

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 26 May 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	I4/01570/HHD
Site Address	7 Rock Close Carterton Oxfordshire OX18 3BP
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427722 E 207016 N
Committee Date	26th May 2015

Application Details:

Erection of single storey rear extension, two storey side extension and conversion of loft to include rear dormer windows.

Applicant Details:

Mr & Mrs Richard Jennings
28 Cranwell Ave
Carterton
OX18 3S
United Kingdom

I CONSULTATIONS

- I.1 OCC Highways The garage is shown with a substandard width which may result in the 4 bed property with only 1 parking space leading to parking on the adjacent carriageway.
- Refuse, that in this location the proposal, if permitted, would result in additional on street parking detrimental to the safety and convenience of highway users.
- The objection may be overcome with an amended garage layout.
- I.2 Parish Council Council has no objection if neighbours are content.

2 REPRESENTATIONS

- 2.1 Mandy Vettrano of 8 Rock Close has commented on the application and states as follows:

'After examining the plans as a neighbour there are certain aspects of the planning to which I strongly object.

Upon studying the plans of the proposed erection of a single storey rear extension, I feel as though consideration for our loss of privacy has not been taken into account. This erection would mean that our garden would be in full view, and our neighbour's view would be overlooking our garden. We bought this house for the garden it has, as we enjoy spending time as a family privately within it, and although we are content with the other design plans, the erection is extremely intrusive. Also it would result in a loss of light as it would be blocking the

sun as it moves in that direction later in the day cutting our time in our garden shorter. As an alternative to this proposal, would it not be possible to extend on the lower floors for a bedroom, possibly instead of or as well as a garage?

Furthermore we would like to question the works of the proposed gap between our properties for a gate, visible in the drawings. What will be the effects on our building in carrying these works out, in terms of the structure of our building and loss of heat in completion? My daughter uses this room as an office so we would appreciate further information on this gap.'

2.2 Simon Brodie of 6 Rock Close has commented as follows:

'As the adjoining householder, I fully support this application.'

3 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

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

4 PLANNING ASSESSMENT

4.1 This application has been referred to the Sub Committee for consideration by Councillor Crossland because of the special circumstances of the applicant and that a similar reason for refusal on nearby development had been overturned by an appeal Inspector.

Background Information

4.2 This application is for a two storey side extension and a loft conversion with dormer windows in the rear elevation to provide a four bedroomed house with a down stairs shower room to provide for the specific needs of the family of the applicants.

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

Principle

4.4 The principle of extending the house in order to provide additional accommodation to serve the specific needs of the family is acceptable. In light of the concerns that officers have about the impact of the extension as proposed on the neighbouring property, discussions have taken place suggesting possible alternative design approaches. The applicants however have advised that the alternative suggestions do not provide for the specific needs of the family and thus would like the application determined as originally submitted.

Siting, Design and Form

4.5 In your officers opinion the element of the proposal which is problematic is the two storey side extension which is located in close proximity (approximately 5 metres away) from the only kitchen window serving the adjoining dwelling (No 8). The closeness of the extension to the

window will in your officer's opinion result in the outlook from the neighbouring property being adversely affected by way of an overbearing impact. In light of this assessment the development is considered contrary to policies BE2 and H2 of the adopted WOLP and H2 and OS2 of the emerging Local Plan 2031.

- 4.6 The neighbour has raised concerns about overlooking from dormer windows on the rear elevation. In your officer's opinion, given that the closest window serves a bathroom which could be conditioned to be obscure glazed, the proposed first floor windows to the rear do not result in unacceptable levels of overlooking.

Highway

- 4.7 Whilst OCC Highways has raised objections to the proposal as submitted, it would be possible to provide the requisite number of off street parking spaces to serve the development within the curtilage of the extended dwelling.

Conclusion

- 4.8 In light of the above planning assessment the application is recommended for refusal on the grounds of adverse neighbour impact.

REASON FOR REFUSAL

Refuse for the following reason:-

- I The proposed side extension by reason of its design and siting adversely overbears on the outlook of the side facing ground floor window of the adjoining dwelling to the detriment of the living amenities of the occupiers. As such, the proposal is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011, H2 and OS2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

Application Number	I5/00730/FUL
Site Address	34 Spareacre Lane Eynsham Witney Oxfordshire OX29 4NP
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Eynsham
Grid Reference	443063 E 209789 N
Committee Date	26th May 2015

Application Details:

Conversion of existing double garage to form a one bed dwelling.

Applicant Details:

Mr Colin Wastie
34 Spareacre Lane
Eynsham
Witney
Oxfordshire
OX29 4NP

1 CONSULTATIONS

- 1.1 Parish Council No Objection.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect on the adjacent highway network. No objection
- 1.3 The following comment has been received from Paul Townsend of 53 Millmoor Crescent. 'The applicant does not appear to have signed/dated the declaration on the application form'.

2 PLANNING POLICIES

BE2 General Development Standards
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

3 PLANNING ASSESSMENT

- 3.1 This application is before the Sub Committee for consideration because the views of your officers are contrary to the views of the Parish Council.

Background Information

- 3.2 This application proposes the conversion of an existing double garage adjacent to 34 Spareacre Lane to a one bed dwelling. The existing footprint of the garage will remain and the flat roof will

be replaced with a pitched roof in order to provide a bedroom and bathroom at first floor level. Parking for one car is provided at the front of the site with a patio garden to the rear and a bin store to the front.

- 3.3 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

- 3.4 The principle of an additional dwelling on the site is housing policy compliant.

Siting, Design and Form

- 3.5 The addition of the pitched roof and proposed window and door openings to serve the dwelling are considered acceptable in terms of design. However, the design modifications to the existing flat roofed garage will result in a building that is far more assertive in the street scene and given the limited plot size and the close juxtaposition with number 34 Spareacre Lane, will appear as an incongruous feature, 'squeezed' into the plot, to the detriment of the visual amenity of the area. As such, the proposed dwelling is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan and H2 and OS2 of the emerging Local Plan 2031.

Highway

- 3.6 OCC Highways has raised no objections to the proposed development.

Residential Amenities

- 3.7 The dwelling has been designed so that it does not unacceptably overshadow, overbear or overlook existing adjoining dwellings. It does however, by reason of the small plot size and its location, which directly abuts an electricity substation, have a very poor level of amenity afforded to any future occupier/s in terms of outside living space and outlook. In light of the poor level of amenity, the development is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan and H2 and OS2 of the emerging Local Plan 2031.

Conclusion

- 3.8 In light of the above planning assessment the application is recommended for refusal.

REASONS FOR REFUSAL

Refuse for the following reason:-

- I The proposal represents a contrived cramped form of development which will appear visually incongruous in the street scene and which by reason of the limited plot size results in a poor level of amenity and outlook for future occupiers. As such the proposal is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan, H2 and OS2 of the emerging Local Plan 2031 and relevant policies of the NPPF.

Application Number	I5/00700/OUT
Site Address	Land North Of Burford Road Witney Oxfordshire
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Witney
Grid Reference	434666 E 210448 N
Committee Date	26th May 2015

Application Details:

Outline Planning Application for 260 Residential Dwellings, Access, Public Open Space and Associated Works

Applicant Details:

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

I CONSULTATIONS

- I.1 Adjacent Parish Council No objection, but if approved consideration should be given to reserving a corridor of land opposite Tower Hill Road for a future road as, given the scale of development to take place in Witney over the coming years, a good network of connecting roads will be essential and an additional road joining onto Burford Road and crossing the river at some point would be hugely beneficial to traffic flow.
- I.2 One Voice Consultations OCC Transport Objection:
- A junction capacity analysis is needed at the Bridge Street/West End/Woodgreen/Newland junction to show that traffic from the development can be accommodated safely and efficiently.
- There is no assessment in the TA of the preliminary proposals for signalling the Mill Street/Bridge Street/High Street junction. The County Council's view is this could not be signalled in isolation as the congestion and air quality management area makes this one of the most sensitive areas in Witney. Further assessment work is needed.
- The TA and Air Quality Assessment do not sufficiently identify the impact of the development on congestion or air quality in Bridge

Street, contrary to Policy SD1 of the Local Transport Plan 2011-2030

If these matters are resolved, any permission should be subject to conditions and to obligations relating to highway mitigations works, Travel Plan monitoring and improvements to the local pedestrian network, bus services and infrastructure and public rights of way.

OCC: Archaeology

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

OCC: Education

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

OCC: Property

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

OCC: Ecology

The District Council should seek its own advice.

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| I.3 | WODC - Arts | A public art plan should be submitted with any reserved matters or full planning application. |
| I.4 | Mr Neil Rowntree | The site is adjacent to a floodplain grazing marsh and the Upper Windrush Conservation Target Area, so the hydrological conditions of these areas should be safeguarded by the use of SUDS to mimic greenfield run-off rates as proposed. The proposed biodiversity enhancement measures and the long term management of the created habitats should be secured by conditions and/or obligations. |
| I.5 | British Gas Transco | No Comment Received. |
| I.6 | Ecologist | No reply to date. |
| I.7 | WODC Drainage Engineers | No reply to date. |
| I.8 | WODC Env Services - Car Parking | No reply to date. |
| I.9 | WODC Env Health - Lowlands | No objection subject to conditions requiring measures to protect the proposed dwellings from road traffic and commercial/industrial noise, and details of external lighting. |

I.10	Health & Safety Executive	No reply to date.
I.11	WODC Head Of Housing	There are 658 households that would qualify for affordable housing of which 229 are for one bedroom homes and 183 for two bedroom homes. Would support the application subject to an obligation to secure affordable housing and to 65% being smaller (principally 1 and 2 bedroom) homes and the remainder 2 and 3 bedroom homes with a limited number of 4 bed homes.
I.12	WODC Env Services - Landscape	No reply to date.
I.13	WODC Planning Policy Manager	No Comment Received.
I.14	WODC - Sports	Contributions should be sought towards off-site sport and recreation facilities and for the provision and maintenance of an on-site NEAP and MUGA.
I.15	WODC Env Services - Waste Officer	No reply to date.
I.16	Parish Council	<p>Objection on the following grounds:</p> <p>Lack of community infrastructure for the additional residents of 260 houses which will significantly increase traffic, the need for extra schooling, doctors and service provision.</p> <p>No provision has been made to safeguard the environment contrary to Local Plan policies BE1 and T1 and the development would spoil views across the valley adjoining the Cotswolds AONB.</p> <p>No satisfactory traffic management scheme has been put forward for safe and convenient pedestrian and vehicular movement and the development would increase the potential for accidents. The transport strategy is unsound particularly in underestimating peak time queuing in Burford Road contrary to Local Plan policies B3, H2 and T6.</p> <p>The development poses an increased risk of flooding. Some of the houses on the proposed development would be category 3B in terms of flood risk. Any excess water will run down the valley and into the river. The FRA submitted within the West End Link Road proposal identified a need to build the road at 86m above sea level to hold back water from the lower river valley. Anywhere upstream below that level should be regarded as flood plain.</p> <p>Run-off water into the river could also pollute the waterway which</p>

would be detrimental to native wildlife such as water voles and otters, which have recently returned to the area, which is contrary to policies NE7, NE8, NE9 and NE15 and NE7.

There are no measures to mitigate the light pollution that would have a significant effect on the Windrush valley contrary to policy BE21.

Amenity space and the obstruction of the view should be taken into account this is contrary to policies BE2, BE5, H2, H12 (ii), NE1, NE2 and WIT3.

The proximity of FloGas is a major health and safety issue and the HSE would consider the proposed development area to be a major casualty zone in the event of an explosion. The removal of development from a small area around the site does not sufficiently mitigate this risk and could increase it if the land is used recreationally.

The developers have not discussed these issues with the Town Council or other interested parties.

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| 1.17 | Thames Water | No objection subject to a condition requiring a drainage strategy to be submitted, approved and implemented. Advice offered on surface water drainage and water supply. |
| 1.18 | Environment Agency | No reply to date, however the Environment Agency did not object to the earlier application for 270 dwellings on the site subject to the imposition of conditions. |

2 REPRESENTATIONS

- 2.1 The following is a summary of the principal matters raised in response to the application proposals. It is not practical to provide details of all of the submissions, some of which include technical analyses, particularly on drainage. All representations however are available for inspection.
- 2.2 Objections to the original application submission totalled some 173 representations and in petitions with 40, 250 and 1214 signatures.
- 2.3 Objections to this amended application have been received in some 358 representations. These generally reiterate the concerns raised about the original application proposals but also include specific comments about the exclusion of built development in the area closest to the FloGas site to the effect that this insufficient to adequately mitigate the risk of harm and that the whole site would be within an area that would need to be evacuated in the case of an incident.. The development is also stated to be too close to a plant where every hot weekend the sirens go off and excess gas is burned off with a spectacular aerial blowtorch. The former MD of Supergas (the family of whom owns the FloGas site) refutes a suggestion that an explosion at the site in 1976 caused windows to be damaged in Burford Road.
- 2.4 As well as the above the representations received raise the following concerns:

Policy

- The loss of open space would conflict with the NPPF (Ch.11).
- The development would conflict with the NPPF which promotes 'brownfield land first' and states that development should 'protect and enhance local landscape'.
- The site has been assessed as unsuitable in the draft local plan 2011 and revised local plan 2014.
- The draft 2011 plan is in an area 'to be protected from urban sprawl.'
- Unsuitable land should not be developed before housing needs have been ratified and the local plan adopted.

Traffic impact and transport

- The development would contribute to overburdened roads.
- The developer's transport assessment survey was at inappropriate times and fails to truly reflect rush hour traffic.
- Witney does not have excellent traffic links to Oxford as claimed by the developer: it is appallingly congested.
- Most additional traffic will be heading towards Oxford and will therefore have to go through the town to get to the A40 which is currently very congested.
- Given that Tower Hill school is full there would be an increase in travel to school by car.
- Increased traffic would be harmful to the safety of children.
- Reviews of safe walking routes to school from the site and of the impact of the increased vehicular traffic on school children are needed.
- No provision is made for safe pedestrian crossing of Burford Road.
- Increased traffic on Bridge Street, Mill Street and West End, which are already congested with long tail-backs.
- Increased traffic would exacerbate poor air quality in Bridge Street (an Air Quality Management Area) which exceeds European guidelines.
- Increased traffic would increase noise and pollution generally.
- The development could take place before the Shores Green slip roads, for which funding has yet to be identified, causing increased town centre traffic and misery.

- No further housing development should take place until the Downs Road/A40 junction and Shores Green slip roads are in place.
- Increased traffic would increase the difficulty and danger of pulling out of Davenport Road, Springfield Oval, Moor Avenue and properties fronting Burford Road.
- A single access road would result in congestion and would be unsafe in an emergency.
- The site access would be hazardous because of its proximity to the Tower Hill roundabout.
- Burford Road in this area is already hazardous with recent serious accidents at the Tower Hill roundabout: the curve in the road and the layby restrict visibility.
- The 30mph traffic limit is not observed.
- Parking along Burford Road would become increasingly difficult.
- The town's roads are already in poor condition.
- There is no encouragement of public transport such as bus stop provision.

