

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**16 MARCH 2015**

### **Report of Additional Representations**



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**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

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## Report of Additional Representations

|                         |   |
|-------------------------|---|
| Application Number      | 14/02239/HHD  |
| Site Address            | Windrush<br>Old Minster Lovell<br>Minster Lovell<br>Witney<br>Oxfordshire<br>OX29 0RN |
| Date                    | 11th March 2015   |
| Officer                 | Miranda Clark   |
| Officer Recommendations | Refuse  |
| Parish                  | Minster Lovell Parish Council   |
| 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

### Additional Representations

An email has been received from the applicant, and has been summarised as:-

It is our decision now to keep all the trees other than 4, 3 are dead that need to come down anyway. There is one that is 75% dead and I believe you took photos of that one when we met. None of the diameters of the trees are over 12 inches. With respect to the latter tree, there is no greenery, just dead branches until the very top, which has  $\frac{3}{4}$  branches with green on them. It is our intention to make these garages look completely in keeping with the surrounding buildings and the Cotswold stone walling effect. I have attached a picture of the similar teak finished garage which will give you a rough idea. The garages will be sunk low and will not be visible from the road as we will be planting new trees around the garaging. We will also be shielding it with new trees so you won't really be able to see the garages from wash meadow.

|                         |  |
|-------------------------|--|
| Application Number      | 14/02156/FUL   |
| Site Address            | Land At Shilton Downs Farm<br>Shilton<br>Oxfordshire |
| Date                    | 11th March 2015                                      |
| Officer                 | Kim Smith  |
| Officer Recommendations | Approve  |
| Parish                  | Shilton Parish Council                               |
| 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 Shoesmith  
Unicorn House  
Russell Street  
Stroud  
Gloucestershire  
GL5 3AX  
United Kingdom

**Additional Representations**

Mrs Ann Voisey of Barley Park, Shilton Road, Burford. The comments have been summarised as:-

My objections are as follows:

- The Feed in Tariff (FiT) provides financial incentive for the Council by permitting this application to progress it will gain access to government funding and generate income. The local community will not benefit fiscally.
- The construction itself will impact greatly on the local community. Delivery of construction materials and plant machinery will have to be made via the village itself on roads totally unsuited to heavy vehicles. Some materials will require storage. It is likely that access points will have to be excavated involving the removal of top soils; cable trenching etc. will be required.
- Should construction take place then the solar company itself will require continual access to the site and an increase volume of traffic will occur.
- Because of its relative isolation the site will be difficult to police. There will be an increased risk of crime with valuable photovoltaic panels being attractive to criminals/organised gangs.
- This will be significant, affecting the rural scene of meadows and fields leading to the village. It will, without question affect the villages character and alter the environment.

- The solar farm will be a wholly uncharacteristic feature of the landscape and will not contribute to the areas distinctiveness. It will alter the overall composition of the wider view and contrast enormously with the predominant rural view.
- The village itself has achieved conservation area status and the surrounding landscape is highly valued by the locals, particularly as a bridleway and footpath pass alongside the planned site.
- Tourists/walkers visit the immediate area and many include the ramble from Burford to Shilton purely because of the landscape.
- The visual impact will not only affect those in Shilton, because of the solar parks proposed position elevated on a ridge, I myself will be able to view the site from my address as far as one mile away (no amount of screening will prevent this).
- As the council is aware, there is already one solar site proposed within the immediate area and a huge building programme encroaching on a previously rural belt is currently underway on the outskirts of Carterton. Therefore, in conclusion, this commercial development in the guise of a solar farm involving the conversion of agricultural land can only be viewed as being of high adverse significance and which will further advance Shiltons (and its locales) degradation.

