addition they shall be fixed so as to have limited opening in accordance with details to be first submitted to and approved in writing by the LPA and the said approved details shall be retained as such thereafter.
REASON: To safeguard privacy in the adjacent properties.

Application Number	I5/00180/FUL
Site Address	124 Woodstock Road Witney Oxfordshire OX28 1DY
Date	4th March 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Hailey
Grid Reference	436749 E 210883 N
Committee Date	16th March 2015

Application Details:

Demolish existing redundant garage building. Replace with new 4 bedroom dwelling and double garage.

Applicant Details:

Mr Adam Reed
5 Bluebell Ride
Radley
Abingdon
Oxfordshire
OX14 2LB
United Kingdom

I CONSULTATIONS

- I.1 Parish Council No formal response at the time of writing but the clerk has advised your officers that there is to be an objection from the PC in respect of the proposal.
- I.2 OCC Highways No Objections subject to conditions relating to the following:
- Vision plays approved plan to be submitted and approved
- Submit surface water drainage scheme
- Drawing to be submitted and approved prior to occupation showing the entrance gates at least 5m back from the highway boundary in the interests of highway safety.
- The driveway shall be constructed such that neither water nor any loose material is prevented from coming onto the highway surface. Construction details and material types must be submitted and agreed with the Local Authority prior to consent. Grounds Highway Safety and Sustainable Drainage.
- Garage size will be constructed to internal size of 6m by 3m per vehicle as per the Councils policy requirements.

- 1.3 WODC Env No reply at the time of writing.
Consultation Sites

2 REPRESENTATIONS

- 2.1 No representations have been received at the time of writing.

3 APPLICANT'S CASE

- 3.1 This planning, design and access statement has been prepared to set out the evolution and rationale of the design for a small re-development of 1 dwelling on land to 124 Woodstock Road, Witney which currently has commercial usage. It covers the design process and is structured as recommended by CABI within their guidelines on how to write a Design and Access Statement. It should be read in conjunction with the design plans and supporting information submitted with the planning application.
- 3.2 The site is on the edge of Witney a long thin site bounded by the Woodstock Road and the new Madley park development.
- 3.3 The site is accessed via an existing dropped kerb.
- 3.4 There is a path/cycle way between Woodstock Road and the site which is approximately 3.0m wide. To the left of the access on the site is a culvert that appears to be redundant as it is piped under the access road then stops, we believe it became redundant when Madley Park was built.
- 3.5 The site was used for parking in association with the repair and servicing of vehicles. Planning consent for the removal of existing garage and erection of new garage with self-contained accommodation above was granted on 28/4/2011. Planning reference number: 2011/0033 - this has now lapsed.
- 3.6 An Enforcement Notice was issued on the 9th May 2013 (ref: No 563) for commercial usage was granted. Since that notice was issued the site has been cleared and sold on to my client at auction. The building has subsequently been victim to an arson attack and completely burnt down. The site has now been cleared.
- 3.7 The design of the proposed house type and layout responds to the adjacent development in character and form.
- 3.8 Reference has been made to the West Oxfordshire Design Guide and Landscape Appraisal as well as the surrounding environment to determine the layout, design and external materials.
- 3.9 The proposed dwelling has a traditional simple appearance reflecting the local vernacular. The walls are to be re-constructed stone with timber lintels to the windows and stone sills.
- 3.10 The roof tiles will be plain concrete - again this will reflect what has been used often in Woodstock Road.
- 3.11 The access to the plot via an existing dropped kerb.

- 3.12 The boundary to Woodstock Road will be planted with a native mix of hedging plants with gates across the access and pedestrian access to the front door.
- 3.13 The southern boundary will have a stone wall with native planting.
- 3.14 The proposed development is not in the flood plain see attached Flood Map as advised by the Environment Agency.
- 3.15 In light of the sites former use a Contamination study has been submitted as part of the application.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H7 Service centres

H2 General residential development standards

BE18 Pollution

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is for a four bedroomed house and a detached garage on a very prominent site adjacent to the Woodstock Road. For many years the site which was shielded from the road by substantial landscaping had a building on it that was used in association with the adjoining land for vehicle repairs. The site was recently sold at auction. The building that was located on the land has subsequently burnt down and the whole of the landscaping screen has been removed.

History

- 5.2 There is an extensive planning history on this site the most recent of which is listed below.
- 5.3 06/2120 - Demolish existing garage, erect new mechanics garage with living accommodation over - Conditional approval.
- 5.4 09/1187 -Change of use of land from vehicle storage to vehicle sales, storage and valeting, temporary siting of caravan for use as office (retrospective) - Refused.
- 5.5 10/1251 - Removal of existing garage and erection of new garage with self contained accommodation above - Conditional approval.
- 5.6 14/1370- Erection of a dwelling and detached garage – Withdrawn.
- 5.7 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

- 5.8 The site is located within one of the most sustainable settlements in the District and within the built up limits of the town, thus the principle of a dwelling on the site can be considered policy compliant.
- 5.9 Notwithstanding the fact that the site was formerly used for employment purposes , given the physical configuration of the site (long and very narrow), it's residential context and it's very prominent location, the site is considered more appropriate for residential redevelopment as opposed to employment use.

Siting, Design and Form

- 5.10 The house has been orientated on the plot to mirror a 'gable end on' dwelling further along the Woodstock Road. The rear garden will be enclosed by a 2m high stone wall which extends from the gable and provides an enclosed private amenity area to serve the house as well as a visual screen from the highway.
- 5.11 A low stone wall with landscaping behind will enclose the remainder of the plot frontage and the tapered part of the site to the rear of the proposed garage is to be landscaped.
- 5.12 In your officer opinion, the proposals for the site which take reference points from other development along the Woodstock Road, are well thought through and will lead to an enhancement of the town's streetscape.

Highway

- 5.13 County Highways has raised no objection subject to conditions.