Other infrastructure issues

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

Character and landscape issues

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

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

Flooding and drainage

- Development of land close to the flood plain and upstream of Witney would increase run-off and the risk of flooding (including sewage) particularly in the town which experience severe flooding in 2007.
- The site was recently flooded.
- The area is at risk of groundwater flooding.
- The flood risk assessment appears to be in draft. Where is the final version?
- The flood risk assessment is not up to date in omitting 2013/January 2014 flooding data.
- The EA flood maps do not accurately reflect actual flooding.
- What capacity would the attenuation basin have over periods of low rainfall to cater for high rainfall and who will maintain it?
- The storage lagoon could result in stagnant former surface water being released and contaminating the river.

- The development could prejudice future applications including the West End Link Road which could act as a dam and push floodwater levels up in the fields around New Mill.
- The applicant's flood risk assessment is weak in a few areas. In terms of impact, there is a need for a broader assessment of the volume of run-off, the potential for SuDS has not been adequately considered and the engineering aspects of foul sewerage have not been dealt with. In terms of mitigation, the submission lacks quantitative details which should include a catchment scale flood model, localised drilling of monitoring wells and groundwater modelling details of how sewerage will be collected and connected to the mains system which is on higher land and a consequential risk of overflows onto the river.
- It's very worrying that the EA did not consider the FRA I submitted. The author is a flood risk expert with 30 years' experience, specialising in hydrogeology, geology, and has worked on flood defences schemes. His qualifications speak volumes: Specialist in Land Condition (SiLC); Chartered Geologist (CGeol); Fellow of the Geological Society (FGS); Member of the International Association of Hydrogeologists; Member of the British Hydrological Society, as do his fields of competence (Water resource management; Land and water quality management; Groundwater risk assessment and modelling; Groundwater remediation; Hydrological impact assessment; Hydrogeological impact assessment) - i.e. he knows his stuff.
- We think it is vital the EA review this, and if they come to the same conclusion, then so be it, but as it stands, the off-site risks have not been adequately assessed, in our opinion.
- Surely the EA have a duty of care to review and assess all evidence, not just the basics that Gladman submit. I appreciate they are required to assess the ground conditions further but in light of the issues face by Witney town centre as a result of the flooding, it seems absurd that a draft basic FRA can provide comfort to the EA that there is likely to be no risk and therefore no objection made by them on flooding grounds.

Ecology

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

Living conditions

- Loss of outlook/views from properties in Burford Road and Springfield Oval.

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

Other sustainability matters

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

Procedural

- The development would establish a precedent for further development.

Need and other options

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

Other matters

- The danger and risk of explosion from the gas works (a COMAH site) should not be dismissed, as evidenced by failures at Flixborough and Buncefield. It appears that the HSE on consultation would object to development of over 30 houses in such proximity.
- No developer will want to provide affordable housing in this location.
- The 'affordable housing' will not really be affordable.
- There is potential contamination, particularly adjacent to the Flo Gas site where there is a history of industrial use, which should be investigated.

- The development would adversely affect a B&B business that benefits from views over the river valley.

3 APPLICANT'S CASE

3.1 The executive summary submitted with the application states as follows:

This planning statement is submitted in support of a second application for up to 260 dwellings following the refusal of the first application for up to 270 dwellings on 26th November 2014 (App Ref: 14/1215/P/OP). The first application was refused at West Oxfordshire Planning Committee on 17th November 2014 for five reasons.

This planning statement and the suite of technical reports submitted as part of this second application demonstrates that Gladman have sought to address the five reasons for refusal from the first application. Chapter 10 demonstrates how the reasons for refusal have been overcome and that all the technical issues have been addressed.

Gladman considers that West Oxfordshire District Council (WODC) are unable to demonstrate a deliverable five year supply of housing land against the OAN figures produced in the Oxfordshire SHMA and that the claimed supply is considered to overstate the deliverable supply.

Accordingly, this is a case where the housing supply and housing restraint policies of the saved Local Plan are out of date because:

The Council cannot demonstrate an up-to-date five-year supply of deliverable housing sites and has a substantial shortfall in housing supply;

The changed regional and national policy context since the saved Local Plan policies were prepared.

Consequently, any conflict with the saved housing supply related policies in the saved Local Plan should be afforded limited weight in the determination of the application.

In the absence of an appropriate and up to date policy framework to deliver the necessary housing requirements of the District (and a deficient five year deliverable housing supply) there is an urgent need to release suitable greenfield sites, such as this in Witney, in order to meet the housing shortfall, contributing towards a five year deliverable supply and significantly boosting the supply of housing.

The proposals will make an important contribution to meeting the shortfall in housing land supply and this is an important material consideration to which significant weight should be attached.

The proposals constitute sustainable development in the context of the three dimensions of sustainable development; economic, social and environmental.

The application also includes a significant number of material benefits, which would improve the application site and the surrounding area:

40% affordable housing (104 homes) in a district which has historically under provided;

Improved pedestrian links to the Windrush Valley to the north of the site and further improvements to the pedestrian links to the west of the site, including improved accessibility to the Public Right of Way (PROW);

1.51 hectares of green infrastructure including a significant level of public open space and a Neighbourhood Equipped Play Area (NEAP);

The introduction of a large attenuation pond and Sustainable Drainage Systems (SUDS) to deliver a 'betterment' scheme for surface water to benefit the local area;

The proposed development would be set within a strong landscape framework, which would contribute to a number of the aims for management of the character area identified by the West Oxfordshire Landscape Character Area.

As outlined in Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is confirmed by paragraphs 11 and 12 of the NPPF.

This application represents a departure from the Development Plan. However, policies in relation to the supply of housing are considered out-of-date and it has been demonstrated that the proposed development accords with the 'saved' policies which are consistent with the NPPF. The presumption in favour of sustainable development contained within the NPPF therefore applies to the proposals.

The application is accompanied by a comprehensive set of supporting reports, which have not identified any adverse impacts that would significantly and demonstrably outweigh the benefits of housing delivery against an acute housing supply deficiency.

In these circumstances, and applying paragraph 49 of the Framework, the application proposals should be considered in the context of the presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up to date. In these circumstances, the Framework confirms development should be approved 'without delay'.

Addressing Previous Reasons for Refusal

This application has aimed to address the previous reasons for refusal and produced a proposal that will meet a local need for market and affordable housing, while providing a sustainable development with a number of benefits for new and existing residents.

Reason for Refusal One

The development of this site for 270 homes in this highly sensitive location would appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley within the vicinity of the site. As such, the proposal is considered contrary to policies H7, NE1, NE2, NE3 and WIT3 of the adopted West Oxfordshire Local Plan and is considered to be unsustainable development that

causes significant and demonstrable harm, that outweighs the benefits of the scheme contrary to the provisions of the NPPF.

Gladman considers that the revised scheme is a logical extension to Witney and would not be detrimental of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets located within the valley within the vicinity of the site.

It is considered that site adjoins existing development and the proposed development would be set within a strong landscape framework. New planting and areas of public open space along the northern and western boundaries would also help to soften the appearance of lower density housing in the medium to longer term and create a more gradual transition between the town and countryside. The site therefore represents a logical extension to the existing settlement edge.

The revised Heritage report has reconsidered these matters and concludes that any impacts would be very minor with the significance of both the Listed Buildings being preserved while there will be at most a very minor adverse impact on the significance of the non-designated heritage asset.

This report concludes as follows

The proposed development also has the potential to impact upon the significance of three built heritage assets, including two listed buildings. It has been demonstrated that there will be a neutral impact on the Grade II listed Witney Mill. While there may be some harm to one element of the wider setting of Crawley Mill, the special interest of this building will be almost wholly preserved with a resultant negligible impact on its significance. The proposed development does, however, have the potential to cause a very minor degree of harm to New Mills significance as a non-designated heritage asset. This harm should however be weighed in a balanced judgement against the public benefits of the scheme in accordance with Paragraph 135 of the NPPF.

As demonstrated earlier, Gladman considers that Policies H7, NE1, are not up to date and in the absence of a deliverable five year housing land supply as prescribed by paragraph 49 of the NPPF and NE3 is not consistent with the Framework (given the change in policy since it was formulated and the inevitability that significant amounts of greenfield land beyond existing settlement boundaries will be required to be developed to address the supply deficit and meet the current and future housing requirements) . The housing need and demonstrable lack of a five year housing land supply is such that sustainable greenfield sites beyond the existing settlement boundaries, such as this site, are needed to deliver housing beyond 2011. It is considered that this deficit and deficient deliverable housing land supply is a material consideration which should be accorded significant weight in the planning balance.

It is also considered that the proposed development accords with Policies NE3 and WIT3. These policies do not preclude development and the site is not subject to any statutory landscape designations and the impacts on the surrounding landscape has been fully considered and demonstrated to be acceptable.

Reason for Refusal Two

It has not been demonstrated on the basis of the application submission that the traffic impact of the development has been appraised appropriately and as such the development fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality. The proposal is therefore considered contrary to BE3 and BE18 of the adopted West Oxfordshire Local Plan and Section 4 and paragraph 124 of the NPPF.

As part of this planning submission, Gladman has submitted a revised Transport Assessment demonstrating that the traffic impact of the development has been appraised appropriately and that the development does promote sustainable transport aspirations and would not be detrimental to the highway users.

Reason for Refusal Three

By reason of the location of a proportion of the site within an HSE consultation zone, having applied the PADHI+ consultation procedure in accordance with the Health and Safety Executives directive, the development of the site for 270 dwellings by reason of its 'level 3 sensitivity' and the proportion of the site contained within the 'inner', 'middle' and 'outer' zones is considered unacceptable on public safety grounds. As such, the proposal is considered contrary to policies H2 and BE20 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF and the National Planning Practice guidance relating to hazardous substances

The Illustrative Development Framework Plan submitted as part of this planning application demonstrates that the proposed development layout has been amended in accordance with the Health and Safety Executive Directive, taking into consideration the consultation zones surrounding the gas bottling facility to the north west of the site. Following the revised Framework Plan, it is considered that the proposed development is acceptable on public safety grounds and is in compliance with policies set out in Local Plan and the NPPF.

Reason for Refusal Four

The ecological assessment submitted with the application fails to demonstrate that the sensitive habitats and species of the River Windrush Conservation Target Area will not be harmed by the development and as such the proposal is contrary to NE13 and WIT3 of the adopted West Oxfordshire Local Plan 2011 and paragraphs 109 and 118 of the NPPF by failing to take the appropriate opportunities to conserve and enhance biodiversity.

As part of this planning application submission, Gladman has submitted a revised Ecological Assessment demonstrating that the sensitive habitats and species of the River Windrush Conservation Target Area will not be harmed by the proposed development and are in accordance with Policies NE13 and WIT3 of the WOLP and the NPPF. It is considered that the proposed development would enhance the biodiversity on site, which is a material planning benefit of the scheme.

Reason for Refusal Five

In the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan and relevant provisions of the NPPF.

In order to overcome this reason for refusal, Gladman will seek to enter into constructive dialogue to agree obligations for on and off site provisions which are reasonably related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE10 Conversion of Unlisted Vernacular Buildings

BE18 Pollution

BE2 General Development Standards

BE3 Provision for Movement and Parking

H7 Service centres

NE1 Safeguarding the Countryside

NE13 Biodiversity Conservation

NE2 Countryside around Witney and Carterton

NE3 Local Landscape Character

H2 General residential development standards

H11 Affordable housing on allocated and previously unidentified sites

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

5 PLANNING ASSESSMENT

- 5.1 This application is an amendment to an application for 270 houses on a slightly larger site area refused for five reasons under reference 14/1215/P/OP. The refused application is now the subject of an appeal which is to be by way of Public Inquiry later this year. This amended application has a slightly smaller site area, is proposing 260 houses as opposed to 270 and has additional information submitted with it in an attempt to address the reasons for refusal of the earlier submission.

Background Information

- 5.2 Planning History

14/1215/P/OP- Planning permission was refused for 270 houses.

Planning Assessment

- 5.3 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:

- I The development of this site for 270 homes in this highly sensitive location would appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley within the vicinity of the site. As such, the proposal is considered contrary to policies H7, NE1, NE2, NE3 and WIT3 of the adopted West Oxfordshire Local Plan and is considered to be

unsustainable development that causes significant and demonstrable harm, that outweighs the benefits of the scheme contrary to the provisions of the NPPF.

- 2 It has not been demonstrated on the basis of the application submission that the traffic impact of the development has been appraised appropriately and as such the development fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality. The proposal is therefore considered contrary to BE3 and BE18 of the adopted West Oxfordshire Local Plan and Section 4 and paragraph 124 of the NPPF.
- 3 By reason of the location of a proportion of the site within an HSE consultation zone, having applied the PADHI+ consultation procedure in accordance with the Health and Safety Executives directive, the development of the site for 270 dwellings by reason of its 'level 3 sensitivity' and the proportion of the site contained within the 'inner', 'middle' and 'outer' zones is considered unacceptable on public safety grounds. As such, the proposal is considered contrary to policies H2 and BE20 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF and the National Planning Practice guidance relating to hazardous substances.
- 4 The ecological assessment submitted with the application fails to demonstrate that the sensitive habitats and species of the River Windrush Conservation Target Area will not be harmed by the development and as such the proposal is contrary to NE13 and WIT3 of the adopted West Oxfordshire Local Plan 2011 and paragraphs 109 and 118 of the NPPF by failing to take the appropriate opportunities to conserve and enhance biodiversity.
- 5 In the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan and relevant provisions of the NPPF.

Addressing the refusal reasons

Reason for Refusal 1

- 5.4 In your officers opinion, the development as now proposed ,by reason of the somewhat contrived shaped site area, which has been amended in order to attempt to seek to address earlier health and safety issues, will result in a highly visible incongruous and illogical extension of the built up limits of the town which will detract from the rural character and appearance of the area .In addition the setting of the river valley and the local footpath network running through and across the valley will be adversely urbanised. Further, the development will detract from a number of non-listed heritage assets (former mills) which line the river valley, in particular New Mill, which is cited within the applicants own Heritage Statement as being impacted by the development proposals.
- 5.5 In light of the above ,Officers are of the opinion that in terms of principle this proposal, which is quite clearly contrary to the policy H7 of the adopted Local Plan 2011 and which constitutes an extension of the built up limits of the town into the open countryside, is unacceptable, particularly in light of the fact that there are other less sensitive greenfield sites on the periphery of the town which are considered to be more sustainable in terms of providing for the future housing needs of the District.

5.6 Policy NE2 is also of key relevance to the principle of development in this location, forming a buffer to the northern edge of Witney within which the application site falls. As the proposal does not accord with any of the categories of development listed within NE2 as being acceptable in this area, the development proposal is considered contrary to Policy NE2. Whilst Policy NE2 was adopted some time ago, in assessing this proposal it remains entirely appropriate to consider whether the proposed development would harm the rural character of the area or lead to undesirable sprawl.