### **Recommended Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding the application details the site shall be constructed and decommissioned fully in accordance with details to be first submitted to and approved in writing by the LPA to be set out in a Construction, Decommissioning and Traffic Management Method Statement.  
REASON: To ensure that the panels and associated equipment are installed and removed from the site in a manner that will not have an adverse impact on highway safety or residential amenity.
- 3 Within 25 years of the commencement of the development or within 6 months of the cessation of the use of any solar panels for electricity generating purposes without replacement, whichever is sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land shall be restored to agricultural use.  
REASON: To protect the character and appearance of the area.
- 4 Except as provided for by other planning conditions, the development hereby approved shall be implemented in accordance with the following plans:  
  
Shilton Downs Site Location Plan 1:50,000 Fig 1.1  
Site layout Parameters Plan 1: 4000 Fig 2.1a  
Indicative site layout with Mitigation and Enhancements Fig 2.1b  
Indicative Security Fence Details Fig 2.3  
Indicative Security System Plan 1:4000 Fig 2.4  
Indicative Transformer Housing Details 1: 50 Fig 2.5  
Indicative Control Building Details 1:80 Fig 2.6  
Indicative Temporary Construction Compound 1:200 Fig 2.7

- 5 The infrared Security System and shall not exceed 2.2 m in height and shall be constructed in accordance with elevation details to be first submitted to and approved in writing by the LPA and retained as such thereafter.  
REASON: For the avoidance of doubt as to what is approved in the interests of visual amenity.
- 6 No floodlighting or sound emitting burglar alarms shall be installed.  
REASON: To protect the character and appearance of the area and the amenity of residents.
- 7 Notwithstanding the submitted landscape proposals, the development shall not commence until a landscape scheme has been submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be completed by the end of the planting season immediately following the first export of electricity from the solar farm.  
REASON: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical.
- 8 The hedgerows in the submitted landscape proposals shall be allowed to grow to a height of at least 3m and then maintained at no less than 3m in height. The landscaping shall otherwise be maintained for the life of the development in accordance with the submitted Landscape Management Plan and any revisions to that Plan that have first been submitted to and approved in writing by the local planning authority. Except as provided for in the Landscape Management Plan, any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed and wild flower areas which become eroded or damaged, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority has first approved in writing an alternative means of replacement.  
REASON: To ensure that the planting becomes established and is retained to screen the development.
- 9 The development hereby approved shall be completed in accordance with the recommendations of the submitted Ecological Appraisal. The recommended measures shall be implemented in full before the development is first brought into use, and shall be thereafter retained.  
REASON: In the interests of bio-diversity.
- 10 Within three months of the first export of electricity from the solar panels the use of the temporary compound shall cease and it shall be removed. The site of the compound shall be restored in accordance with the approved landscaping scheme.  
REASON: The compound is considered not to represent an appropriate permanent form of development in the open countryside and permission is granted solely to meet the needs of the development during its construction phase in the interests of highway safety and to preserve the character and appearance of the landscape.
- 11 Prior to, or within one month of, their installation the transformer housing and control building shall be finished in a dark green colour and shall be permanently retained as such thereafter.  
REASON: To ensure that the development is finished in a manner that will minimise its impact on the character and appearance of the landscape.
- 12 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.  
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF. (2012)

- 13 A Construction Traffic Management Plan (CTMP) will be required to be submitted for approval and the approved CTMP shall be implemented prior to any works being carried out on site.  
REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.
- 14 Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such facilities shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.  
REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety.
- 15 Notwithstanding the application details the construction hours of operation will be between the hours of 08.00 and 18.00, Monday to Friday and 09.00 and 13.00 on Saturday and not on Sundays or Bank Holidays.  
REASON: In the interests of residential amenity.
- 16 Prior to the commencement of development details of the means to ensure that HGV construction traffic visiting and egressing the site use only roads suitable for such traffic shall be submitted to and approved in writing by the LPA and the development shall only be implemented in accordance with the said approved details/methodology.  
REASON: In the interests of highway safety and convenience.
- 17 No development (including site works and demolition) shall commence until all existing trees/hedgerows which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: 'Trees in Relation to Construction' and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To safeguard features that contributes to the character and landscape of the area.
- 18 Appropriate SWD condition following consultation response from the EA.

|                         |  |
|-------------------------|--|
| Application Number      | 15/00176/FUL   |
| Site Address            | 58 Mill Street<br>Eynsham<br>Witney<br>Oxfordshire<br>OX29 4JU |
| Date                    | 12th March 2015  |
| Officer                 | Kim Smith  |
| Officer Recommendations | Approve  |
| Parish                  | Eynsham Parish Council   |
| 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

**Additional Representations**

Jane Thompson of 15 A Newland has made a representation in respect of the application. Her comments are as follows:

I am not objecting to the proposed application as such, although having a development so close is not desirable. I do feel that it leaves no 58 with a very small garden. The parking for the flats will be the driveway for the two small houses behind and the parking spaces are regularly filled already.