Residential Amenity

- 5.14 The nearest houses to the proposal are located to the rear with 'front to gable' distances of between 18 and 19 metres. Located between these dwellings and the development is a well established planting belt. Bearing this in mind your officers do not consider that the proposed development will adversely affect the residential amenity of existing occupiers. However, there are first floor windows in the gable that light living spaces, albeit bathroom spaces and in the interests of 'perceived overlooking' it is recommended that these windows be conditioned to be obscure glazed.

Contamination

- 5.15 A contamination study has been submitted with the application which concludes that the development is acceptable subject to remediation recommendations. At the time of writing the Council's contamination officer's consultation response remains outstanding and thus your officers are unable to offer a definitive response in respect of contamination.

Conclusion

- 5.16 In light of the above assessment the planning application is recommended for conditional approval subject to the Council's contamination officer raising no objection.

6 RECOMMENDATION

Grant subject to the following conditons:-

- 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 The external walls of the dwelling, garage and boundary walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 5 The means of enclosure identified on drawing number 976 - 01b shall be constructed before the dwelling hereby approved is first occupied and shall be retained as such thereafter.
REASON: To safeguard the character and appearance of the area
- 6 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, means of enclosure or external alterations shall be constructed other than those expressly authorised by this permission.
REASON: Control is needed in the interests of visual amenity.
- 8 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.

- 9 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)
- 10 Notwithstanding the application drawings and prior to the commencement of development the entrance gates shall be set back at least 5m back from the highway boundary in accordance with a detail to be first submitted to and approved in writing by the LPA.
REASON: In the interests of highway safety.
- 11 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 12 Before first occupation of the dwelling hereby permitted the first floor windows to the rear (east) elevation shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent properties.

Application Number	I5/00201/HHD
Site Address	Fishers Bridge Cottage Buckland Road Bampton Oxfordshire OX18 2AA
Date	4th March 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Bampton
Grid Reference	431973 E 202910 N
Committee Date	16th March 2015

Application Details:

Erection of single and two storey extensions and detached car port.

Applicant Details:

Mrs G Coleman
Fishers Bridge Cottage, Buckland Road
Bampton
Oxfordshire
OX18 2AA
United Kingdom

I CONSULTATIONS

- I.1 Parish Council No objections.
- I.2 WODC Architect No Comment Received.
- I.3 OCC Highways The proposal. If permitted, will not have a significant detrimental effect on the local road network.

No objection.
- I.4 Environment Agency The proposed development falls within Flood Zone 3 as defined in Table I of the Planning Practice Guidance to the National Planning Policy Framework (Paragraph: 065 Reference ID: 7-065-20140306) and is therefore at risk of flooding.
We have produced a series of standard comments for local planning authorities (LPAs) and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue to replace direct case by case consultation with us. The proposal falls within this category.
These standard comments are known as Flood Risk Standing Advice (FRSA). FRSA can be viewed on our web site at <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

The applicant should complete the relevant FRSA form for this development and include it as part of the planning application submission to the local planning authority. You will then determine whether flood risk has been considered in line with FRSA recommendations.

Informative Flood defence consent

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Shill Brook main river.

I.5 WODC Env Services -
Engineers

According to the EA flood maps, the western end of the site is situated within an area susceptible to 1 in 1000 year surface water flooding. The whole site is within flood zone 3 and lies within the historic flood map. WODC records show the cottage was flooded in 2007.

The site is adjacent to the Shill Brook.

Surface Water Drainage Proposal Not stated.

Gravel proposed for vehicle access and hard standing.

Other Relevant Information (such as contours and levels of neighbouring plots). According to level contours, the site is situated on very flat land.

Comments

The EA have been consulted, and have not objected to the proposals, offering only Flood Risk Standing Advice, to mitigate the flood risk to the development if it goes ahead.

I do not consider that this development should be permitted, for the following reasons:-

1) The submitted short form Flood Risk Assessment describes the site as being within Flood zone 3a, which cannot be corroborated without detailed modelling. There is no indication that this has been undertaken. The document has correctly identified the proposed development as more vulnerable, which would require an exception test to be carried out if it is within Flood zone 3a this does not appear to have been applied, and I do not believe the test would be passed if it was, as it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. If the site falls within Flood zone 3b, it would act as a functional floodplain and the development would not be permitted under PPS25.

2) The FRA includes a map extract of the Fishers Bridge area showing lack of flooding of properties immediately to the South of Fishers Bridge in 2007 flood event", which actually indicates that 4 properties immediately south of Fishers Bridge Cottage were affected by flooding at this time. If the car port and extension were constructed, flood risk to these properties could increase as the only mitigation measures proposed are in relation to protection of the new development.

2 REPRESENTATIONS

2.1 5 letters have been received from Mr Webb of Cherrybrook Cottage, Lesley Campbell of Cherrybrook Cottage, PM and JA Dowley of Garden House and J E Battersby of Brockstone, Janette, Malcolm, Nathan, and Alex Bone 'The Cottage' and 4 Buckland Road.

2.2 The comments have been summarised as:

My property adjoins Fishers Bridge site and I am writing to object to this application for several reasons:

- The plans indicate that the footpath/public right of way running alongside the property will be used for vehicular access. This footpath is heavily used by walkers and would be adversely affected.
- This development would adversely affect the character of the conservation area.
- In addition I have several objections relating to flood risk and flooding:
- The entire site is on Flood Zone 3 and approving this application would be contrary to NPPF 99-103 and in particular 103 which states that 'when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere', which it certainly would as every square meter of concrete increases the flood risk to adjoining properties as a reduced area would then be available for fluvial run-off and water storage at times of flood.
- The applicant states in their Flood Risk Assessment that the site is within Flood Zone 3a but the EA have confirmed that without a topographical survey and site-specific modelling (which has NOT been carried out) it is not possible to determine whether the site is Flood Zone 3a or 3b.
- The Flood Risk Assessment attached to this application misrepresents the WODC Parish Flood Report 2008 by captioning a diagram as 'showing lack of flooding of properties immediately to the South of Fishers Bridge in 2007 Flood event' (It additionally confuses the facts by not orientating the map with 'North up'). In reality several properties flooded in 2007 including Garden Cottage and Fairacres that lie immediately South of Fishers Bridge as did all the properties on the Buckland Road that lie downstream of the Fishers Bridge up to and including The Trout at Tadpole Bridge. Also relevant is the factor that any building on this site would increase the flooding risk of homes up the Buckland Road.
- Approving this application would set a dangerous precedent that it is acceptable to build on Flood Zone 3 (which of course it is not), and this would have implications for a future application on this site in the area bordered blue on the location plan of existing elevations.
- Also the principle of no new build on Flood Zone 3 should NOT be ignored as it would have negative implications for the Public Inquiry into the Aston Road site where building on Flood Zone 3 is a material consideration.