Reason for Refusal 2

5.7 This application has been submitted with a Transport Assessment which has been submitted in an attempt to address the reason for refusal pertaining to traffic impact and air quality. The County has raised objections in respect of the details as submitted on the grounds that the assessment as submitted to date does not sufficiently identify the impact of the development on congestion, air quality and junction capacity. Further, that to mitigate towards the cumulative impact of the development on the Bridge Street Area that the development contributes £1,314,000, including schemes to improve air quality and if required the West End Link Road

5.8 In addition the County are requesting the following Section 278 works:

- Site access works priority junction with ghost island right turn facility;
- Lane widening at Burford Road/Tower Hill roundabout junction to improve the entry width on the Tower Hill arm;
- Provision of a cycleway on Burford Road from Windrush Valley Road Moor Avenue;
- Provision of Burford Road pedestrian crossing;
- Contributions to bus services.

5.9 At the time of writing your officers have not received any correspondence from the applicants confirming that they are willing to undertake additional survey work and/or undertake the mitigation works listed above or contribute financially towards mitigation proposals.

5.10 In light of the above the highway and air quality reason for refusal has not been addressed in this resubmission.

5.11 Your Officers will however contact the agent prior to the date of the Sub Committee in order to allow for comment on the County's requests.

Reason for Refusal 3

5.12 This reason for refusal related to public safety. In order to seek to address this concern the applicants have reduced the application site area in order to position the residential development outside of the Health and Safety Executive's consultation zones which surround the gas installation located to the west of the site. The applicant contends that given the amended site layout that the proposed development is acceptable on public safety grounds and is in compliance with policies set out in the Local Plan and the NPPF.

- 5.13 In order to enable your Officers to fully understand the applicant's contention that the movement of the application site area away from the boundary of the site with the Gas Bottling Facility has addressed the issue of public safety, a technical Consultant has been instructed to advise on whether or not the amended site area will address public safety concerns and if so are there any mitigation requirements for residential occupants located in close proximity to a hazardous substance installation.
- 5.14 Members will be updated verbally on this issue at the meeting.

Reason for Refusal 4

- 5.15 This reason relates to concerns about the impact of the development on the ecology of the area. Following the submission of further details the applicant has addressed the earlier concerns such that an objection on ecological grounds no longer pertains.

Reason for Refusal 5

- 5.16 Whilst the applicant has committed through the application to enter into constructive dialogue to agree obligations for on and off site provisions which are reasonably related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, in the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers. As such the reason for refusal in respect of obligations cannot be set aside.

Conclusion

- 5.17 In your officers opinion, this revised application which has been submitted in an attempt to address the reasons for refusal attached to an earlier planning application still results in harm and the degree of harm caused significantly and demonstrably outweighs any benefits associated with the scheme, which in this case appear to relate primarily to housing supply, at a point in time when other sites have been identified to meet the Council's emerging housing requirement and there are no other material considerations that weigh in favour of the development proposals. The application is recommended for refusal accordingly on three grounds at the time of writing with a review of the reason on public safety following the technical consultation response which remains outstanding.

REASONS FOR REFUSAL

Refuse for the following reasons:-

- 1 The development of this site for 260 homes in this highly sensitive location would appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley within the vicinity of the site. As such, the proposal is considered contrary to policies H7, NE1, NE2, NE3 and WIT3 of the adopted West Oxfordshire Local Plan, policies H2, OS2, EH1 and policy Wit4 of the emerging Local plan 2031 and is considered to be unsustainable development that causes significant and demonstrable harm, that outweighs the benefits of the scheme contrary to the provisions of the NPPF.
- 2 It has not been demonstrated on the basis of the application submission that the traffic impact of the development has been appraised appropriately and as such the development fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality. The proposal is therefore considered contrary to BE3 and BE18 of the adopted West Oxfordshire Local Plan, T1, T2, and EH6 of the emerging Local Plan 2031 and Section 4 and paragraph 124 of the NPPF.
- 3 In the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan and relevant provisions of the NPPF.

NOTE TO APPLICANT :-

Whilst not cited as a reason for refusal on the grounds that the Environment Agency has not objected to the application, Members of the Sub Committee in considering the application, expressed grave concerns about the development proposal increasing the risk of flooding in the Town, which has recently suffered a severe flood event, and resolved that a note be attached to this refusal notice in order to highlight the concerns of local residents regarding flooding as an issue.

Application Number	I5/00794/FUL
Site Address	9 - 11 Burford Road Carterton Oxfordshire OX18 3AG
Date	13th May 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	428026 E 206869 N
Committee Date	26th May 2015

Application Details:

Redevelopment of existing retail unit with 2 no. two bed flats above, 1 no. two bed flat over parking, 2 no. two bed houses and 1 no. three bed house, including associated bin & bike stores, external private amenity space and parking

Applicant Details:

Mr Jason Rockett
c/o agent
United Kingdom

I CONSULTATIONS

- I.1 Parish Council
- Council raised strong objections to this application for the following reasons:-
Council do not feel a piecemeal approach to development in the centre of town is helpful or compatible with the aspirations that have informed the recently completed Master plan for the town. A piecemeal approach is detrimental to the proper planning of what could be a larger area suitable for development. This proposal only takes account of a small section of a larger parcel of land possibly resulting in incompatible, unplanned and unsympathetic development. Council is concerned that if this development is allowed, a precedent will be set and it will be difficult for the planning authority to refuse a similar development on a similar site, thus compounding the risk of the above.
Council believes there is economic potential to increase the numbers and/or scale of commercial enterprise in this part of the town and a piecemeal approach will not allow for such growth.
- I.2 OCC Highways
- The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to
- G36 parking as plan
- G31 drives/parking area specification

- I.3 WODC Env Health - Lowlands No objection in principle but I do have the following comments to make on the design and location.
Some of the proposed dwellings have an open plan design for kitchens and living area. This type of design greatly increases the risk of condensation problems with the associated damp and mould.
The designs are very compact with no space shown within the property for drying of clothing
The rear gardens of the houses are next to a children's play area which could result in the occupiers being bothered by noise.
The access driveway is narrow and does not appear to have enough space for a pedestrian and a vehicle to be able to use it at the same time.
If permission is granted I would ask for conditions to be attached relating to minimisation of dust and noise during the demolition and construction phases of the project.

2 REPRESENTATIONS

2.1 Mr Lester Giles of 25 Corbett Road. Comments summarised as:-

- I wish to object to this application. I am part owner of the adjoining property. i.e. 15 & 17 Burford Road!
- Over the last two years I have met on several occasions with other interested owners, Town & District Councillors, Philip Shaw a District Planning Officer etc. to discuss a comprehensive retail development for the North West quadrant of Carterton town centre.
- This proposed application for partial re-development is on land crucial to any larger retail development that Carterton so desperately needs! If it is allowed to proceed as indicated it would sabotage any hope of the comprehensive scheme which was discussed and I assumed was to be included in the local plan!
- I am conscious that if this application is allowed, we as adjoining (semi-detached) owners would be forced to adopt a similar scheme. Whilst this could well be very lucrative for us, due to its intensive nature, it is not what Carterton with all the proposed extra housing actually needs!
- I therefore urge the Council to reject this application and instruct the Officers to commission a comprehensive viable plan for initially the North West quadrant and if possible the whole of the Town centre area!
- This realistically is the last chance to achieve a planned approach to Carterton town centre, rather than the piece meal approach of the past!
- Thank you.

3 APPLICANT'S CASE

- 3.1 The site is located in the town centre of Carterton, along Burford Road. Stretching from Burford Road through to the playing fields at the back of the site, the linear site is currently occupied by a double shop frontage and unused storage sheds at the rear, accessed by an existing side road.
- 3.2 The existing two storey element of the site has two shops at ground floor with storage rooms on the first floor. A number of windows have been blocked up and the storage above is of limited use. A small single story element projects from the main building.
- 3.3 The frontage is a double shop unit containing two shops with storage above. Parking is provided at the front of the site for the shops and visitors. This area is shared with the other units in the row. A public path runs along the south side of the site and connects the main road and the park. Both side of the path are lined by buildings and small walls, rising in height towards the park. None of the surrounding units face onto the park, with most units facing away from the park. To the north of the site the adjoining unit has a rear garden used for storage. This area has a few trees and dense planting, however none are on this site.
- 3.4 The external elevations of the shop have a number of boarded up windows and internal access to the first floor.
- 3.5 The rear of the site has a number of lean-to sheds, predominantly block work with some timber cladding. The sheds are used at storage and external workshop areas.
- 3.6 Replacing the boundary with a low wall will help strengthen both routes and secure pedestrians on the footpath side. Moving into the site, there is access to a yard area for the shops units with storage. Next to this is access for the 3 flats above, secure bin and bikes stores are located at ground floor level next to the entrance door. The flats are access up a set of steps onto a roof terrace area. Each flat has an individual area of terrace, surrounded by treated timber fences with areas for planters.
- 3.7 Parking is provided under plot 4 and in front of the houses. A detailed highways report shows the suitability of all the parking spaces for a number of vehicle types. Each house has a front garden with bin store. This semi-private space helps set the homes back from the parking area. Each house also has back garden access with a patio, shed with bike store, and lawn. Living rooms are located at the front, and kitchen / dining at the back with garden access.
- 3.8 A new boundary will be required to the site, this is intended to be a low wall along the access road, stepping up to form the house wall and then stepping down to become a close boarded fence toward the open space. The new boundary will drastically improve the current site boundary aesthetically and for security.
- 3.9 New windows will be fitted into the existing first floor to accommodate 2 new flats. These flats have been designed to make the most of the long thin existing plan. Generously sized they have access to a roof terrace with bedrooms located at the front of the building. The new build flat is also accessed from the roof terrace, however looks predominantly to the west, avoiding overlooking the other 2 flats.

- 3.10 Pitched roofs help break up the roof line and an interest to the site. A gap is left between the houses to allow views through for plot 4.
- 3.11 Slate tiles and Cotswold stone are suggested to be used on the new buildings. The existing building will be re-rendered and new shop front windows fitted, the existing roof tiles will be examined and replaced as required.
- 3.12 Using slate tiles as a roofing and cladding material help the new units to appear as a modern massing in an area of mixed styles.
- 3.13 Lowering the slates as cladding lets the local stone create a base and tie into the surrounding walls and existing buildings. The roof terraces for the flats will be timber to keep the materials soft and natural, with allowance for planting.
- 3.14 The ground floor is remaining as shop units with additional storage and access at the rear. The existing first floor is proposed at two flats and the new build areas are one two bed flat, two semi-detached two bed houses and one detached three bed house. All have unallocated parking, bin and bike store as well as some private amenity space, either as garden or part of the roof terrace.
- 3.15 Given that the proposed development is in an accessible location and that the number of spaces accords with the above policy the development would not be reliant on the retail car park fronting the site and thus the available parking stock for the neighbouring retail uses should be unaffected by the proposals.
- 3.16 Vehicle swept paths have been produced and demonstrate that the site could be accessed by the vehicles likely to serve it.
- 3.17 The proposed development is predicted to generate 2 two-way trips in both the AM and PM peak periods. It can therefore be seen that the proposed development will not give rise to any material impact in the local highway network.
- 3.18 In conclusion there are no transport or highway reasons why this proposal should not be granted planning permission.
- 3.19 Reduction in energy use, for example high levels of loft insulation. Opportunities for solar thermals / PV's have been highlighted on this scheme, showing ideal roof area for future technology.

Highways

- 3.20 The full statement is included as an appendix to this document, however in summary: This statement has assessed the accessibility of this application site and established the likely impact of the development traffic. The site is located centrally within Carterton and sits within the defined town centre boundary.
- 3.21 The site currently comprises two buildings; a two-storey building at the front of the site with a single storey extension top the rear and a single storey outbuilding to the rear of the site. The buildings currently have permission for retail uses with associated retail storage/ and retail office space.

- 3.22 The existing retail units would be retained though would be remodelled to allow for the new build to the rear of the two storey building.
- 3.23 Access to the site will be via the existing private drive adjacent the south elevation of the existing building this is fed directly off the retail car park to the front of the building and which itself is fed off Burford Road.
- 3.24 The proposed development would be served by a total of 9 unallocated car parking spaces which complies with the adopted Oxfordshire parking standard.
- 3.25 Rainwater can be harvested in water butts shown in each of the houses gardens. Permeable surfaces to hard surfaced areas and grass to gardens. Landscaping this currently hard surfaced site will add to the areas vegetation. Gardens and the roof terraces have been included.
- 3.26 Secure cycle storage has been provided for all new properties.
- 3.27 Bin stores have been located at the front of each house and a shared bin store under the flats. There is then a bin collection point 20m from the road access point.
- 3.28 To conclude the proposals seek full planning permission for the site. The scheme makes a place from an unused area of Carterton that allows passive surveillance and activity in a currently closed off area. The proposals are in keeping with the local materials and improve the boundary to the local park and footpath.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
CA2NEW Carterton Town Centre Strategy
SH3 Changes of Use in Town Centres
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 Cllr Mrs Crossland has requested that the application is to be heard before the Committee, for the following reason:-

This site is of great strategic importance to the future of Carterton's town centre.
I should like it to be considered by Lowlands rather than be delegated please.

Background Information

- 5.2 The application site area is located in the centre of Carterton and currently forms two retail uses along a small parade of shops along the Burford Road. To the side of the site is a pedestrian access which leads to the public car park off Alvescot Road and to the play fields and children's play areas. To the front of the building is an open parking area which serves the remaining shops and services.

- 5.3 The proposal seeks permission to create 6 dwellings - a mix of houses and flats by remodelling the existing building and the formation of 4 new builds. The existing retail element is to be retained.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 In terms of the proposed housing development, the principle of locating new residential development in the town centre is considered acceptable and in compliance with Policy H7 of the adopted Local Plan.
- 5.6 However in Carterton Town Council have adopted a design strategy for Carterton town centre. This was to provide guidelines for key sites in the town centre, and the Burford Road area has been identified as one with opportunities for improvement.
- 5.7 The strategy states that, 'The parade of shops along Burford Road and area behind provides an opportunity to increase connectivity east-west through to the town centre, better integrate the back-land areas around the recreation ground, improve the retail offer for the town as a whole, and improve the quality and image of the built environment along this part of the main street'.
- 5.8 The same area has been identified in the proposed submission Local Plan as a 'Potential Development Area' within the town centre. Policy CA2 of the emerging plan aims to provide more active and vibrant frontages and efficient use of available space potentially through mixed-use development of complementary uses. It also includes that the side elevation of the building and application site which has the existing footpath link to the recreation field, play area and car park have improved frontages.
- 5.9 Your officers are of the opinion that regard should be had to these objectives in determining these proposals so as not to compromise the aims of the Town and District Councils to improve the town centre environment. It is considered that introducing high density residential development and additional vehicular movements to this part of the town would detract from the aim of improving connectivity to the recreation ground.
- 5.10 In terms of Policy SH3 of the adopted Local Plan, this relates to the change of uses in town centres. Since the ground floor shops are being retained it is considered that the proposals broadly comply with this policy. The supporting text of the policy emphasises that when considering proposal for town centre development however, account should be taken not only of the impact on centres as they exist at the moment but also on planned proposals to improve them. It is considered that the Carterton Town Centre Design Strategy should be considered in this light.
- 5.11 Policy BE2 of the adopted Local Plan is an important consideration as it aims to guide new development which respects and where possible improves the character and quality of its surroundings and provides a safe, pleasant, convenient and interesting environment. It is considered that these proposals conflict with these aims, particularly in terms of the density of development.