The felling of conifers along the eastern boundary in particular would be beneficial to surrounding properties. However, there are a number of issues of detail which need clarification.

- In the Application for Planning Permission under 9. Materials Boundary treatments description, the description of the existing boundaries is reconstituted stone. However, the east boundary is a natural Cotswold stone wall. Under the proposed materials and finishes, it says close-boarded fencing and reconstituted stone walls. Are they proposing to change the east boundary wall?
- The roots of the conifers (which I assume the applicant proposes felling, as they are not shown on the proposed site plan), because of the change in surface level from the 58 Mill Street to 15a Newland Street, have grown into the natural Cotswold stone wall. Inevitably during the felling of the trees and removal of their roots, as well as the digging of the foundations of plots 2 and 3, the wall will be damaged or will collapse. A condition of planning permission should be that this wall be restored, at least, to its current height.



- East side elevation of plots 2 and 3 shows a window. Because of the change of height of the ground level the windows on the 58 Mill Street side, as it is higher, are more obtrusive to 15a, than the other way round. I would also like to be assured that the window will be obscured glass or rather better be higher and wider clerestory windows that might give the inhabitants a little more light.
- The applicant did not discuss the proposed development with me before the original submission but he did ask my permission to put hoarding on my property to protect the house in 2014. I haven't heard from him since this recent submission but I have emailed him asking to know what his plan of action would be if planning permission was granted.

Gillian Reynolds of 56 Mill Street has commented as follows:

- Thank you for your letter regarding the amended plans. Unfortunately 3 of the plans cannot be opened, namely agents letter, amended street scene and amended elevation. Please can this be rectified to allow us to comment?
- Overall as stated in our letter we are unhappy about the poor communication/ incorrectly filled application form and now documents that are unable to be opened in relation to this case. This affects our confidence with the council and whole planning process.

|                         |   |
|-------------------------|---|
| Application Number      | 15/00180/FUL  |
| Site Address            | 124 Woodstock Road<br>Witney<br>Oxfordshire<br>OX28 1DY |
| Date                    | 12th March 2015   |
| Officer                 | Kim Smith   |
| Officer Recommendations | Approve   |
| Parish                  | Hailey Parish Council                                   |
| 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

**Additional Representations**

Hailey Parish Council wish to object to the above application on the following basis:-

- The application contains evidence that the ground is contaminated. It is therefore unsuitable for the area to be used for residential development.
- It is considered that the location is too close to the A4095 that would be detrimental to residents of the proposed property and could adversely affect the safety of road users.

It is therefore considered contrary to West Oxfordshire District Council's Local Plan 2011 policies BE2, BE3 and H2.

Professor and Mrs Woodward of 42 Champion Way, Madley Park have written regarding the application. Their comments are briefly summarised as follows:

- Ours is the property that is most affected by the proposed development. The documents reveal that the new residence would have three upstairs windows looking down directly on our property detracting seriously from both our privacy and our light. We would be extremely grateful if you would take this into account in reaching your final decision.

|                         |   |
|-------------------------|---|
| Application Number      | 15/00201/HHD  |
| Site Address            | Fishers Bridge Cottage<br>Buckland Road<br>Bampton<br>Oxfordshire<br>OX18 2AA |
| Date                    | 12th March 2015   |
| Officer                 | Miranda Clark   |
| Officer Recommendations | Refuse  |
| Parish                  | Bampton Parish Council  |
| 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

**Additional Representations**

Further comments have been provided by the applicants' agent, and have been summarised as:-

As you know, this application is due to be presented to Lowlands Committee on Monday with a recommendation for refusal on grounds of flooding.

I would be grateful if you could consider the attached report prepared by a drainage engineer addressing the flooding issue (and other objections). I suggest this is done in conjunction with a review of application ref 14/01955/HHD regarding a larger extension at 1 Primrose Cotts, Bampton which is also in the flood zone but where there were no objections and an approval was granted.