- The proposal constitutes an inappropriate use of 'more vulnerable' land (Technical Guidance to the National Planning Policy Framework).
- This site has already been assessed and rejected as unsuitable for development by WODC due to the fact the site is entirely on Flood Zone 3 (SHLAA June 2104).
- As Flood Zone 3 represents the functional flood plain any increase in the footprint on this site will increase the flood risk of surrounding homes as a reduced area would then be available for fluvial run-off and water storage at times of flood.
- This site has flooded on many occasions in past years but most recently in July 2007, March 2008 and January 2014.
- The so-called 'flood risk assessment' attached to this application misrepresents the WODC Parish Flood Report 2008 by captioning a diagram as 'showing lack of flooding of properties immediately to the South of Fishers Bridge in 2007 Flood event' when in reality Garden Cottage and Fairacres that lie immediately South flooded in 2007 as did all the properties on the Buckland Road that lie downstream of the Fishers Bridge up to and including The Trout at Tadpole Bridge. In fact, homes upstream of the Fishers Bridge are at even more risk at times of flood when the capacity of the channel under Fishers Bridge is overwhelmed as occurred in 2007.
- This application contains no flood mitigation measures e.g. attenuation areas that would reduce the risk to existing homes in the immediate area.
- Approving this application would set a dangerous precedent that it is acceptable to build on Flood Zone 3, and this would have implications for future applications in Bampton, including on this site in the area bordered blue on the location plan.
- Breaching the principle of no new build on Flood Zone 3 would also have negative implications for the Public Inquiry into the Aston Road site where building on Flood Zone 3 is a material consideration.
- This issue of precedence means that it is vital that this application is determined by the Lowlands Planning Committee and to this end I have copied in our District Councillors.
- Serious concerns regarding the effect the work will have on our property due to the increased risk of flooding caused by building work and extensions being carried out, we ourselves have sustained serious flooding and the grounds of the proposed site have flooded on a number of occasions over the past 13 yrs that we have lived here any further building work can only increase the risk to our property and surrounding properties.
- Pictures of flooding are available if needed. We have further concerns over the extended risk of problems with the sewage and drainage system that.
- Already has major problems and at full capacity and has caused flood damage to our property on many occasions adding extra to this system will.
- Only make problem worse in future.
- We also have concerns of the long term effect on the banks of the brook.
- We are also concerned that the entrance to the proposed site is situated on a private lane that only we have legal right of vehicle access to and will not.
- Agree to any further use to our access this will cause a major issue in future and also exits direct on to a public footpath. Our evidence for above.
- Concerns can be obtained from the Environment Agency and West Oxon Water Ways also our Insurance company Aviva serious incident department.
- I feel I must post an objection to the work proposed for this site principally on account of the fact that the site is in an area of potential further flooding, as was evidenced in 2007 when all properties down Buckland Road were so affected and further building on designated Flood Zone 3 is not to be encouraged.

- Any increase in the footprint on this site increases the flood risk to our property, and a number of others in the village, as a reduced area would then be available for fluvial run-off and water storage at times of flood. (Each year we are regularly put on flood alerts and warnings). Indeed we have lived in our property for 37 years, and I cannot recall a year when the Fishers Bridge property and garden did not flood.
- The Flood Risk Assessment attached to the application misrepresents the WODC Parish Flood Report 2008 by captioning a diagram as 'showing lack of flooding of any properties immediately to the South of Fishers Bridge in 2007 Flood event' (It additionally confuses the facts by not orientating the map with 'North up'). In reality, we live just up from the property and we know that a number of properties flooded in 2007 including Garden Cottage and Fairacres that lie immediately South of Fishers Bridge as did all the properties on the Buckland Road that lie downstream of the Fishers Bridge up to and including The Trout at Tadpole Bridge.
- An approval of this application would set a dangerous precedent that it is acceptable to build on Flood Zone 3 (which is not the case), and would have implications for a future application on this site and any other sites in our area.
- Also the principle of no new build on Flood Zone 3 should NOT be ignored as it would have negative implications for the Public Inquiry into the Aston Road site where building on Flood Zone 3 is a material consideration and enormous efforts are being made by the village to stop this development and reduce the risk of our homes flooding again.

3 APPLICANT'S CASE

- 3.1 A Planning Statement and FRA have been submitted with the application and have been summarised as:

This application is a resubmission following the withdrawal of application 14/0929/P/FP in August 2014.

The previous application was withdrawn following concerns, principally, with two issues:-

i) Design. The following comments were received from the Conservation Officer 'The proposed extension is of uncharacteristically fussy form, and it bears a very uncomfortable relationship to the existing building, that includes a flush joint to the front corner. And by the way, from our point of view, any form of extension here at the front of the site is unlikely to be acceptable, as it would inevitably transform the existing form, which is clean and simple, gable-end-to-the-road, and highly characteristic. I suggest they consider extension at the other end. I also suggest that they simplify the car port to just a two-bay structure, without the additional garden store as currently drawn it is just a little too fussy.'

ii) Flooding. Consultation responses raised concerns regarding the impact of the proposed development on flooding in the area. The Environment Agency were consulted but failed to respond.

Following withdrawal of the application a period of consultation took place (Oct/Nov 2014) with the Planning and Conservation Officers at W.O.D.C in order to seek agreement on a mutually acceptable design. The Tree Officer was also consulted regarding the proposed removal of a large Scots Pine.