- 5.12 The proposal seeks to accommodate 3 new houses to the rear of the site, the rear elevations facing onto the play park, two flats above the existing retail units, which will have roof gardens/amenity space, and for a building to be constructed over the rear parking area to provide one flat. Officers consider that the appearance of the development would be of a cramped, high density appearance which currently there is no immediate comparison. As such officers are of the view that the proposals represent an over development of the site particularly with the 3 proposed dwellings to the rear. If permitted, it could set a precedent for a similar scheme to the north of the site.

Siting, Design and Form

- 5.13 In terms of the forms and design, there are no proposed changes to the front elevation of the building, but the existing buildings to the rear would be removed and a new flat block created with a raised garden terrace. Three further dwellings would be constructed to the rear with their rear gardens adjacent to the play park and recreation area. Although there are no significant issues with the design per se, there are in terms of the density and layout and the general appearance of the area.

Highway

- 5.14 OCC Highways has no objection to the proposal.

Residential Amenities

- 5.15 Leading from the density concerns that officers have, there are issues regarding living conditions for the proposed occupiers of the houses and flats. Policy H2 of the adopted Local Plan states that proposals for additional dwellings should not create unacceptable living conditions for existing and new residents. Officers have concerns with the proposed distances between the accommodation - for example between the flats there is only 8m which will have an adverse impact to light and privacy to the occupants of the flats. This has been addressed by the applicants in that the new building has been designed to have a small window and door to the roof area and no other windows - internally there is a long corridor along the rear elevation. This means that these occupants main outlook will be to the car parking area between the new houses and the new flat building, which is not considered ideal in itself.

Conclusion

- 5.16 Although officers consider that there may be some opportunity for development, along with the retention of retail units, officers consider that this scheme is harmful for the reasons identified and in particular is contrary to Policy CA2 of the emerging Local Plan and the other policies stated above.

REASON FOR REFUSAL

Refuse for the following reason:-

- I The proposed development by reason of its form, density, scale and layout will result in an over development of the site and fails to have regard to the Carterton Town Centre Strategy's aims as per Policy CA2 of the emerging West Oxfordshire Local Plan. In addition the layout of the proposed development will adversely affect the residential amenities of the proposed occupiers of the new accommodation and as such the proposal is contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and Policy CA2 of the Emerging West Oxfordshire Local Plan.

Application Number	I5/00856/OUT
Site Address	15 Cassington Road Eynsham Witney Oxfordshire OX29 4LH
Date	13th May 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Eynsham
Grid Reference	443751 E 209664 N
Committee Date	26th May 2015

Application Details:

Demolition of existing dwelling and erection of 4 detached dwellings with associated parking and alterations to existing vehicular access

Applicant Details:

Mrs Caroline Wright
23 Spencer Rise
London
NW5 1AR
United Kingdom

I CONSULTATIONS

I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to
- G31 drives etc. specification
- G36 parking as plan
- G47 SUDS Surface water drainage

I.2 Ecologist The submitted Bat Survey Report (CWS Feb 15) identified that the house, garage and chalet had no evidence of bats and negligible potential for use by bats or birds as such no recommendations were given within the report. All of the surrounding land is managed as garden but the garden and the boundaries of the site contain a large number of trees.

The proposed plan for this outline application shows all trees of value to be retained and also states that trees of low value which could be retained.

The development will not cause any harm to bats but in order to meet the policy and guidance requirements of Biodiversity Policy EH2 of the Local Plan, the NPPF (including section 11) and the NPPG

further detail of the proposed biodiversity benefits/enhancements to be included as part of this development needs to be clarified.

If all the trees of low value are to be retained then the impact would be further reduced and the loss of shrubs and other site level important habitats such as grassland could be compensated for and enhancements provided by the inclusion of some native planting in any landscape plan and the inclusion of integral bat and bird boxes within the proposed dwellings or garages but this needs to be clarified even if only in general terms with the details to be provided as reserve stage.

Habitat Reg tests required: NO

Draft recommendation: Further information of enhancements required

Reason In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policy EH2 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- | | | |
|-----|-------------------------------------|---|
| I.3 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.4 | WODC Architect | No Comment Received. |
| I.5 | Thames Water | <p>Waste Comments</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide</p> |

customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

1.6 Parish Council Eynsham Parish Council has no objection.

2 REPRESENTATIONS

2.1 3 letters of objection have been received from; Dr Stephen Pritchard of 17 Cassington Road, Jonathan Ede of Builders Ede Ltd at 3 Little Lane, and Dr Kerry Fisher of 11 Cassington Road.

2.2 The comments have been summarised as:-

- In principle this plot could be improved by a careful new development since the existing dwelling is not entirely in character with the stone buildings that typically flank this historic road. Unfortunately the current planning application looks like the predictable behaviour of a non-resident owner attempting to maximise profit without any continuing personal exposure to the subsequent impact. In contrast, developments overseen by long term residence such as Little Lane and the adjacent plot behind Chatterholt are more measured and thoughtful.
- As it stands, the application to cram 4 dwellings on such this small plot looks poorly considered and presumably part of a strategy to barter with the planning office. A subsequent plan to inappropriately cram 3 dwellings onto this plot will then look like a generous concession. The proposal is both sad and disappointing given the original occupant of this plot fought tirelessly to protect the village against inappropriate development.
- Perhaps the new owners could consider putting forward a more sympathetic proposal that would involve two dwellings fronted in stone and / or set further back from the road?
- The resident of 11A is elderly may not be able to comment; an absence of a written objection from this neighbour should not be seen as indifference and a little extra effort may be required to canvass all relevant views.
- In place of objections, a more thoughtful alternative plan could result in favourable opinions and even encouragement from local residence.
- In order to gain that local support in a future application more details about building materials should be provided, without which it is not possible to comment on the magnitude of the impact.
- My objection is not based upon the principle of redevelopment which, unfortunately, is unarguable. I object to the siting and number of proposed dwellings, which are both matters to be considered as part of this outline application.
- The area is characterised by relatively large houses set in relatively large grounds bordered by trees which provide a verdant transition between the traditional built-up area of the village and the open countryside beyond.

- Cassington Road is a well-used access into Eynsham and is probably the most attractive road into the village. There has been new development in recent years such as where I am, but it has been done in an attractive way and set far enough back from the road so as not to intrude into the street scene. This is also true of all of the other back land development recently undertaken or approved in the area.
- However, proposed plot 1 is set well forward, being sited only 7 - 9 metres back from the footpath. This would radically alter the street scene. The adjacent bungalow, no. 11a, is some 25 metres back from the footpath and no. 17 on the other side is set even further back.
- At present there are various trees in the front of no. 15 and only one or two are proposed to remain. This would again radically alter the street scene on the entrance into the Conservation Area. Furthermore, the retained trees would be very close to plot 1 and, being to the south-east of the proposed house, they would shade a lot of the house leading to the likelihood of the residents felling them, which would radically alter the street scene even more
- A large two storey house in this position would not only intrude into the street scene it would also dominate the bungalow at 11a given its close proximity and the new house being angled towards it.
- The application site is relatively narrow at about 30 metres wide whereas the Little Lane site is over 60 metres wide and the site to the rear of no. 17 is about 35 metres wide. Being narrower, the proposed development looks like carriages on a train and means that plot 2 faces my property and is only some 7.5 metres from my boundary. Its front windows will look directly into my garden. This would be a serious erosion of the privacy my property currently enjoys.
- When the development of Little Lane was permitted under W2001/0584 a landscaping condition was imposed (condition 13) to ensure the verdant character of the site on the edge of the Conservation Area was retained. The condition stated:

 'The landscaping details shall include a buffer planting zone along the north, east and west boundaries of the site and this shall be excluded from the domestic curtilage of the approved dwellings by the erection of post and rail fencing to a height of 1 metre. The area shall remain permanently outside the residential curtilage and the fencing retained permanently thereafter.
 REASON: No such details have been submitted (Policies BE3 and BE10)'.
- At present there are over 20 trees on the boundary between my property and the rear of garden of no. 15 (the site's west boundary) as shown on the survey plan T19, T20, T21, T22, T23, T24, T25, TG3 (a group of approximately 11 trees) and TG4. Only T22 is proposed to remain, and that's in my garden! I accept most of the trees are not good quality but they do form an important backdrop to our garden and contribute to the verdant setting of the Conservation Area.
- I agree that these trees should be retained and shown as such on the site layout plan.
- However, this would not be possible given the location of plot 2 and the proposed access road in front being only some 7.5 metres away from our boundary.

- In addition, it is important to note that paragraph 8.3 of the Tree Survey Report says: "However, the trees on the boundaries are being retained where possible to keep a good established green screen." And the Report's executive summary says:
- "The B grade trees along the boundaries can be retained and they are a good established green screen which will ultimately soften the development within the local landscape." Unfortunately, these comments have not informed the proposed layout. The proposal, therefore, to remove all of the trees along the site's west boundary is both unnecessary and harmful.
- It is also important to see what the Planning Statement says about this issue. Paragraph 2.3 says that the tree survey and the need to retain the trees of value were "key in determining how many dwellings the site could accommodate whilst retaining its character and mirroring the low density sylvan character of the adjoining plots." Again, the proposed scheme does not achieve this aim.
- The reality is that the loss of so many trees, particularly along the west boundary, will harm both the sylvan setting of the Conservation Area and the amenities on my property.
- My other concern is that car manoeuvring will be very difficult in the tight space between plots 2 and 3, and emergency vehicles will find it impossible to turn. Plot 3 is sited so close to plot 2 that it will look out onto the gable wall of plot 2 only some 4 - 9 metres away and, being south-facing, plot 2 will cause significant shading and over dominance of plot 3. This is not a good design.
- For all of the above reasons, the current proposal is a poor design as it would harm the setting of Eynsham Conservation Area, result in the unnecessary loss of good quality trees, and harm the amenities of neighbouring properties. The proposal, therefore, is contrary to paragraphs 17 (fourth and tenth bullet points), 56 and 131 of the National Planning Policy Framework.
- Paragraph 64 of the Framework sets out how the current planning application should be determined when it says:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."
- For the same reasons, the current proposal is also contrary to the West Oxfordshire Design Guide and the following policies of the adopted West Oxfordshire Local Plan:
 - H2 - General residential development standards
 - BE2 - General development standards
 - BE3 - Provision for movement and parking
 - BE5 - Conservation areas (including their setting)
 - NE6 - Retention of trees, woodlands and hedgerows
- I believe that all of the above concerns could be addressed if the plan was amended to move plot 1 back from the road by some 10 metres and make it parallel to the road, move

plot 4 back by some 5 metres, remove plot 2 and possibly bring plot 3 forward by 3 metres to give it a better rear garden.

- We consider this to be overdevelopment of the site compared to other local developments, esp. our own. We would rather have three larger houses on the site.
- The proposed house at the front is outside the current building line of numbers 2, 4, 6 and 17.
- The road in front of numbers 15 and 17 is constantly used for parking. We do not know when the photograph submitted with the application was taken, but it very rarely like that. Cassington Road is reduced to a single lane with very poor visibility in either direction and we have had several near misses when leaving our property. We would suggest that with the extra traffic caused by this development and our own that yellow lines are put along the road outside numbers 15 and 17.
- We appreciate that some of the trees are to remain as a screen for the road and neighbours. However, this is an outline planning application only. A subsequent purchaser will probably want to alter the site for their own reasons. Can we be assured that these trees will remain regardless of future planning applications?

3 APPLICANT'S CASE

3.1 A bat survey, tree survey and Planning Statement have been submitted with the application and can be viewed in the usual manner. The Planning Statement has been summarised as;

- One of the core land use planning principles set out in the NPPF is to proactively drive and support sustainable economic development to deliver homes that the country needs. As the application site is located within one of the principle service centres of the district, is on a main bus route between Witney and Oxford and within walking and cycling distance of the village centre and numerous facilities, the proposal to redevelop the site for housing constitutes a sustainable form of development which is in accord with key national policy guidance
- Constitutes an acceptable form of back land development on an underutilised residential plot within the existing built up area of the settlement. Redevelopment would constitute rounding off and would be a logical complement to the existing scale and pattern of development in the area which is characterised by recently approved low density back land developments
- The leafy suburban character would be protected by the proposal to retain the existing tree screens along the site boundaries and within the site. The low density form of development proposed (4.8 dwellings per acre) will ensure that the root protection areas of retained trees are protected and ample space for new planting
- Low density form has been well sited and designed to respect adjoining dwellings and will preserve and enhance the character of the adjoining Conservation Area
- By restricting the number of units proposed the new development will protect the amenities of existing occupants by ensuring that there are no issues of over dominance, loss

of privacy or loss of sunlight and daylight. The retention and protection of the trees along the site boundaries will be of particular importance in this respect

- The proposed development will not create highway safety problems
- No evidence of bat activity or occupation
- Proposed development is a sustainable form of development which complies with the requirements of the development plan. There are no reasonable grounds for refusing planning permission

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

H7 Service centres

NE6 Retention of Trees, Woodlands and Hedgerows

OS2NEW Locating development in the right places

T1NEW Sustainable transport

T4NEW Parking provision

EH7NEW Historic Environment

EH1NEW Landscape character

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

- 5.1 The application is to be heard before the Committee as the Parish Council have raised no objections to the proposals.

Background Information

- 5.2 The application for the demolition of the existing dwelling and erection of 4 detached houses with parking and access is in outline form only. This means that only access, layout and scale are to be considered at this stage. The appearance and landscaping details would be subject to a reserved matters application if approval was given.
- 5.3 The application site lies within Eynsham, categorised as a Service Centre within the adopted West Oxfordshire Local Plan, and considered to be a sustainable location given the services and amenities within Eynsham and the public transport routes available.
- 5.4 A similar development of housing has been approved at 17 Cassington Road, although only two were proposed to the rear of the existing dwelling. Adjacent to the site on the other side is a small development of well spaced dwellings.
- 5.5 The history for No 17 Cassington Road to which the applicants refer to is:-
11/0284 - 2 detached dwellings - approved
13/0388 - 2 dwellings and access - withdrawn

13/0867 - 2 dwellings and access - approved

- 5.6 The application reference for the development at Little Lane is W2001/0584 which approved a scheme of 4 bungalows and detached garages.
- 5.7 Recent applications have also been allowed to the rear of No 4 and 6 Cassington Road which is opposite the application site.
- 5.8 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

- 5.9 Eynsham is categorised as a service centre within the adopted Local Plan and a rural service centre within the emerging Local Plan. As such officers consider that new housing of an appropriate scale and type that would help reinforce their existing service centre role is acceptable.
- 5.10 In addition given the development approved in 2013 for 2 dwellings to the rear of No 17 Cassington Road, officers consider that in principle some form of development is acceptable on the application site.