**REPORT INTO FLOODING & OTHER ISSUES RAISED AS OBJECTIONS**

I would like to refer to the various letters of objection lodged against this application and deal with the three main concerns of the local residents.

Firstly – Access

Letters from Mr. Webb and Mr. Dowley refer of the lane to be south of the property that runs past Shill Brook Cottage and Orchard Cottage. Both of these objections refer to a “private lane”. The applicant has a copy of the deeds for the property which confirms they have access rights to the land via both the existing gates.

Whilst they acknowledge that there may be an increase in vehicle movements, the lane is already used by other resident’s vehicles. Additionally Kevin Batchelor Environment & Economy Officer Oxfordshire County Council confirms that the development will not affect local roads.

## Secondly – Flooding

It is accepted that the proposed development lies in a flood zone 3. It is also acknowledged that the property allegedly flooded in 2007 as did the properties immediately to the South.

According to the WODC Parish Flood Report for Bampton dated May 2008, flood flows could not pass under Fishers Bridge, thus pushing flood water into residential properties. Therefore the main cause of the pluvial flooding that affected the site was under capacity of the road bridge.

Table 2 of the WODC 2008 Parish Flood Report says two things:-

- (i) Inadequate maintenance on the main river (downstream of the site) by the Environment Agency was considered a main cause of flooding.

This has been addressed by the EA who in 2008 dredged Great Brook.

- (ii) Inadequate maintenance on ditches along Buckland Road by Riparian owners led to increased flooding.

The applicant is fully aware of their riparian responsibilities as set out in the Environment Agency document Living on the Edge. They have already cut back the trees on the bank and cleared weeds and other debris from the bank and brook bed. They have also, unlike their neighbours to the North, removed any materials that have been washed into the brook by flood waters, floated downstream and become lodged under the bridge soffit, causing a blockage and increasing the risk of repeat flooding occurrence. I would like to point out that the Shill Brook carries floodwater from as far North as Carterton. As part of the Bampton Flood defence scheme which was undertaken in 2012, storm water from Carterton is now diverted into a newly constructed balancing pond thereby decreasing flood flows through Bampton and past this site.

With works both up and downstream of the property and the bank works the applicant has already undertaken I suggest that flood risk to this property and their neighbours may have been slightly reduced. According to the Preliminary Flood Risk Assessment produced by JBA consultants, there are No flood risk areas in Oxfordshire however the report acknowledges that there are local issues.

Table 2.1 of the JBA report states that the strategic overview for all sources of flooding is undertaken by the Environment Agency. The EA were contacted with regards to this application and their Mr. Maltman commented “We have no objections to the above proposed development”.

Having confirmed that the EA have no objection I acknowledge that other residents still remain concerned about the potential for increased flood risk.

The concrete footprint of the proposed extension is 36m<sup>2</sup>, the applicant has already removed the concrete base of the old, 4m squared greenhouse as minor mitigation works and intends to replace the surfaced drive to the property and replace this with permeable shingle, but should the site be subjected to fluvial flooding as a result of the under capacity of Fishers Bridge as in 2007 then the development will displace 36 times the depth of flood water. If as we are told the flood water on the site was 300mm then 11m<sup>3</sup> of water will be displaced. Looking at the EA flood map 11m<sup>3</sup> of displaced water over the area of Flood Zone 3 would equate to less than 1mm increase in depth and have minimal effect on the surrounding properties. Which is what the EA confirm.

**BUT**

The applicant is prepared to provide additional mitigation measures. There is no point in providing flood storage crates as these are sub surface and the flood waters flow above ground.

What they propose is to:-

Provide a ditch along the 100m southern boundary of the property the capacity of which will be in excess of 36m<sup>3</sup>, and

To deepen and broaden the existing ditch at the west of the site. This ditch does not currently connect to the Shill Brook, but at its confluence we will ensure that the bank is slightly lower allowing the ditch to fill before floodwaters overtop the bank elsewhere. These two mitigation measures will provide additional storage well in excess of 36m<sup>3</sup> and would possibly reduce the risk to our immediate southerly neighbours.