The Environment Agency were also consulted to establish their views. Their response is attached at the end of this statement but to summarise, they offered no objection to the

proposal and simply referred to the Flood Risk Standing Advice (as referred to in the Flood Risk Assessment accompanying this and the previous application).

The consultations with W.O.D.C resulted in recommendations that:-

- The extension would be better located off the rear (West) gable
- The design should be simplified (both of the extension and the carport)
- The extension ridge should be lower relative to the main ridge
- Materials should match the existing
- The Environment Agency should be consulted regarding flooding
- There was no objection from the Tree Officer to the removal of the Scots Pine.

These comments have been incorporated into the revised design.

Summary and Conclusions

- The design has been amended in accordance with comments from W.O.D.C Planning & Conservation Officers, and the Environment Agency recommendations have been followed regarding lower risk development.
- It is suggested on this basis that the proposal is acceptable and should be recommended for approval.
- The site falls within Flood Zone 3 as identified on the Environment Agency website and confirmed through the West Oxfordshire District Council records. The area of land is within the 1 in 100 flood area for the Shill Brook. For the purposes of this assessment and from the available information the site lies within flood zone 3a (see Table D1 of PPS25).
- The use of the building as a dwelling falls within the flood risk classification of 'more vulnerable' as defined by Table D2 of PPS25.
- The Flood Risk Assessment requirements are set out in the environment agency standing advice in the section named 'advice for applicants and agent advice householder and other minor extensions'. The table is attached to this document. It requires that an applicant can choose one of two mitigation measures either that the floor levels within the proposed development will be set no lower than existing levels AND, flood proofing of the proposed development has been incorporated where appropriate.
- OR Floor levels within the extension will be set 300mm above the known or modelled 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal and coastal flood level).
- It is proposed to set the proposed floor level at the same height as the existing and to introduce flood resilience and resistance techniques in accordance with the guidance contained within the ODPM 2003 document 'Preparing for Floods'. The latter will apply to the existing building (where viable) as well as the extension and car port.

The measures proposed include:-

- Generally all new materials up to 1.2m above ground level to be water resistant or easily removable/replaceable.
- Floor finish to be impermeable using either plain concrete, ceramic/quarry tiles. The existing ground floor is a concrete slab.
- External door thresholds to be flush to allow for drainage of floodwater.

- Wall/floor insulation to be water resistant PUR foam (i.e. Celotex), expanded polystyrene or cork.
- Internal wall finishes (incl external walls) to be lime-based plaster finishing coat.
- No electrical fittings/connections below 1.2m above ground level. This will apply to the existing building as it will be re-wired as part of the works.
- The car port is open-fronted and the garden store doors will finish 150mm above ground level in order to allow flooding of the footprint.

Summary and Conclusions

The site falls within Flood Zone 3a. The proposed use of the building falls within the 'more vulnerable' category at Table D2 of PPS25. In terms of the flood risk vulnerability and flood zone compatibility (table D3 of PPS25) the proposal is classified as appropriate. In accordance with the standing advice from the Environment Agency a full flood risk assessment is not required, rather the submission of a series of flood resilience measures are proposed and together with the completed table attached, form the Flood Risk Assessment.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

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

5 PLANNING ASSESSMENT

- 5.1 Cllr Mr Booty has requested the application be heard before the Committee due to flooding issues. The Parish Council have raised no objections to the proposal.

Background Information

- 5.2 A previous planning application was withdrawn from the planning system due to concerns regarding the proposed extensions. The planning application reference is 14/0929/P/FP.
- 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 existing property is a detached two storey cottage adjacent to Fishers Bridge at Buckland Road in Bampton. The property is located within Bampton's Conservation Area and adjacent to a public footpath. The property is also within Flood Zone 3.
- 5.5 Officers consider that the principle of some form of development is acceptable within Conservation Areas and Flood Zone 3 subject to the design, scale and a detailed FRA including flood protection measures as development under minor development can be permitted. Minor development includes householder development: For example; sheds, garages, games rooms etc.

within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself.

- 5.6 It is considered within Government advice that minor developments are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences, they would impede access to flood defence and management facilities, or where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.
- 5.7 In this case, the Environment Agency was consulted and referred the LPA to their standing advice to mitigate the flood risk to the development if permitted. However it is ultimately the local planning authority that needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere, and as such WODC Engineers were also consulted on the application. From the comments received, it is clear that officers find the FRA insufficient in that the claim that the site is within Flood zone 3a cannot be corroborated without detailed modelling which has not been undertaken. In addition the FRA does not demonstrate that the development will not increase flood risk elsewhere or reduce flood risk overall, and that the FRA is incorrect as 4 properties immediately south of the site were affected by flooding in 2007.
- 5.8 Officers consider that the FRA has not sufficiently demonstrated that as a result of the extensions and car port that flood risk to other properties would not increase, and as such officers consider that the proposal fails to meet requirements of the NPPF and PPS25.

Siting, Design and Form

- 5.9 Since the previous withdrawn application, pre-application discussions have taken place with officers, and now officers consider that the proposed extensions are of a more simple and modest form/scale and will be less prominent within the streetscene and the Conservation Area. The design of the proposed car port has also been simplified.

Highway

- 5.10 OCC Highways has not objected to the proposal.
- 5.11 The access issue raised within the representations is not considered to be a planning issue, but a civil issue that the applicant is aware of.

Residential Amenities

- 5.12 Due to the positioning of the existing dwelling which is set away from neighbouring properties, officers do not consider that an adverse impact to adjacent residential properties' amenities will be caused by the siting of the proposed extensions. The car port is set off the boundary fronting onto the public footpath.

Conclusion

- 5.13 Officers consider that in terms of the design and scale of the proposed extensions and car port, that the visual character and appearance of the Conservation Area will not be adversely affected. The simplified design is now more in keeping with the existing dwelling, and

neighbouring properties will not be unduly affected by the scheme. However officers consider that the flooding issues outweigh the above issues and consider that more information is required to fully assess the proposals and how they would prevent flooding to adjacent properties. As such your officers are recommending refusal.