Siting, Design and Form

- 5.11 The proposed development is for the replacement of the existing dwelling and two new houses to the rear, and one detached dwelling sited at the front boundary of the site. Officers consider that the proposal to replace the existing dwelling is acceptable but the proposed scale of the two dwellings right at the rear is unacceptable as officers consider that they will appear as an over development of the site. It is worth noting that the width of the application site is smaller than the adjacent site at No 17, and the illustrative scale of the proposed dwellings are larger than those approved. Officers therefore consider that the scale of the proposed dwellings are not appropriate and should be reduced in scale.
- 5.12 This site is part of the entrance to Eynsham from the east and both sides of the first part of the road are characterised by fairly dense planting of hedges and trees before the built up area of the village and Conservation Area begins. Although this planting is varied in quality, the cumulative impact is quite significant.
- 5.13 The development at No 17 Cassington road has been approved but the new buildings have been restricted to the rear part of the site so that landscape still predominates on the frontage. Therefore the proposed dwelling to the front of the site would in officers' opinion adversely affect the open nature of the streetscene and would detract from the setting of the Conservation Area. Although trees are shown to be retained on the front boundary, it also seems unlikely that the character of the roadside would be retained bearing in mind the close proximity of plot 1 to the tree.
- 5.14 With regards to the existing trees on the site, of those trees shown to be retained the level of protection, in terms of distance, afforded to them is less than the minimum required by the BS and as shown on the root protection drawings. It looks doubtful that some of the trees or tree

groups shown to be retained would be compatible with the proposed uses and therefore it's likely that more vegetation would be removed in the short term.

- 5.15 Officers consider that due to the layout, scale and number of dwellings proposed, existing vegetation would be removed which would result in a very exposed site to the entrance of the village and the Conservation Area.

Highway

- 5.16 OCC Highways have no objection to the application subject to conditions.

Residential Amenities

- 5.17 As the application is in outline only, no details of the elevations and design have been submitted at this stage. In response to neighbours concerns these would be considered at the reserved matters stage. The proposed access does run along the boundary with the development at Little Lane but this boundary is screened and the private amenity spaces are set away from the proposed development.
- 5.18 The proposed dwellings are so close to each other that some amenity issues may arise - dependent upon design.

Conclusion

- 5.19 Officers consider that some form of development is acceptable in this sustainable location, however there are issues regarding the impact to the setting of this part of the Conservation Area. The general layout and scale of the development is not considered to have regard for the existing visual appearance and character of this part of Eynsham and as such officers cannot support the application as it stands.

REASON FOR REFUSAL

Refuse for the following reason:-

- I The proposed development by reason of its form, scale and layout will appear as a contrived and cramped over development of the site. The proposed dwelling to the front of the site would result in an over dominant form by the loss of existing vegetation, resulting in an intrusive urban addition to the existing open character and visual appearance of the streetscene. In addition the proposal fails to preserve or enhance the setting of the Conservation Area. As such the proposal is contrary to Policies BE2, BE5, NE6 and H2 of the adopted West Oxfordshire Local Plan 2011 and Policies OS2, EH7 and EH1 of the Emerging West Oxfordshire Local Plan.

Application Number	I5/01236/FUL
Site Address	Squirrel Cottage Westfield Lodge Shilton Oxfordshire OX18 4AW
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Shilton
Grid Reference	426179 E 208106 N
Committee Date	26th May 2015

Application Details:

Erection of two storey dwelling with attached garage and workshop.

Applicant Details:

Mr And Mrs Chris And Ann Rawlings
Westfield Lodge
Shilton
Oxfordshire
OX18 4AW

I CONSULTATIONS

I.1 Parish Council

1. The application, on the design and access statement, quotes an incorrect reference number for the original replacement dwelling - it should read I4/0826/P/FP.
2. The current permission for the garage and workshop has a condition no: 4 that in our opinion could present a conflict with this new application?
3. The decision notice for the replacement of Squirrel Cottage has a legal requirement to demolish the original dwelling - there is no reference to this within this new application.
4. The site layout plan, CR1A, still shows the old squirrel Cottage in place. We found this confusing.
5. Drawing CR7a shows a cross section of the new design of Squirrel Cottage and the garage however, this does not include the linkup between the house and the garage complex as indicated on CR1A.
6. The proposed replacement for Squirrel Cottage appears to have rather high elevations but overall is a really nice design but could this be compromised by the previous conditions put in place?

The Council would have no objections to this application provided the above conditions are complied with.

- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection
- 1.3 WODC Architect No Comment Received.

2 REPRESENTATIONS

No representations have been received at the time of writing.

3 APPLICANT'S CASE

- 3.1 The application has been submitted with a detailed design and access statement which states that the purpose of the modification is to enhance design changes to increase harmony both with the Cotswold vernacular of Shilton and the agrarian character of the site. The statement advises that by slight realignment of the unit on the site a better inter relationship with existing buildings will be achieved. Further it comments as follows:
- 3.2 The modifications as proposed moves the dwelling 4.4m closer to the proposed garage northwards and 11 metres westward. With enhanced tree screening and a more described entrance courtyard close to the access lane this will lessen the impression of isolation within a field setting and more effectively screen the bulk of the complex to the road northward of the site.
- 3.3 The dwelling is based on sustainable principles of a traditional appearance, using locally sourced natural stone and oak framing under a reconstructed stone slate roof and will be built to a high standard of energy efficiency and sustainability.
- 3.4 Environmental enhancements are proposed which include a tree belt, hedgerow planting, wild meadow and a heritage orchard.
- 3.5 We believe that the benefit of the reduction in building profile outweighs the minimum increase in meadow garden at 11 metres.
- 3.6 The modifications to the elevations is to improve proportions and enhance clarity. The link structure integrates with the format of the existing design of the garage and provides clarification to the confused entry and parking allocation.
- 3.7 The D_A statement can be accessed in full on the Council's website.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H4 Construction of new dwellings in the open countryside and small villages

OS2NEW Locating development in the right places
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application is for the erection of a two storey dwelling and attached garage and workshop. It purports to be a modification to planning permission 14/0826 which was for a replacement dwelling on the land and which was subject to a legal agreement requiring the demolition of the existing dwelling known as 'Squirrel Cottage'. This application does not appear on the basis of the submission to be a replacement dwelling but rather a further dwelling on the land as 'Squirrel Cottage' is not located within the application site area but is shown on the submitted block plan to be retained in association with 'Westfield Lodge'.
- 5.2 The application site area also extends a further 11 metres westwards to that approved under 14/0826 into an open countryside context.

Background Information

- 5.3 The most relevant planning history to the plot is as follows:
- 93/1343- Planning permission granted for a three bay garage;
- 13/0579- Certificate of Lawful use granted confirming the use of the former garage as a dwelling;
- 13/1587- Planning Permission granted for erection of a detached building comprising a three bay car port and a workshop.
- 14/0826- Planning Permission granted for a replacement dwelling with a legal agreement requiring demolition of 'Squirrel Cottage' from the land within one month of the occupation of the replacement dwelling.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 In light of the fact that the application is not proposing the demolition of 'Squirrel Cottage' as part of the proposal, this application proposes a dwelling in an unsustainable open countryside location without justification. The proposal is therefore considered contrary to policies H4 of the adopted WOLP, OS2 and H2 of the emerging Local Plan and paragraph 55 of the NPPF.

Siting, Design and Form

- 5.6 When compared to the earlier grant of planning permission for both the replacement dwelling and the three bay car port and workshop, this proposal results in built form which stretches further across the development plot and extends further into the open countryside context. The result of this remodelling is a development that has an intrusive and urbanising impact to the detriment of the open rural character and appearance of this part of Shilton. As such, the

proposal is considered contrary to policies BE2 and H2 of the adopted WOLP 2011, policy OS2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

Highways

5.7 OCC highways has raised no objections to the proposal.

Conclusion

5.8 In light of the above assessment the application is recommended for refusal.

REASONS FOR REFUSAL

Refuse for the following reasons:-

- 1 In the absence of the removal of the existing lawful house known as 'Squirrel Cottage' from land in the applicants control and ownership the proposal constitutes the construction of a dwelling in the open countryside for which no essential or other operational need has been demonstrated. As such the development is considered contrary to policy H4 of the adopted West Oxfordshire Local Plan 2011, OS2 and H2 of the emerging Local Plan 2031 and paragraph 55 of the NPPF.
- 2 By reason of its design and siting which extends built form across half of the proposed garden area and extends two storey built form into the open countryside context to the rear of 'Squirrel Cottage', the development is considered to have an intrusive urbanising impact on the open rural character and appearance of the area. As such, the proposal is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011, policy OS2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

Application Number	I5/01257/FUL
Site Address	Land North Of Glebe Cottage Lew Road Curbridge Witney Oxfordshire
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Curbridge
Grid Reference	432910 E 207909 N
Committee Date	26th May 2015

Application Details:

Erection of 4 dwellings with private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking; in all, to create an independent community for older people aged 60+

Applicant Details:

Mr David Keates
C/o Agent

I CONSULTATIONS

I.1 Parish Council

The Parish Council wishes to object to this Application that does not appear to be materially different to that already turned down both on application and appeal.

1. The development does not constitute infilling, which is historically the only development allowed only in the Village, and would be out of character with the Village.

2. It would set a precedent for further development in a less sustainable part of the district.

3. It would not suit the elderly profile of the suggested occupants since there is no footpath, no bus stop and no village facilities.

4. The Applicant does not appear to be contributing to the development of affordable housing on the scale that might be expected.

I.2 OCC Highways

The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

No objection subject to

- G11 access specification
- G36 parking as plan
- G31 drives/parking areas specification

1.3 WODC Architect Reply at the time of writing

2 REPRESENTATIONS

2.1 Mr J Wade of Glebe Farm, Matthew Timms of Willow House, Lew Road and Ray Robinson of Dutton House, Lew Road have written in respect of the application. Their comments are as follows:

- Some years ago my family and I made the conscious decision to move our agricultural livestock operation from Dutton's farm by establishing a new range of agricultural buildings and our own house some 500 m or so to the South at Glebe Farm. We have now established that as an extensive equestrian livestock facility and a busy and active cattle farm. We have invested in extensive buildings to accommodate the livestock and as a consequence it is not appropriate for being next to a residential area.
- The Permitted development regulations that applied when we sited our buildings, given their use, required a minimum distance of 400m from residential dwellings. The proposed dwellings are less than a third of that distance away. If allowed, the development which is proposed, in becoming nearer to our relocated farm may well result in the types of complaints which led us to relocate in the first place away from the main residential area of Curbridge. Allowing this planning permission could well result in an inappropriate location of residential dwellings on environmental health grounds.
- It seems likely the applicant has considered the appeal decision carefully (of November 2014) and will now make a further unilateral undertaking to reflect the financial comments made by the appeal inspector in his findings. Were the applicant to receive a recommendation for approval as a consequence of that it will amount to buying a planning permission. Nothing more
- In principle I do not object to the land being developed. However, I do feel that the site would be overdeveloped with the current proposals.
- There have been flooding issues in the past and the land, sitting on clay becomes saturated during the winter months. Serious consideration should be given to how the water would be managed. In addition to the above, when it rains there is a stream running down the side of the Lew Road as there is no roadside drainage. This results in a stream running through my driveway as the land drops away. Proper consideration should be given to this please.
- My other concern is the risk of traffic collision based on the fact that the current speed limit through the village is completely ignored. By the time that the traffic sees that the Police Camera Van is not in situ, it is foot to floor several hundred yards before the national speed limit sign. If planning were granted I would strongly suggest that traffic calming measures are put in place.

- I see no validity for another retirement village along another already busy road. This proposal is without merit as there will be no bus links, no shopping or medical facilities and create an isolated enclave which will require those who purchase the houses to have to leave the block for every requirement;
- The current sewerage and storm water system cannot cope with the existing housing stock. Any increase in the requirement of the system as it stands will overwhelm it.
- It is an instinct of planning authorities to view construction of 'Retirement Housing' more sympathetically than those for general sale and I believe this is a determining factor in the applicants approach to this construction.

3 APPLICANT'S CASE

- 3.1 There is a very detailed supporting statement submitted with the planning application which can be accessed in full on the Council's website.
- 3.2 The statement outlines the development proposal as follows:

The applicant is making his own choice, taking control of the way he is going to live out his life as he ages. The applicant, a retired businessman, seeks to establish a small community where he and likeminded people may live; a community that will go some way in securing an independent lifestyle well into their old age. Of prime importance is maintaining future occupiers lifestyles, living in quality homes designed to be adaptable as the resident's age, and located in an environment chosen by themselves.

Following the refusal of planning permission for the same development in 2014 the applicant appealed the Council's decision. The Appeal was dismissed on 25th November 2014 on the following grounds;

- (i) that the affordable housing contribution offered is not reasonably related in scale and kind to the proposed development and find this in conflict with the development plan; and
- (ii) that the development would cause some harm to the character and appearance of the area.

The Planning Inspector concluded that these issues taken together would significantly and demonstrably outweigh the factors in favour of allowing the appeal.

Since the original application and the appeal decision, there have been several significant changes to the planning environment, both nationally and locally. The applicant now believes that the original reasons for the refusal of the application and dismissal at appeal have been overcome, and as a consequence have now submitted this second application.

The application is the same as the original application. The application description remains the same; Independent Living for the Over 60s - Erection of 4 dwellings with private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking; in all, to create an independent community for older people aged 60+

The aim of the development is to create an alternative and sustainable approach to both the provision of housing and the manner which older people are able to manage their own lives, to

maintain an independent and full life as they age, and to: Provide an effective and sustainable community, allowing older people to continue to have an independent and active life. A development that is controlled and owned by the residents, without any loss of control to third parties.

A development that will actively reduce and promote community care over hospital care provided by the state.

A sustainable development that allows older people to remain in a rural location that will encourage integration within the immediate development and that of the wider community.

A development that more than meets the Lifetime Homes criteria, high quality designed homes with access to private outdoor space. Purpose built homes will ensure that the homes are safe and designed to reflect the physical limitations of growing old.

A development that will encourage older people to downsize, if appropriate, and release their home back into the community for a local family.

The proposal creates an alternative and sustainable approach to both the provision of housing and the manner which older people are able to manage their own lives, to maintain an independent and full life as they age.

A small development of 4 single storey dwellings (3 with rooms in the roof), age restricted to 60+ is proposed. Each carefully designed dwelling will allow the occupier a total independent lifestyle. Each dwelling will have; two bedrooms, spacious kitchen/diner, sitting room, and bathroom, all with their own private garden. The dwellings will be constructed to a high quality.

Within the development there will be both formal and informal outside shared space. An area of the site will be allocated for allotments for homeowners to grow their own. The dwellings will be set around a small village green; a small orchard to the northern boundary will provide a quiet contemplative area for home owners to enjoy the rural surroundings.

The buildings, site layout and communal shared areas will be carefully designed to foster a sense of cooperation, well being and responsibility between each of the home owners.

There will be a single vehicular access to the development from Bampton Road. Each dwelling will have a car parking space located within a covered carport, with an additional 4-visitor car parking spaces located opposite. The carport and parking spaces are located to the front of the site, separated from the living and communal areas.