### Thirdly - Sewerage

Within Mr. Dowley's letter there is a reference to the inadequacy of the sewage and drainage system. Fishers Bridge Cottage is connected to the foul drainage system maintained by Thames Water but surface water from the roof and pond areas of the garden will continue to discharge directly into the Shill Brook. If there is a local issue with the foul sewerage system, could this be a result of surface water connections or indeed elevated ground water levels entering fractured lateral pipes, or indeed is Mr. Dowley's concern which does not appear to trouble his immediate neighbours due to problems with his private lateral drains.

### In summary

The proposed development will provide much sought after family accommodation on the site of a property that was barely habitable. It will not increase surface water run off to local sewers, it will increase flood risk by an immeasurable amount, and if approved could provide flood reduction measures benefiting properties to the south in excess of the footprint of the proposed extension.

There is confusion regarding frequency of flooding of the property. Mr. Bone claims in his correspondence that the property and garden have flooded every year for the past 37 years. However Mr. Dowley whose property lies at a lower elevation than the applicants report that the grounds have flooded on a number of occasions in the past 13 years, but no mention of flooding of the property.

The applicant would like it recorded that in the 10 months they have owned the property no flooding within the site has been recorded.

Mr James Wildman of Dairy Farm House Buckland Road has submitted comments which have been summarised as:

- Wish to object to the proposed development.
- The development in itself is not the problem, being an extension and not a new build however an approval of 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 any future applications on this site and any other sites in our area.

|                         |   |
|-------------------------|---|
| Application Number      | 15/00260/FUL  |
| Site Address            | Land At Weald Manor Farm<br>Weald Street<br>Weald<br>Bampton<br>Oxfordshire |
| Date                    | 12th March 2015   |
| Officer                 | Phil Shaw   |
| Officer Recommendations | Pending Decision  |
| Parish                  | Bampton Parish Council  |
| 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 Colvile Will Trust  
C/o Agent

**Additional Representations**

Bampton Parish Council Planning Committee met on February 27th 2015 to consider the demolition of redundant farm buildings and development of 10 affordable and Trust dwellings with associated open space, parking and landscaping at Land at Weald Manor Farm, Weald Street, Weald.

There was a unanimous vote to reject this application on the following grounds:

Flooding risk

While the Council accepts that the new attenuation pond seems to have improved the flooding situation in Weald, we would not want any new development to increase the risk of flooding to others near the proposed development.

Sustainability

In the context of the 160 houses (including affordable housing) already given permission to be built at New Road, the Council feels the proposed development of 10 houses is too many for the village to absorb.

Nature of the area

As we explained in our rejection of the previous proposal, the Council feels the site is a rural area outside village boundaries and the size of the proposed development would intrude into the green belt unacceptably changing character of the area. While in normal circumstances we would support the redevelopment of brown field sites, we feel the density of this application is unacceptable.

## Access

We are worried about access to the site by pedestrians, since there is currently no footpath to Primrose Lane. The road is narrow, single lane and should not be reduced, so any proposed footpath would have to go elsewhere.

## Traffic impact

Due to the considerable distance from the development to village amenities, such as the shop, school and surgery, most residents would probably drive into the centre. The central area is already under considerable pressure and this will get a great deal worse once the 160 new houses are built. To add another 10 houses with their attendant cars will only increase the problems.

## Precedent

The development would set a precedent for more dense housing developments in the area.

A further 6 letters have been received objecting on the following grounds:

- Proposal has previously been rejected.
- Changes are only slight.
- It is outside the village.
- Harm to the CA.
- Encroach on the green land outside the village.
- Precedent for ribbon development.
- Change the quiet character of the byway.
- Road cannot support the development and is dangerous for pedestrians.
- Junction of Weald St/Clanfield Road is dangerous.
- Bampton is in a fine balance as regards flooding and small amounts of development could have considerable consequences.
- Buildings double extent of built form on site.
- There is no footpath provision.
- Road safety is worse than before and other refusal reasons remain.
- Too far from facilities and amenities.
- Traffic will be increased.
- Unsustainable development.
- Slight reductions do not address previous concerns.
- Site is not designated for development.
- Weald Manor could use the holiday let consent to secure an income.
- Lane will lose its “stepping back in time” quality.
- No one else has been allowed to build houses along Weald and this is no different.
- Implore that the scheme is again refused.