6 RECOMMENDATION

Refuse for the following reason:-

- I It has not been clearly demonstrated to the satisfaction of the LPA that the submitted FRA has undertaken any detailed modelling to ascertain whether the site lies within Flood zone 3a and if it does, has not carried out an exception test. Furthermore the FRA does not demonstrate that the development will be safe without increasing flood risk elsewhere and where possible will reduce flood risk overall and includes inaccuracies regarding the 2007 flood event. As such the proposal is considered contrary to requirements of PPS25, the NPPF and other technical guidance.

Application Number	I5/00260/FUL
Site Address	Land At Weald Manor Farm Weald Street Weald Bampton Oxfordshire
Date	4th March 2015
Officer	Phil Shaw
Officer Recommendations	Pending Decision
Parish	Bampton
Grid Reference	431042 E 202556 N
Committee Date	16th March 2015

Application Details:

Demolition of redundant farm buildings and development of 10 affordable and Trust dwellings with associated open space, parking and landscaping

Applicant Details:

Trustees Of The John Colville Will Trust
C/o Agent

I CONSULTATIONS

- | | | |
|------|--|---|
| I.1 | <u>Parish Council</u> | No Comment Received. |
| I.2 | <u>OCC Highways</u> | No Comment Received. |
| I.3 | <u>WODC Architect</u> | No Comment Received. |
| I.4 | <u>WODC Legal & Estates</u> | No Comment Received. |
| I.5 | <u>WODC Env Services - Waste Officer</u> | No Comment Received. |
| I.6 | <u>WODC - Arts</u> | No Comment Received. |
| I.7 | <u>Mr Neil Rowntree</u> | No Comment Received. |
| I.8 | <u>WODC – Sports</u> | No Comment Received. |
| I.9 | <u>WODC - Tourism</u> | No Comment Received. |
| I.10 | <u>WODC Building Control Manager</u> | <p>1. A fire appliance should be able to get within 45m of the footprint of all buildings without needing to reverse more than 20m, unless there is a suitably sized turning circle. On this application this requirement doesn't appear to be met.</p> <p>2. On the two storey buildings the first floor windows appear too small for means of escape. This could be overcome with internal fire doors, but will cause a problem if not. The three storey buildings will</p> |

need fire doors.

3. In A1 to A4 1st floor kitchen should be remote from the exit door or a remote escape window provided. Again the windows appear too small here.

- | | | |
|------|--|--|
| I.11 | <u>WODC Landscape And Forestry Officer</u> | No Comment Received. |
| I.12 | <u>WODC Drainage Engineers</u> | No Comment Received. |
| I.13 | <u>Environment Agency</u> | <p>This application is deemed to either have a low environmental risk or relate to conditions that were not recommended by the Environment Agency. Unfortunately, due to workload prioritisation we are unable to make an individual response to this application at this time.</p> <p>Please note that while we are unable to provide comments on this planning application, this letter does not indicate that permission will be given by the Environment Agency as a regulatory body. We have a regulatory role in issuing legally required consents, permits or licences for various activities.</p> |
| I.14 | <u>WODC Planning Policy Manager</u> | No Comment Received. |
| I.15 | <u>WODC Head Of Housing</u> | <p>Having reviewed the application I can confirm that I am not in a position to support this application. The reasons are set out below;</p> <ul style="list-style-type: none">- The 4 flats were proposed by the developer without consultation with Housing staff, and make no comment upon housing need for Bampton.- The design of the flats is unsuitable for today's occupiers, in that they are of an outmoded deck access design, they are small for a 3 person household, only the ground floors have direct access to their own garden and clothes drying facilities which are crucial for families,- An exemplar of affordable housing design can be found on Blenheim Estates developments for Sovereign Housing Association, where each flat has its own access to gardens and separate entry, with pathways and storage for managing waste bins.- The development has a poor relationship to Bampton and without a path; it would be dangerous for families to walk along the road with small children. |
| I.16 | <u>WODC Env Health - Lowlands</u> | No Comment Received. |
| I.17 | <u>Thames Water</u> | No objection subject to conditions and informative. |
| I.18 | <u>WODC Community Safety</u> | No Comment Received. |
| I.19 | <u>OCC Archaeological</u> | The Davis Map of 1797 indicates that there were early post-medieval |

Services

buildings within the proposed development site. Lidar mapping of the area also shows earthworks on site, indicating possible archaeological activity.

The site also lies in close proximity to a number of cropmark sites including an undated double ditch enclosure to the north-west, linear features to the south and south-east, and later prehistoric settlement features to the south-west. A Roman settlement and altar site, identified through field walking and geophysical survey, are recorded to the east of the site as well as evidence for a possible farmstead.

The exact nature and extent of these features is not yet understood, and it is possible that archaeological features associated with the site described above may be impacted by the proposed development. In accordance with the NPPF (2012), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

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

2 REPRESENTATIONS

2.1 Ten letters of objection have been received and are summarised as follows:

Principle

- The development will lead to urbanisation of rural land outside the town boundary.
- A previous planning application (12/1086/P/OP) for a single dwelling directly opposite the proposed site was refused on the basis that it constituted development in a rural setting contrary to local policy H4.
- A previous application for 17 properties on the same site (14/0973/P/FP) was refused and although this application is reduced in scale it would still constitute a large percentage increase in the size of Weald.
- The development appears to be in contravention of several local planning policies. A similar proposal (application 13/0164/P/FP) was previously refused as it was in contravention of policy H10, BE2 and H2. Of particular concern is policy H2 as we believe this development will have a significant impact on the character of the surrounding area (clause a) and would lead to additional applications for developments in the vicinity (clause f).
- This would also set a precedent for potential further planning applications.
- It does not constitute rounding-off or in-filling and so is contrary to Saved Policy H7.
- WODC's SHLAA published recent referred to this site and recommended that it should not even be assessed as it is ' too remote from settlement '.

Highways

- The development would lead to a large percentage increase in traffic along Weald Street. The narrow nature of this road and the blind junction onto Clanfield Road make it unsuitable for this level of traffic.
- The road in question is narrow with no pavement and was not designed for, or capable of dealing with such a development.
- Access from main road into Weald St is treacherous. Further traffic will exacerbate all this.