A Communal Hub will form a focal point within the development, where home owners will be able to meet, cook a meal together, watch a film, or just to have coffee and a chat. The hub will have a fully fitted kitchen/diner, large sitting area and bathroom. A separate bedroom will be available for use by guests.

As the occupiers of the development age they may require additional social or health care. The Communal Hub creates the opportunity for some basic level of preventative care to be undertaken, and funded by the residents; care could include monthly visits by a chiropodist, GP visits etc. Further, more individual care packages will be funded as required by each person as needed.

People have created communal type living arrangements, such as the proposal subject of this application for generations. The manner in which this housing model is new, is that it is exclusively for older people, who realize the ways in which their lives may change as they age, and are willing to assist in caring and being cared for in maintaining both their own, and their neighbours independence.

It is important to note, that unlike co-housing where residents share communal facilities such as the kitchen, and will often all cook and eat together, this will not necessary be the case in this instance.

Homeowners will be able to be completely independent of each other; the amount of interaction between each other is up to each individual person.

The important fact, is that homeowners will have bought into the spirit of the development; that of living in a peaceful, wonderful environment, with neighbours, who they know, and who accept a responsibility to assist each other when required.

The Planning Statement concludes as follows in respect of the planning merits of the proposal :

The scheme is for a small residential development of 4 dwellings, a communal hub and shared outside space. The development will be restricted to older persons aged 60+.

The proposal infill's land between Glebe Cottage to the south and existing dwellings to the north. The principle of land use complies with Policy H5 of the adopted Local Plan.

The proposed housing model put forward will provide an alternative approach that will create homes that are attractive, and fulfil the aspirations of the older person housing requirements. The proposal delivers significant wider benefits to West Oxfordshire in terms of extending the period of older peoples independent living, freeing up larger family houses; and, reducing the financial burden on the County Council in terms of the cost of treating older people within care homes. These benefits are of sufficient material consideration to allow the council to deviate from policy, if necessary, and approve the application.

The scale of the development and access arrangements will not cause any significant increase in traffic generation or impact on the safety of users of the road.

The development will cause no harm to the rural nature of the immediate locality or the wider landscape.

The development will cause no harm to the existing enjoyment of their home by neighbours.

The development is an exciting and innovative approach to housing for the older person and reflects government thinking and complies with planning policy.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H5 Villages

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to a paddock located to the east of the Bampton Road and seeks consent for a small development of 4 single and 1 1/2 storey units with a communal hub and shared outside space to meet the needs of residents over 60. The housing model is that the houses will fulfil the aspirations of older persons and extend the period that older people can remain independent thereby placing less financial burden on state provision.

Background Information

Planning History

- 5.2 Planning permission was refused for the same development under ref 14/0071/P/FP for the following reason:

'By reason of its scale and location in a village lacking in many basic services and facilities, the development does not comprise infilling in a village where historically only infilling is allowed and would be an uncharacteristic form of unsustainable development that would urbanise the village streetscene and set a precedent for further such applications that in equity would be difficult to resist and which cumulatively would undermine the policies of general restraint upon development in the less sustainable parts of the district. The case advanced in favour of the proposal and other material considerations are not considered sufficient to justify a departure from the development plan or the general advice of the NPPF to resist unsustainable development. The proposal is therefore considered contrary to Policies H2 and BE2 of the adopted West Oxfordshire Local Plan and the advice of the NPPF to secure sustainable development.'

- 5.3 This refusal was subsequently dismissed at appeal for the following reasons:

'I have found that the proposed development would be reasonably sustainable. It would also provide housing for a section of the community for whom a need has been identified and would not set a compelling precedent for other development.

However, I have also found that the proposed development should contribute towards the implementation of affordable housing in the district, for which there is also a demonstrated need, and that the contribution offered is not reasonably related in scale and kind to the proposed development. From this conflict with the development plan arises. I have also found that the proposed development would cause some harm to the character and appearance of the area. To my mind these latter issues, taken together, significantly and demonstrably outweigh the factors in favour of allowing the appeal.'

- 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:

Policy/principle

Design/impact on streetscene

Neighbourliness
Impact on ecology/climate change
Highways/parking
Section 106 details

Policy/Principle

- 5.5 In respect of the Council's housing policies based on the assumptions set out in the most recent position statement, Officers of the Council consider we can claim to have a 5-year housing land supply. Bearing this in mind policy H5, the relevant Local Plan policy for new dwellings in Curbridge is considered to have weight when considering proposals for new dwellings. This policy allows additional houses in Curbridge subject to the sites falling within the definition of 'infilling'. In light of the fact that the Local Plan is not up to date, whilst policy H5 has weight it needs to read in association with relevant paragraphs of the NPPF which advocate a presumption in favour of sustainable development and which would allow for residential development in villages with facilities, such as Curbridge, where it will enhance and maintain the vitality of rural settlements. This policy position is reflected in the housing policy of the emerging local plan which defines Curbridge as a village suitable for limited development which reflects the village character and local distinctiveness and would help maintain the vitality of the village community. The Inspector in the recent appeal decision for this development proposal confirmed that because the site is located only 2 miles from Witney that it is acceptable in principle for housing development on the environmental aspect of sustainability.
- 5.6 Bearing the above in mind, if Members are of the opinion that the development proposal constitutes a logical compliment to the existing pattern of development in the area, which integrates well with the existing development surrounding it, allowing four additional units to help maintain the vitality of the village, can be considered compliant with existing and emerging Local Plan policies and the housing policy of the NPPF.
- 5.7 In respect of the proposals for the site the Inspector also concluded in terms of the sustainability tests set out in the NPPF that the development had a strong social dimension and economic benefits that weighed in favour in any overall balancing exercise.

Siting, Design and Form

- 5.8 The site does not lie within a conservation area or the immediate setting of a listed building. There are no particular landscape or other designations. That having been stated it lies towards the fringe of the village and the loose knit character and set back building line coupled with the eclectic mix of dwelling sizes and styles forms a generally attractive streetscene.
- 5.9 The low height and relatively small scale of the proposed units, coupled with the fact that they are set back towards the prevailing building line and the substantial frontage hedge is retained mean that whilst there will be some additional urbanising impact from the proposed car port and to a lesser degree the new units, it is not considered that this aspect would justify refusal. This is particularly the case in that the paddock already has a somewhat urban nature from the existing stables and domestic paraphernalia site on or adjacent to it.
- 5.10 Whilst it is noted that in the recent appeal decision for the same development the Inspector stated that the proposed development would cause some harm to the character and appearance of the area this was not an overriding reason for dismissing the appeal but rather added weight

to the fact that no affordable housing contribution was being offered as part of the proposals. In respect of the impact of the development on the character and appearance of the area the Inspector comments as follows:

'I do not consider that in this case the impact could be considered to be significant. I note that this conclusion is broadly in line with that of the Landscape and Visual Assessment supplied by the appellants which concludes that the development would not create significant adverse landscape or visual impacts'.

Neighbourliness

- 5.11 The site sits between existing residential properties but has been designed such that issues of undue overlooking, overbearing, overshadowing etc. should be avoided with appropriate boundary treatments and the separation distances involved. The road noise previously identified by the EHO is not sufficient to justify a refusal and conditions could be imposed to ensure that the noise environment was acceptable.

Impact on ecology/climate change

- 5.12 The site is not subject to any particular ecological constraints and conditions could be imposed to ensure that biodiversity was enhanced. Similarly measures to ensure water and energy saving measures were incorporated into the new units could be secured by condition as could the drainage arrangements to ensure that this does not cause any off site issues.

Highways

- 5.13 County Highways has raised no objections to the proposal.

I06 Details

- 5.14 Given the recent changes in planning policy guidance post the recent refusal and dismissed appeal, there is no requirement upon the applicant to provide a contribution towards affordable housing as there are less than 11 dwellings proposed and the overall floor area is less than 1000 square metres.

Conclusion

- 5.15 As outlined in the above planning assessment, the development proposal is considered to comply with all of the dimensions of sustainable development outlined in the NPPF. The primary reason for dismissing the earlier appeal, that of no affordable housing contributions, is no longer applicable due to a recent change in Government policy and given the sustainability of the proposals in all other respects, the minor harm identified by the Inspector to the character and appearance of the area, is not considered by Officers of such great weight to demonstrably outweigh the factors in favour of approving the application.

CONDITIONS

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 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 shall be constructed of natural stone and render in accordance with a sample panels which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be 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 any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed in the interests of visual and residential amenity.
- 6 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.
- 7 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 8 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

- 9 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 ensure the safeguarding of the character and landscape of the area during and post development.
- 10 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' 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 ensure the safeguard of features that contribute to the character and landscape of the area.
- 11 That the occupation of the dwellings hereby approved shall be limited to persons aged 60 and above.
REASON: In the interests of sustainability.
- 12 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 13 Development shall not commence until a foul water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure adequate means of disposing of foul water and to avoid pollution.
- 14 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. 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 and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage

Application Number	I5/01295/FUL
Site Address	Dower House Westwell Burford Oxfordshire OX18 4JT
Date	13th May 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Westwell
Grid Reference	422432 E 209986 N
Committee Date	26th May 2015

Application Details:

Erection of two-storey self contained ancillary dwelling.

Applicant Details:

Mrs Pamela Moore
Dower House
Westwell
Burford
Oxfordshire
OX18 4JT

I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection
- I.2 Thames Water Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
Water Comments
On the basis of information provided, Thames Water would advise

that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate.

of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

I.3 WODC Env Health -
Lowlands

Given that limited information related to the sewage plant has been submitted with the application, the use of the site and the proposed residential development, please consider adding the following conditions to any grant of permission.

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

Relevant Policies: West Oxfordshire Local Plan Policy BE18 and Section 11 of the NPPF

I.4 Parish Council

Following receipt of your letter, all households (except two - see below) within the village boundary, including the applicant were notified by email (on 10 April) and by posting the notice on the village website (on 13 April) inviting them to make comments to me. The households and the applicant were also asked at this stage if they would like a village meeting. Following the initial feedback, which

indicated that there was growing objection to the proposal, but no request for a meeting, the households were reminded by email on 15 April to let me have comments. A final draft of this letter was circulated to all households and the applicant on 27 April inviting final comments by midday on 5 May and reminding them of the fact that the application stays open until 14 May 2015.

There are two properties in the village who are not currently contactable by email. One household in the village was verbally updated by me during the consultation and was provided with a hard copy draft letter on 27 April, in line with the process above. The other is a recent tenant in the village, who did not provide me with contact details. They were written to on 1 May, inviting comments for inclusion in the response by midday on 5 May. They were also reminded that the application stayed open until 14 May 2014. Following your advice on 27 April, the consultation was widened to include the whole parish, not just the village. The additional three households were written to on 27 April, to inform them of the existence of the planning proposal and the fact that a village meeting response was being prepared.

This letter invited comments for inclusion in the response by midday on 5 May and reminded them that the application stayed open until 14 May 2014.

Outcome

The responses to this consultation are:

Households See note

Object 13 1

Neither support nor object 7

Support 3 2

No response 8

Dower House Support 1 3

Dower House no response 2

Dower House Applicant no response 1

Note 1 This figure includes two dwellings who have already submitted personal responses via the WODC website who have also responded to the Parish consultation.

Note 2 This figure includes two households who confirmed to me that they were supporting the application. One household provided comments. One household submitted their response directly to WODC.

Note 3 This response has been submitted directly to WODC.

Comments from Objectors

The proposed building is inappropriate for the site for the following reasons:

This type of residential development in a small community is not supported in the local plan.

It does not fit any potential requirements for over-riding the local plan as it is not:

conversion of a redundant building,

necessary for essential full time workers ,

a site for traveller of special architectural merit or outstanding design

The site of the proposed building is currently outside the inhabited boundary of the village. It is a small wood on the boundary of the Dower House land and is not currently in residential usage. The scale of the development is inappropriate for the site and will involve removing a significant part of a mature treescape that is an impactful part of the landscape, especially on the approach from Holwell. However, the applicant states that there are no trees on the site in the application form and refers to the fact that the accommodation can be housed in a clearing on the Design and Access statement.

There is insufficient consideration of the impact of the building on traffic entering the site and also on sight-lines for traffic passing by the site. It sits on a single track road by a complex junction where the main entrance to the village from Burford, the road from Holwell, the main road into the village, two existing access drives to Freelands Farm Estate (opposite) and two existing access drives into the Dower House all converge. None of these roads are built to modern standards to allow two way traffic. This planning permission, which provides two additional parking spaces needs to be viewed with the recent successful planning application from the same applicant 14/02256/FUL, which allocates 4 parking spaces to new office users. There is no case for providing additional staff accommodation on this site. There are three existing ancillary dwellings (1 Dower Barn, 2 Dower Barn and Dower House Lodge). which are currently let on the open market to people who work outside the village. These could provide ample accommodation for the staff needs of a house of this size.

The site currently has a small stone out-building which houses sewage plant, which is not redundant. Therefore any changes will need a relocated sewage works. Given that a watercourse, which regularly floods, crosses the Dower House land, re-siting options are severely limited given that the clargester would need to be substantial to deal with all existing dwellings and proposed offices as well as the proposed new dwelling.

Erection of the building will impact the surface water drainage as follows:

Additional hard landscaping will increase the flow into the watercourse, which is already at capacity during winter months. Existing drainage from the Burford road crosses the site and run-off is stored on the site before being released to the watercourse. There is no indication of how this would be managed without compromising existing arrangements.

The proposed new soakaway would need to accommodate both of the above. The site is supplied from a private water supply and no consideration of the impact of this is considered in the application. The views of Thames Water on water supply and drainage are irrelevant in this case.

Design and Access statement

Para 1.3 states that the proposal has a dual security and management role traditional to the fine listed farmhouse set in a large rural estate

setting.

This is a listed Dower House and not a listed farm house.

It is not set in a large rural estate. It is set on the edge of a small village adjacent to the village green and pond and has two relatively modest fields (one arable, one pasture) set to the rear of the property outside the occupied area of the village.

The Dower House has four access points as follows: two drives from the Holwell road, a vehicular gated access from the village green and access from the public footpath, the D'Arcy Dalton Way. While the gatehouse may conceivably improve security by overlooking one drive from the Holwell road, it is inconceivable that it improves security from the other multiple access points, and is remote from the existing premises.

Para 2.3 states that this is a farming complex. The Dower House is not used for farming purposes. The two fields being let to third parties for arable and grazing purposes.

Para 2.5 states that because of the size of this estate it provides employment in terms of maintenance and running, and that the gardens and grounds require full-time gardeners and maintenance personnel. We do not agree that this is the case. The house and grounds are of a modest size and there are no full time personnel employed on site, neither have they been provided with accommodation on the site.

Para 2.6 states that self-security is an important issue. As far as we are aware Westwell does not have a particular security or crime problem. We are only aware of two incidents in recent years, one of which occurred at a neighbouring property during extensive reconstruction works whilst the property was unoccupied. We therefore consider that the case for enhancing security of the site is weak.

Comments from people who neither support nor object to the application

The proposal is being made to enhance the value of the Dower House, since it's for sale.

The building only seems to affect the neighbouring property who has it in their sight line.