Drainage and flooding issues

- Increasing the non-permeable footprint of this site will reduce the capacity of the land to hold flood water and so place neighbouring homes at increased risk of flooding.
- The Bampton sewage treatment plant is already operating at beyond capacity and pumping sub-stations have had to be backed up by tankers in the past 12 months. This development would further over-burden the sewage plant.
- The flood mitigation measures developed since the floods of 2007 have not been fully tested.

Location

- The development would result in undesirable and unnecessary spread of Bampton into surrounding rural land.
- Over development on size of plot.
- Urbanising the countryside.
- Too far from village amenities for affordable/sustainable housing.
- Distance from village amenities eg school, shops etc. will mean more car use as families are unlikely to walk with young children.
- Unsustainable economically and environmentally.

Other

Surely the cost of maintaining Weald Manor which is the reason for this development is a matter for the owners and not a problem that local residents should be burdened with?

3 APPLICANT'S CASE

- 3.1 The following documents have been submitted in support of the application and have been summarised below.

Design and Access Statement conclusion

- 3.2 This proposal is a unique scheme to provide high quality homes for local people to rent. The proposal will make a positive contribution to local character and distinctiveness, in accordance with paragraphs 60 and 131 of the Framework. It will provide much needed affordable homes by making good use of an unused site whilst having only a marginal impact on the Conservation Area and landscape setting of Bampton. The proposal will also make a sustainable contribution towards restoring the Council's five year supply of housing land. There will be no adverse

impacts which "would significantly and demonstrably outweigh the benefits" of the development (paragraph 14 of the Framework).

- 3.3 The proposal is discretely located on a well screened site. The mature hedgerow alongside Weald Street and the tree plantations within the site and along the north-west boundary ensure the proposal will be an unobtrusive development in this semi-rural location.
- 3.4 The removal of the unsympathetic and derelict concrete framed and concrete block farm buildings and the overhead power lines on the site and along Weald Street will be a significant enhancement of the Conservation Area. In addition, the proposal will create a high quality living environment, it uses natural materials, and it accords with the advice in the West Oxfordshire Design Guide. The proposed development, therefore, will enhance this part of the Conservation Area.
- 3.5 For all of the above reasons, planning permission should be granted.

Phase I Habitat Survey conclusion

- 3.6 The application site comprises semi-improved grassland of limited ecological value, hardstanding and redundant agricultural buildings which do not host roosting bats and a block of broadleaved plantation woodland which will be retained following development. As such apart from great crested newts (see paragraph below) there are unlikely to be significant any ecological constraints to the proposals.
- 3.7 The application site is very likely to host a population of great crested newts (there are two populations within 250m of the application site) and unmitigated the proposals are likely to have an adverse impact upon this species. However if a mitigation plan is provided to ensure that animals are not killed or injury during site clearance and construction works and that the favourable conservation status of great crested newts is maintained (an outline strategy for which has been presented in this report) there should be no adverse impact upon this species. Subject to attaching appropriate planning conditions the local planning authority could be confident that the proposals would comply with planning policy and legislation in relation to this species.

Heritage Statement conclusion

- 3.8 I have concluded in this statement that the existing buildings on the site have a negative impact on the character and appearance of this part of the Bampton Conservation Area.
- 3.9 The proposals for the site with its traditional design that takes into account its context will, I consider, make a positive and sympathetic contribution to the appearance, character, quality and local distinctiveness of the Conservation Area.
- 3.10 Furthermore the development will bring a number of sound long term public benefits to the local community. The proposal is therefore clearly consistent with the national advice and guidance in the NPPF and its associated Planning Practice Guidance, PPS5: Planning for the Historic Environment Practice Guide and Building in Context. It is also consistent with the saved Policies BE5 (Conservation Areas) and BE6 (Demolition in conservation areas) of the West Oxfordshire Local Plan (2006), Core Policy 23 of the Draft West Oxfordshire Local Plan (October 2012) and the West Oxfordshire Design Guide.

- 3.11 For all the reasons set out above, it is my considered professional opinion that the proposal for the demolition of the redundant farm buildings and the development of 10 affordable and Trust rented dwellings with associated parking, open space and landscaping should be granted conservation area consent and planning permission.

Planning Statement conclusion

- 3.12 The proposed development of 10 affordable and Trust rented dwellings will help to restore the five year supply of housing land as required by the Framework and help to meet the significant additional need for market and affordable housing (particularly in the short term) that has been identified in the SHMA. The site is small-scale and available to be developed now, the proposed development is viable, it will be delivered within five years, and it makes effective use of an untidy area of previously developed land. In accordance with paragraph 47 of the Framework, therefore, the proposal is sustainable, deliverable and developable.
- 3.13 The proposal is a unique scheme to provide high quality homes for local people to rent. It makes good use of an unused site and it will provide much needed affordable homes and enhance the character and appearance of the Conservation Area whilst having only a marginal impact on the landscape setting of Bampton. There will be no adverse impacts, therefore, which "would significantly and demonstrably outweigh the benefits" of the development (paragraph 14 of the Framework).
- 3.14 The proposal brings with it the following public benefits:
- Generating an income stream to enable the urgent restoration works to the Grade II* Weald Manor to be carried out;
 - Providing a mix of 10 high quality homes (including 4 affordable dwellings) to help meet the objectively assessed needs for market and affordable housing;
 - Identified in the Oxfordshire SHMA;
 - Delivering the houses immediately to help the Council make up its short-term housing deficit;
 - Bringing this redundant brownfield site back into beneficial use;
 - Creating a high quality development to replace the redundant farm buildings and farmyard which will enhance the Conservation Area;
 - Creating local building jobs and generating additional spending power in the local economy;
 - Securing a New Homes Bonus;
 - Creating ecological and landscape enhancements, particularly through additional tree planting around the boundaries of the site and management of the existing plantation woodlands;
 - Undergrounding the existing overhead low voltage electricity lines both within the site and along Weald Street from beside Long Paddock to the south up to Backhouse Farm to the north;
 - Enabling use of the adjoining field to the north of the site for village and community events;
 - These benefits need to be afforded significant weight. To ensure they are delivered, the site is available for development now - there are no land;
 - Ownership or infrastructure complications to delay delivery. The scheme is small-scale and deliverable and will be developed without delay.

- 3.15 Considering the Framework as a whole, and giving proper weight to the public benefits offered by the proposal and the absence of any issues which amount to an adverse impact to "significantly and demonstrably" outweigh the benefits, the planning balance has to be in favour of granting planning permission.

Condition Maintenance Report executive summary

- 3.16 As was envisaged by the commissioning of this report some fairly substantial repair and restoration works are necessary within the next 10 years. These can be summarised as follows:-

1. Works to chimneys ranging from complete rebuilding to ongoing external repairs.
2. Routine repairs of roofing slates and tiles with eventual recovering of one or possibly two roof slopes.
3. Ongoing routine repairs to lead parapet gutters with an ongoing programme of replacement of these gutters phased to suit parapet works i.e. they would be best carried out at the same time.
4. Substantial repairs and rebuilding of external wall parapets.
5. Re-facing external walls which have had cement render used to replace previous lime based render.
6. Re-pointing of walls.
7. Repairs to windows which have signs of decay and lack of maintenance over the years.
8. Internal repair to defective end bearings to two major supporting beams.
9. Some careful conservation works of some of the important features in the house i.e. shell niche and fireplaces.
10. Other less exhaustive but necessary running repairs and redecorations.

- 3.17 It should be appreciated that with Historic Buildings there will be ongoing costs after the 10 year period for further repairs. These are likely to be substantial as other areas of re-roofing and chimney repairs can be foreseen.

- 3.18 The total repair and restoration costs within the next 10 years are summarised in the table below. The grand total comes to over £920,000.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE6 Demolition in Conservation Areas

BE8 Development affecting the Setting of a Listed Building

BE13 Archaeological Assessments

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

NE13 Biodiversity Conservation

NE15 Protected Species

H2 General residential development standards

H3 Range and type of residential accommodation

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

H11 Affordable housing on allocated and previously unidentified sites

H12 Affordable housing on rural exception sites

E6 Change of Use of Existing Employment Sites

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

5 PLANNING ASSESSMENT

- 5.1 The context for assessing the merits of this revised application are the refusal reasons that led to the refusal of the last application on the site and whether there are any additional material considerations that would lead to a different weighing of the key factors and lead to a different recommendation. The full wording of the refusal reasons are as follows:

'By reason of its location in an attractive, isolated and rural part of the conservation area and the scale, form and associated highway improvements, the proposal is considered to harm the character and appearance of the Bampton Conservation Area, urbanising the attractive loose knit and agrarian character and appearance, which is contrary to the provisions of Policy BE5 of the adopted Local Plan, the provisions for the NPPF and relevant case law.

By reason of the harm arising from the urbanisation of the Conservation Area, the potential impact on archaeology, the lack of certainty regarding the drainage impact, the adverse landscape impact, the lack of proven need for the enabling development, the loss of an existing employment site and queries regarding the viability and deliverability of any mitigation package, the scheme is considered to cause significant and demonstrable harms that are not justified on their planning merits and as such is unsustainable development in the terms set out in the NPPF and contrary to policies BE1, BE2, BE13, NE1, NE3, H2, H4 and E6 of the WOLP and the provisions of the NPPF.'

Addressing the refusal reasons

- 5.2 The application is now for a reduced number of dwellings and on a reduced site area - limited in extent to the area currently covered by the modern and traditional agricultural buildings on the site. In this regard the scale of development has been reduced from that which was previously refused. Clearly however the location remains broadly identical in that the scheme remains in an attractive and isolated part of the Conservation Area. In contrast to the earlier proposal however the limitation of the footprint of the scheme to that of the agricultural barns - rather than extending the scheme into the open fields adjoining the site, means that the openness of the Conservation Area is retained and the replacement of the unsightly modern barns with relatively modest and well designed cottage style development offers the prospect of some betterment in terms of the quality of built form. All of these factors would in your officer's view represent an improvement on the scheme that was refused.
- 5.3 The issue regarding character is less clear cut. The site currently enjoys an "attractive loose knit agrarian character". It is part of the countryside and reads as such and in that context the barns do not appear discordant even though of themselves they are of no particular architectural merit. The replacement buildings will be much better in individual quality but much more urban in form. Whilst such a scheme in the heart of a settlement may have considerable merit your officers retain concern that the existing character of the Conservation Area will not be preserved or enhanced but that a somewhat incongruous development will be created that will cause its own harms. The applicants have tried hard to mitigate this impact by retaining the existing planting and are proposing further planting to seek to help the new development assimilate into its context but Officers assessment is that at best the scheme will have a neutral

impact but in reality it is likely that there will be an adverse impact on the character of the Conservation Area. In accordance with recent case law and the NPPF it would need public benefits to justify the harm to the CA and because the protection of the heritage asset needs to be accorded particular weight in the planning balance these benefits would themselves need to be significant if they are to outweigh even relatively small amounts of harm to the Conservation Area or its setting.