In principle rural new builds are a bad idea except for agricultural cottages, or supported local homes, however it is important the we do not preserve the country in aspic as this will kill new life in any village.

Comments from people who support the application

The proposals fall within the guidelines which govern the councils' decisions on applications of this kind. This being so, the application is supported not least because it will provide a house of modest proportions in a village where new houses have been extended or modernised, leaving little scope for first-time buyers.

Other relevant information

In the interests of showing a balanced view of the Parish, I would like to draw your attention to the fact that there are three supportive submissions (two from independent households and one from a

Dower House Tenant) on the WODC Planning Portal as at the closing date for consultation (midday 5 May 2015). These households did not give any comments as part of the Parish Consultation Process.

Conclusion

Thank you for considering the issues that we raise above.

2 REPRESENTATIONS

- 2.1 5 letters of support from Mr Curtis of Downs Farm, Mr Keith Davies of Tiverton Villa Guildenford Burford, Ms Fiona Gordon Smart of 2 Dower Barn, Ms OH. Olaug Usher-Wilson The Tallat Westwell and Ms Kylie Young of Dower House Lodge.
- 2.2 The plan appears to be for a dwelling of proportional size to its surrounds and compliments the recently developed farmhouse (formerly Freelands farm). It makes good use of existing structure and is discrete in its location.
- 2.3 The increase in the value of property due to this proposal seems irrelevant when set against the social and economic benefits to a beautiful village.
- 2.4 The stone barn is no longer needed and this planning application would ensure that it does not fall into disrepair.
- 2.5 We are tenants at one of the properties on the Dower estate and we are writing to support the planning application.
- 2.6 It would make good use of an attractive stone building which is no longer needed as a new plant system is replacing the old system. You can also see from the plans that this is an attractive design in keeping with the village and surrounding properties.
- 2.7 The building of a gatehouse in its proposed position would provide an added security benefit to the running of the Estate. The distance of the main house to both the land and the rented buildings is considerable and this gatehouse would enable that security. This would facilitate the control of the abuse of the right of way of the public footpath.
- 2.8 The building of this gatehouse could also add employment to the area, as accommodation provided to a future member of the Estate staff. This could comply with the new 2015 local plan.
- 2.9 We use the greenhouses on site on a repair lease as part of my horticultural business which I run from Burford. At any time throughout the year, the greenhouses contain a commercial value of approximately £5000-£6000 worth of plant stock. An inhabited dwelling place nearby to these greenhouses will increase the security of this stock and is therefore favourable.
- 2.10 The proposed Gatehouse dwelling is of a scale and design appropriate to the proposed use, location and security requirement ancillary to the Dower House.
- 2.11 The proposal would appear to have no adverse effects on the visual setting or local landscape in the village.

- 2.12 The proposal complies with a number of the current WODC planning policies and I would be surprised if any objections are received from statutory consultees.
- 2.13 I consider that there are no planning grounds or practical reasons to object to this planning application.
- 2.14 Modest development in villages should be encouraged to maintain...indeed protect... social and economic function.
- 2.15 3 letters of objection from; Mr C.R.M. FOX of 5 Mitford Cottages, Mr Thomas Gibson Westwell Manor Burford and Ms Gerri Gallagher of 3 Mitford Cottages Westwell.
- I object to the planning application for the reasons set out in the letter from David Blondel (on behalf of some of the Westwell community) sent to Miranda Clark on 5 May. As I understand it the Dower House is currently for sale. If this is the case, what is the purpose of adding yet another building on the property which already has three ancillary buildings (1 Dower Barn, 2 Dower Barn and Dower House Lodge) unless it is to further enhance the value of the property?
 - It is my opinion that the proposed gatehouse is architecturally unattractive and I'm at a loss to know what its purpose might serve.
 - Section 2 The Dower House, sub-section 2.5 states:-

"Because of the size of this estate it provides employment in terms of maintenance and running. The gardens and grounds require full-time gardeners and maintenance personnel."
 - I am at a complete loss to understand what estate is being referred to, as far as I'm aware the estate was recently sold by Mrs Moore's husband to Elisabeth Murdoch. I'm also bemused by the reference to "full time gardeners and maintenance personnel" - who exactly are these? The drive, which is referred to in sub-section 2.4, was merely put in originally I presume to aggrandise the Dower House, but in fact while it eventually leads to the main house, it is really used to facilitate the quadrangle of rented properties belonging to Mrs Moore at the back of the Dower House. There has always been a front entrance to the Dower House and there still is off the main road that runs through Westwell.
 - Under Section 4 Location, sub-section 4.2 it is stated that "The unit faces directly to the gate entrance and driveway with positive entry position for identification to visitors as a principle control feature." Here again, this seems to be somewhat of an exaggeration. We're not after all talking about the entrance to Blenheim Palace.
 - Sub-section 5.5 states:-

"The Gate-house is in close proximity to a large distinctive farmhouse north of the entry position. Our proposal is to slightly reflect some of the detail to create some harmony with this structure. Consequently our eaves detailing is very reflective of the unit which is traditional in detail but unusual on such a small unit."
 - May I point out that the distinctive farmhouse is in fact a modern structure of no architectural merit whatsoever.

- Sub-sections 5.6 and 5.8

"The overall detailing is strictly in keeping with the traditional Cotswold vernacular apparent throughout the village and in particular on the estate. Stone random rubble walls brought to course with sawn stone quoins at returns and corners. Stone mullion windows and door surrounds with stone label moulding over stone lintels. Deliberately narrow module openings to windows and simple centred proportions to general openings."

"In short a small but finely detailed Gate-house entirely appropriate and in harmony with The Dower House and its estate buildings. Designed as small as possible to provide reasonable accommodation to staff to control the entrance position but not be dominant to the overall estate; finely detailed yet modest with a tree surround giving it considerable screening and harmony with the estate"

- Again, making great emphasis on the estate and estate buildings.
- The Dower House is for sale, and I can only presume that the purpose of the building is to enhance the value. It is in my opinion unnecessary and would be a further tax on the very meagre resources of the village.
- I believe that this application should not be allowed.
- If this application is allowed, I reckon you may as well forget the structure plan in respect of Westwell and surrounding small villages, as we could all put up necessary outhouses for very good reasons, and then in 30 plus years find an excuse to build a house on that site.
- In fact it may suit several others in the village who may find that their outhouse is ripe for planning, including myself!
- The tiny building in question was erected about 1980 by (now) Lord Wolfson of Sunningdale. This was needed for sewage disposal. Let me now explain why. When Lord Wolfson was converting the Barn adjoining the Dower House into maisonettes for his friends and family, it was found essential to improve the foul drains.
- These run to a large septic tank in the field/ garden not far from the Dower House Barns, and it was not possible to arrange herringbone drainage good enough in the area lower than the septic tank, not least because it is so close to the stream. Incidentally the ground in this area has a large clay content and drainage of any sort is difficult. Professional advice was taken and he was advised to put in a clinker bed with sprinkler system to help purify the water before putting this into a land drainage system. The small stone structure (which is the subject of this conversion) was erected to house the clinker bed. This was situated up the hill, and in the wood, where it was more or less out of sight, so that a herringbone drainage system was possible sufficiently far from the stream.
- We have certainly not heard why this shed is now no longer needed, and how the sewage would now be dealt with. This must surely be considered in respect of the application.
- The excuse about need in respect of security seems farfetched. There are three flats in the Dower House Yard let commercially, and any one or more of these could be vacated and

then used by employees of the Applicant, who only owns about 20 acres anyway. Her garden seems to be managed on about a one day a week basis by a contractor, and the fields are looked after by a local farmer.

- As far as security is concerned, this is hardly a main access to the Dower House, there is one other, and the front gate, and there are so many ways into the property from other directions, including a public footpath, that guarding this far off entrance becomes almost irrelevant.

3 APPLICANT'S CASE

A brief summary of the Design and Access Statement as submitted accompanying the application:-

- The purpose of the dwelling house is to provide housing accommodation to estate staff in a position located to give visual actual control over the gate entry position and drive
- This has a dual security and management role
- Because of the size of the estate it provides employment in terms of maintenance and running
- The very isolated nature of the locality creates additional security issues
- Propose a traditional gatehouse to the estate located immediately adjacent to the isolated vehicular gate entrance to the northwest sector of the estate nestling within an existing clearing to a tree screened belt immediately adjacent to the service road in which is currently located a small charcoal sewage building - this we propose to demolish to make way for the new structure. The sewage plant will be replaced with a simple and modern underground Clargester treatment unit
- Will have minimum impact in terms of change to the site
- A gravelled parking area is proposed off the existing driveway in the location northward
- The unit is of single storey profile.
- Chosen a simple plan that creates interest through the roof scape and hopefully charm through the introduction of very traditional elements such as small dormer windows and fenestration treatment
- The gatehouse is in close proximity to a large distinctive farmhouse north of the entry position
- The overall detailing is strictly in keeping with the traditional Cotswold vernacular apparent throughout the village and in particular the estate
- Simple and in harmony with the rural nature of its surroundings

4 PLANNING POLICIES

BE2 General Development Standards

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

H2 General residential development standards

H2NEW Delivery of new homes

OS2NEW Locating development in the right places

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

- 5.1 The application has been referred to be heard before the Committee by Cllr Mr McFarlane for the following planning reason:-

As you know I am a great believer in small scale rural housing, and I don't believe there are any other unused stone barns in Westwell that have not already been converted into houses, so there is not much opportunity for any new small scale rural housing in Westwell for sale or rent.

Background Information

- 5.2 The proposal is to demolish an existing building to enable construction of a two storey detached dwelling adjacent to another entrance into the main site of Dower House. This access is set outside of the main village and located on land not within the domestic curtilage of Dower House. Dower House itself is a grade II* C16th Manor House.

History

75/0815 - Conversion of barn into 2 flats & 1 maisonette for agricultural workers. - approved Behind Dower House, Westwell.

W75/1180 Conversion of outbuilding to from playroom - approved

W89/0398 new access approved

W90/1590 - Alterations to boundary wall construction of gate piers and gates.- approved

W92/0128/9-Demolition of existing garage and erection of new swimming pool. - approved

Barn At (Rear Of)/Dower House, Westwell.

W96/1527 - Conversion and change of use of barn to form dwelling (part retrospective). - approved

W97/0759/60 Erection of single storey building to form swimming pool. Approved

W2002/037879 Renewal of Erection of single storey building to house swimming pool.

03/1936/P/FP Change of use from redundant stable building to office (b1) use.

07/078384/P/RFP Renewal of Erection of single storey building to house swimming pool

- 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 Westwell is categorised as a location in the open countryside in the adopted and emerging West Oxfordshire Local Plan. The relevant policies that discuss new dwellings within the open

countryside are Policies H4 and in the Emerging Local Plan H2. Policy H4 states that new dwellings are only to be permitted where there is a genuine essential agricultural or other operational need for a full time worker to live on the site. Policy H2 also states this in a similar way. The NPPF supports sustainable development. Officers are of the opinion that this location is not a sustainable location.

- 5.5 Policy H2 of the adopted West Oxfordshire Local Plan also discusses ancillary accommodation that takes the form of a free standing building in a location where a new dwelling would not normally be permitted, the applicant should clearly demonstrate why the accommodation cannot be provided in any other way.
- 5.6 The application states that the need for the gatehouse is to provide reasonable accommodation to staff to control the entrance position for security purposes and also for full time gardeners and maintenance personnel.
- 5.7 Officers consider these needs to justify the proposed dwelling do not comply with the relevant policies of the adopted or emerging West Oxfordshire Local Plan. Security and maintenance operations are not considered to be an operational need for a full time worker to live on the site. In terms of security as a reason for justification of the dwelling, security does not necessarily require an actual physical presence. Alternatively, if staff accommodation is required, there are already several former farm buildings between the access and the house - some of which are already in residential use. Most recently an application renewed planning permission for a stable to be converted to an office use.

Siting, Design and Form

- 5.8 The farmhouse was originally entered right from the centre of the village with an adjacent but separate access to the barns and other farm buildings behind. Much more recently, a new access has been created from the east (outside the village) by a tree lined avenue. The application site is at the end of this avenue at some considerable distance from the house.
- 5.9 The Design and Access Statement claims that the gatehouse is of traditional Cotswold stone vernacular detailing; reference is also made to gatehouses like follies and dovecots throughout the area. However, the proposal is for quite an awkward plan form and use of multiple window and dormer details (most of which are, in themselves, traditional in origin) but, in this instance, are mixed and matched in a way that has absolutely no precedent in the village or the estate as claimed. The result is that neither the form, the massing nor the detail have any real relevance to authentic Cotswold structures and, in particular, to the character of this small and sensitive village. The existing avenue is not a landscape element which is considered to be characteristic of the village structure nor a suitable entrance for this listed building: emphasising it by a gatehouse (especially in this form) is not appropriate.

Highway

- 5.10 OCC Highways have raised no objection in terms of access or parking arrangements.

Residential Amenities

- 5.11 Due to the position of the proposed dwelling, officers consider that residential amenities of the farmhouse opposite at Freelands Farm will be adversely affected by the development.

Conclusion

- 5.12 In conclusion, officers consider that the position of the proposed dwelling falls within an open countryside location where without full justification of an operational or agricultural need, is contrary to Policy H4 of the adopted West Oxfordshire Local Plan, Policy H2 of the Emerging Local Plan and the relevant paragraphs of the NPPF. There is also no explanation as to why the ancillary accommodation cannot be provided in any other way. In terms of the design officers are of the view that the proposed design of the new building compromises the rural appearance and character of the entrance to the village and as such is contrary to the general development principles of the Local Plans and the NPPF.

REASON FOR REFUSAL

Refuse for the following reason:-

- I The justification of such development located within an open countryside location has not been demonstrated to the satisfaction of the Local Planning Authority and that alternative existing accommodation within the existing dwelling or converted accommodation cannot be re-used for such proposed purposes. In addition by means of the proposed design, form and massing of the building, the building does not reflect the character of the small and sensitive village and would intrude into the rural and open nature of the locality. The proposal is contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and Policies H2, OS2, and OS4 of the Emerging Local Plan as well as the relevant paragraphs of the NPPF.