- 5.4 Moving on to the other issues cited previously the urbanisation of the Conservation Area that was at the heart of the last refusal reason was compounded in that in order to try to improve safety for pedestrians the applicants proposed a series of footpath and traffic calming measures. Whilst these would have improved safety they would have fundamentally altered the unspoilt rural lane and replaced it with a more urban road form. The current proposals no longer propose the improvements which means that the harms to the CA are no longer raised by the traffic calming. What it does do however is mean that these houses will not be served by an adequate pedestrian network and the views of OCC as to whether they would find this acceptable have not been received at the time of agenda preparation.
- 5.5 As to the archaeological issue the applicants indicate that an archaeological dig would cost approx. £4K and they do not wish to undertake this expenditure without a resolution to approve. Whilst this position is understood it does mean that at the time of writing that the full archaeological position is not known.
- 5.6 As to the drainage issue the applicants have tabled information that appears to show that the pond that Members viewed when they made the site visit was created with a view to mitigating the flooding impact of residential development in the vicinity of the site. Members will be aware that this part of the settlement was badly affected by flooding in 2007 and as such it is essential to ensure that the risk of flooding to the proposed properties and to existing properties is not worsened. The applicants own flood report indicates that the site is in flood zone I (low risk) as regards fluvial flooding but notes that surface water flooding occurred in 2007. The report author understands that since the pond was dug no further such flooding has occurred and states that the site is not shown on EA maps as in a surface water flood risk area. The report therefore concludes that no specific measures are required to protect the development from flooding and that SuDs drainage techniques can be employed to reduce run off. The presence of Oxford Clay deposits is noted which may limit infiltration opportunities but use of the roadway and rainwater harvesting could be used. However the report is not definitive as regards much of this merely stating that they will be "considered", "anticipated" etc. The conclusion asserts that surface water run off will be limited to greenfield rates.
- 5.7 As to the heritage asset case the applicants have tabled an assessment of the works they deem necessary to ensure the proper condition of the Grade II* Weald Manor. This includes works to chimneys, routine repairs of slates and tiles and re covering of one or two roof slopes, repairs to gutters and parapets, re facing external walls, re pointing, repairs to windows, repairs to two defective end bearings of major supporting beams, conservation work to some of the key features of the house and other running repairs. The total repair and restoration cost has been estimated to come to £920, 000 over the coming 10 year period with a need to undertake some of the works repeatedly through time. Clearly this is a very considerable sum however officers have some concerns regarding the approach. In essence many of the stated items appear to either be standard maintenance items that a householder should be expected to undertake to their property- particularly one of this age and importance. If the works have not been undertaken in a timely fashion such that now more expensive works are required then is it the

role of the planning system to underwrite that previous under investment? What monies are available separately within the Trust to undertake the works and if there are no such monies available is the resale value of the property in excess of the value of the works such that it could be sold at a value reflecting the works required to a person or persons with the means to undertake the repairs and subsequent running costs? These questions may appear somewhat heartless when applied to a person's residence but in that the applicants are seeking consent for a scheme that would not otherwise attract a recommendation of approval your officers are of the view that unless satisfactory answers can be given, the case to approve the application and the weight that can be attached to the benefit of securing the building as a potential reason to harm the character of the conservation area cannot be objectively quantified or assessed.

- 5.8 With regards to the existing employment use on the site the trader has indicated that he is prepared to relocate to other barns elsewhere within the applicants control and ownership. However it is not clear that the alternative site has planning permission for such a use and as such no guarantee that it will be acceptable is available.
- 5.9 Finally the costs of the mitigation package will have been reduced as a result in the reduction in traffic calming works. However there are now no private dwellings with 4 units being affordable under the direct control of an RSL with the remaining 6 managed by the RSL to provide an income stream to help repair and maintain Weald Manor. The costs of building in natural stone as proposed will carry a cost as will the undergrounding of electricity cables and additional tree planting. It is not clear to Officers how the scheme will be financed unless substantial portions of the rental income do not go to the restoration but instead finance the development itself or unless a substantial external source of income is involved.

Additional/amended factors not included above

- 5.10 The main additional issue is the Authorities claimed position as regards the 5 year land supply for housing. The agent has assessed the position as of September 2014 and re cast the figures. His assertion is that the Sedgfield rather than Liverpool approach has been found at appeal to be the most appropriate means to address previous undersupply and that the figures in the SHMA should be used. On this basis he contends that the LPA now has between a 3.08 year supply and a 3.97 years supply and as such the provisions of the NPPF are that the local plan should be considered out of date and the application approved unless there are significant and demonstrable harms when weighed against the provisions of the NPPF. As Members are well aware the methodologies applied in determining the supply of housing, the housing need, how to deal with previous undersupply, the duty to cooperate etc are all capable of differing interpretations. However, in its most recent iteration of its housing supply position released alongside the emerging local plan the LPA is now claiming a 5 year supply against both the Liverpool and Sedgfield methodologies. That is not to state that the position is unchallengeable or that the adopted or emerging local plan should yet be accorded full weight. It is however indicative of the fact that a series of applications have been approved recently and that the emerging plan identifies a series of strategic sites that will now start to deliver alongside those previously identified in the SHLAA. Even were that not the case the NPPF notes at footnote 9 to paragraph 14 that designated heritage assets and land at risk of flooding are the sort of areas where "specific policies of the Framework indicate that development should be restricted" and as such where the requirement to approve schemes without delay may not apply. In that one and possibly both of those matters apply here your officers would advise that the claimed lack of a 5 year housing land supply should not be given as much weight in this instance as claimed by the agent.

- 5.11 In contrast however the recent decision by the Government to absolve developers of any mitigation by way of affordable housing etc for schemes of less than 10 units means that the offer of 4 affordable units in this instance can be accorded weight as a planning benefit that would not arise as a result of the normal planning process.
- 5.12 Clearly there are protected species on site and the applicants ecologist is suggesting a mitigation plan. The details of this plan have not however been agreed. As such this is a further matter that would require clarification before a consent could be given.
- 5.13 Additionally the Housing Enabler has raised concerns about the adequacy of the standards of the affordable housing proposed.

Conclusion

- 5.14 The scheme is better than when last considered in that it is of a lesser scale and there is more information as to the works proposed to the LB and the costs of such works. The delivery of non policy affordable housing is now a benefit of the scheme as well. However many of the key concerns that led to a refusal remain extant and Officers would require considerable additional information along the lines identified in the preceding paragraphs before the scheme could be moved forward. Even then it is not clear that further such works would result in a recommendation for approval. Rather than undertake what could be abortive work and put the applicant to additional expense to try to narrow the differences Officers are seeking Members advice as to whether they consider that the scheme MAY be one that could be supported if the additional information is provided. As such it is currently recommended for deferral but if Members consider that there is no reasonable prospect of reaching a position where approval could be recommended than a refusal based upon adapted versions of the reasons cited last time would appear appropriate.

6 RECOMMENDATION

Defer/provisional refusal.