Application Number	I5/01335/FUL
Site Address	7 Bridge Street Mills Industrial Estate Witney Oxfordshire OX28 1YH
Date	13th May 2015
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435908 E 210269 N
Committee Date	26th May 2015

Application Details:

Demolition of Unit 7. Erection of 9 residential units, parking and landscaping (existing access used)

Applicant Details:

Mr P Young
Queensgate Homes Ltd
Winter Hill
Cookham
Berkshire
SL6 9TN

1 CONSULTATIONS

- | | | |
|-----|-------------------------------------|--|
| 1.1 | Parish Council | Whilst the scheme is well designed we object that the traffic position will be worsened in Bridge Street . The scheme will worsen traffic and pollution contrary to policy BE3 |
| 1.2 | OCC Highways | No Comment Received. |
| 1.3 | WODC Architect | No Comment Received. |
| 1.4 | Environment Agency | No Comment Received. |
| 1.5 | WODC Landscape And Forestry Officer | No Comment Received. |
| 1.6 | WODC Planning Policy Manager | No Comment Received. |
| 1.7 | WODC Env Services - Waste Officer | No Comment Received. |

2 REPRESENTATIONS

- 2.1 Letters of objection have been received from 3 households and the main points raised may be briefly summarised as:

- Will add to pollution in Bridge Street
- Traffic turning right will add to delay and danger
- Site lies in floodplain and will impact on other residences in the floodplain
- Road is already congested and under the AQMA
- Increased hazards to pedestrians
- Flooding impact of the 2007 flood is under represented in the FRA
- Grade II listed buildings form much of the frontage
- A comprehensive scheme addressing all the issues is needed

3 APPLICANT'S CASE

Writing in support of the proposals the applicants have submitted a FRA and addendum, covering letter, ecology report, tree report heritage statement and sequential test. These may all be viewed in full on line but in essence are making the case that the existing site detracts from the Conservation Area, flooding has been properly taken into account, the proposed scheme is of high quality and will enhance the conservation area and there are no technical or other reasons why the scheme should not go ahead.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 H7 Service centres
 EH7NEW Historic Environment
 H2NEW Delivery of new homes
 OS4NEW High quality design

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to a site in Bridge Street currently occupied by a large asbestos warehouse building and open parking areas. The site has been unused for some time and is starting to fall into an increasing state of disrepair which is harming the Conservation Area. The proposal seeks to re align the road into the site , fell a number of trees and replace the existing building with a short terrace of stone dwellings fronting onto the new road. Adjoining these dwellings are a more modest pair of flats that turn the corner and the terrace is finally terminated in a new more modern building sitting roughly opposite the entrance to the pedestrian entrance to the Aquarius estate. 16 parking spaces are proposed in two new courtyards along with bin and cycle storage areas. All the units will sit on a raised pavement (similar to the one on the higher side of the High Street) which has to be provided to enable the dwellings to sit above the predicted flood plain and accommodate water storage areas.

Background Information

- 5.2 The site originally formed part of the Zedcor estate but was retained in separate ownership to be developed separately from the remainder of the Aquarius development. Other buildings have been erected and adapted in this retained area including the very modern development adjoining

one of the proposed parking areas and the new annex to the rear of Holden House which is the residence most impacted by the proposed development

- 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 site lies very close to the centre of the largest settlement in the District with the most services and facilities and as such it is considered a sustainable location where housing development could in principle be supported. The existing employment use would be subject to the policies that in general terms seek to retain employment sites in employment use. However the site has long been vacant and appears very unlikely to be re used again for employment purposes. There are a series of residential properties located nearby whose amenity would benefit from the removal of the large and unsightly buildings and their replacement with less unneighbourly smaller footprint residential properties. Additionally the scheme offers a substantial opportunity to provide significant betterment on a key route into the town centre and is a further piece in what has been a protracted jigsaw puzzle of trying to complete the development as a whole. For these reasons officers consider that there are sufficient planning benefits to outweigh the concerns about the loss of an employment site such that the principle can be considered acceptable.

Siting, Design and Form

- 5.5 As described earlier in this report the design is bespoke to this site and has evolved as a result of much discussion with officers. The site comprises an area on one side of a side road off Bridge St, with much of the area it is proposed to develop taken up with a large, wedge-shaped C20 industrial/ commercial unit of no special merit. The site presents obvious enhancement opportunities, which would in turn have wider enhancement potential for Bridge St itself.
- 5.6 The proposal entails replacing the commercial unit with a residential development which, in design approach/ materials terms, seeks to form a transition between the period vernacular buildings lining Bridge Street proper, and the recent residential development adjoining the site to the South. The key part of the development - in that it is clearly visible from Bridge Street proper and thus conspicuous within the context of the existing historical settlement - is the first four units, which together form a slightly staggered terrace of 2.5 storey properties vernacular stone-built houses. This is well resolved, with simple, aligned elevations with slightly higher status projecting gable, rendered and with raised quoins.
- 5.7 The awkward 'corner' plots - (5 & 6), at 2 storey and rendered - step in again and are simply detailed. The form and materials should relate to the recent units to the South. This part of the scheme will also not be visible from Bridge Street proper. The rear elevations are rendered. The roof materials go from reconstituted stone slate, through plain tile to blue slate.
- 5.8 The elevated pavement has historic references elsewhere in the town and the loss of trees is compensated for by additional planting. All in all the proposals are a substantial enhancement of the Conservation Area.

Highway

- 5.9 At the time of agenda preparation the views of OCC regarding the highway implications have yet to be received. However given the reduction in HGV and general traffic compared to the fall back position of reinstating the authorised use it is anticipated that they would support the development. Officers will also take up the concerns raised regarding pedestrian safety , but Members will be aware that this is a matter that has been raised in the context of a number of applications in the area but has not been deemed sufficient to justify a refusal in that it relates to private rather than public rights of way.

Residential Amenities

- 5.10 The reduction in the footprint of the buildings such that they are now sited further away from the most affected properties will give them a more generous sense of space than the relationship currently with the large commercial building. The new dwellings will be taller and some will have some windows aspecting towards the existing property but the relationship is considered acceptable and care has been taken in the orientation of key windows and use of bathrooms and high level windows to reduce what would otherwise be more problematic overlooking. Subject to ensuring that the boundary treatments are adequately detailed the impact on neighbours is considered acceptable and an improvement on the existing relationship with less neighbourly uses.

Flooding

- 5.11 This is a key issue in that the site lies within flood risk areas 2 and 3 and flooded in the 2007 floods. The applicants have engaged with the EA and a letter that forms an appendix to the application documents states that the EA are happy with the proposed measures provided that they are all delivered by condition. The EA do however require the applicant and LPA to go through the sequential test to ascertain if other similar sites that are less at risk of flooding are available. The applicant has been through this process and concluded that there are no similar sites available in the Witney Area. Officers would also point out that building in other locations would not deliver the benefits to the appearance of the Conservation Area that only re development on this site can achieve. The reduction in footprint, flood storage and flood resilience measures agreed by the EA in principle are considered sufficient to mitigate against any residual risks. Subject to the final comments of the EA flooding is considered to have been adequately addressed in the application.

Conclusion

- 5.12 The scheme proposes a redevelopment of an existing employment site located within a Conservation Area and within the floodplain. However the redevelopment would substantially enhance the character and appearance of the Conservation Area and the EA appear satisfied that the measures proposed as part of the application in terms of reduced footprint, raised floor levels and flood resilience mean that the scheme is acceptable in flooding terms. There are considered to be no other planning or technical reasons why this scheme of houses in one of the more sustainable locations in the District should not be supported but at the time of agenda preparation key responses from OCC and the EA remain outstanding. Officers are minded to recommend approval with conditions to cover the issues outlined below but clearly this position would need to be reviewed if technical objections were raised. A full verbal update will be given at the meeting.

CONDITIONS

Officer to update report following receipt of further consultation responses

Conditions are likely to cover:

- Time limits
- Approved plans
- Materials to be used and samples
- Fenestration and dormer details
- Flood mitigation and resilience works
- Biodiversity enhancements
- Retention of parking spaces for parking only
- Removal of pd rights due to proximity to neighbours
- Boundary enclosures
- Access and access road details to be agreed
- Levels
- Etc

Application Number	I5/01099/FUL
Site Address	Post Office 4 Market Square Witney Oxfordshire OX28 6HN
Date	13th May 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435568 E 209746 N
Committee Date	26th May 2015

Application Details:

Change of use of an area of public highway adjacent to 2-4 Market Square for the siting of 8 no. tables, 26 no. chairs and 2 no. barriers.

Applicant Details:

Bill's Restaurants Ltd
c/o Agent
United Kingdom

I CONSULTATIONS

- I.1 Parish Council Although Witney Town Council welcomes the re-development of this building, it objects to this application due to the removal of the bike stands which they know are in constant use. The bike racks must be re-positioned at the cost of the applicant to a place in the nearby vicinity.
- I.2 OCC Highways Given the town centre location no objection to the principle of the change of use from Class A1 to Class A3
- Records show that the public highway extends to the face of the building. No occupation of the highway for tables and chairs/planters/barriers shall take place until the highway has been 'stopped up' or a licence obtained for such use from Oxfordshire County Council. Furthermore, no occupation of the highway shall take place until the cycle parking stands along the frontage have been relocated in accordance with a scheme to be submitted and approved in writing.
- I.3 WODC Architect Opinion: In my view such external activity can bring vibrancy to a town centre - although it does need to be located in a suitable area. In this case I think the principle is supportable - there is a fair expanse of uninteresting pavement, plenty of room for foot traffic to pass by, and the listed building has no special features at low level that might be compromised. I also note that the tables and chairs would be fairly tidily arranged, near to the building. My only reservation is that,

whilst I like the clean and simple form of the tables and chairs, they are shown in a somewhat glaring white, which would make them rather obtrusive. It would be preferable if they could be in a more subdued colour, such as a Burford type green, or perhaps a stone colour - or even the same green (somewhat stronger), as the timber boards at each end of the area.

Recommendation: Negotiate for a less glaring colour and give permission

- 1.4 WODC Licensing Licensing have no objections to the attached planning application

2 REPRESENTATIONS

No letters of representation have been received.

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 précised form:
- 3.2 The proposed new Bill's Restaurant will operate throughout the day, providing an informal dining experience at breakfast, lunch and dinner, with coffee and light refreshments also available throughout the day. Thus, there will be high levels of footfall throughout the day, not only at lunchtimes or in the evening, as typically might be anticipated for more traditional restaurants. Thus, Bill's will act as a draw, bringing customers to the town and increasing footfall in the area.
- 3.3 Bill's Restaurant is committed to occupying 2-4 Market Square on a long-term lease. This will ensure that the site has a high quality occupant which will retain an active use of the site for the long-term. Thus, it is clear that Bill's Restaurant's occupation of the site will provide an economic boost to the Town Centre, supporting retailing in particular.
- 3.4 The barriers are designed to be robust, stable and capable of withstanding windy conditions. The furniture has been specifically designed to be used for outdoor seating purposes, and are therefore of a suitable design.
- 3.5 The seating area is located within Market Square; a pedestrianised area set back from the High Street. The Square is wide enough to accommodate the tables and chairs for use by customers of the restaurant whilst at the same time allowing pedestrians to pass safely.
- 3.6 The proposed seating area is located along the front of the restaurant and measures 2.02 metres x 15.365 metres. The seating is arranged so that wheelchair users have sufficient space to access the restaurant.
- 3.7 The proposed opening hours of the restaurant, including the outdoor seating, are 08:00-23:00 Monday-Saturday and 09:00-22:30 Sundays and Bank Holidays, in line with other Bill's Restaurants nationwide. These hours are appropriate for a town centre use and, as such, there will be no unreasonable noise disturbance to nearby occupants caused by the opening hours of the premises.

- 3.8 Furthermore, the outdoor seating will be utilised by diners of the restaurant rather than casual drinkers. As such, the noise generated from the outdoor seating will be minimal and well within what is considered acceptable within a town centre. Additionally, the seating will be regularly monitored by waiting staff to ensure that the area remains clean, tidy and free of litter at all times, both during use and at the end of operating hours. The outdoor seating will therefore have no adverse impact on the amenity of neighbouring occupiers.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE8 Development affecting the Setting of a Listed Building
EH7NEW Historic Environment
T3NEW Public transport, walking and cycling
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks permission to change a section of highway in front of the building to be used as outside seating in conjunction with the restaurant. The main building is a listed building and the application site is located within Witney and Cogges conservation area.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Impact on the conservation Area and setting of the Listed Building
- 5.3 The application site is located in the heart of the conservation area within an open square. The application proposes a single line of tables and chairs along the whole frontage of the building. The tables and chairs will be separated from the rest of the public highway by a timber boarded barrier.
- 5.4 The site benefits from a large area of circulation space around the building and between the seating area and the main road. The hoarding will allow the seating area to be contained to the front of the building and will allow a physical separation between the restaurant and the open space.
- 5.5 Officers are of the opinion that given the town centre location and the space available to the front of the building, the seating area would sit comfortably within the street scene and would not adversely impact the conservation area.
- 5.6 In addition officers are of the opinion that the position of this outside seating area would add vibrancy to this part of the conservation area.
- 5.7 Although the seating area would obscure views of the building given their temporary nature the change of use would not have an adverse impact on the setting of the listed building.

5.8 Although the conservation officer has raised concerns regarding the colour of the chairs, officers are of the opinion that it would be unreasonable to restrict the colour of the chairs.

Highway

5.9 The Town Council have objected to the removal of the cycle parking area.

5.10 The application seeks to remove the cycle racks from the front of the building. County Highways have raised no objection to the application subject to the relocation of the cycle parking which is to be paid for by the applicant, and relocated in association with consultation with the Town Council.

5.11 The position of the seating area is considered to allow sufficient circulation space around the building and away from the main road. The County Council have raised no objection on highway safety grounds and the change of use is therefore considered acceptable subject to conditions.

Other Matters

5.12 Licensing have been consulted on the application and have raised no objection to the change of use. Licensing has also confirmed that they have spoken to the trader who is located close to the proposed seating. As the trader is not fixed to a single point, they have confirmed that the trader will be able to move if necessary to allow the businesses to work alongside each other.

5.13 The applicants have confirmed that the barriers will be fixed to the pavement and all other external furniture will be stored within the restaurant outside of operating hours.

Conclusion

5.14 Given the above, your officers consider that the proposal complies with Policies BE2, BE3, BE5 and BE8 of the West Oxfordshire Local Plan 2011 and Policies EH7, T3 and OS4 of the Emerging Local Plan.

CONDITIONS

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 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 No occupation of the highway shall take place until the cycle parking stands along the frontage have been relocated in accordance with a scheme to be submitted and approved in writing by the local planning authority.
REASON: In the interest of highway safety.
- 4 No occupation of the highway for tables and chairs/planters/barriers shall take place until the highway has been 'stopped up' or a licence obtained for such use from Oxfordshire County Council.
REASON: In the interest of highway safety.

Application Number	I5/01150/FUL
Site Address	Bints Yard Chapel Lane Northmoor Witney Oxfordshire OX29 5SZ
Date	13th May 2015
Officer	Phil Shaw
Officer Recommendations	Approved subject to Legal Agreement
Parish	Northmoor
Grid Reference	442060 E 202951 N
Committee Date	26th May 2015

Application Details:

Demolition of existing commercial buildings, erection of 2 x 2 bed houses and 3 x 2 bed bungalows (Affordable Housing), and 3 x 3 bed houses (Market Housing). Alterations to existing access, provision of access drive with turning head, car ports, parking spaces, cycle storage, bin storage and landscaping.

Applicant Details:

Mr Adrian White
Oxford Garden Centre
South Hinksey
Oxford
Oxfordshire
OX1 5AR
United Kingdom

I CONSULTATIONS

- | | | |
|-----|------------------------------------|------------------------------------|
| I.1 | Parish Council | No Comment Received. |
| I.2 | OCC Highways | No objection subject to conditions |
| I.3 | WODC Architect | No objection |
| I.4 | Environment Agency | No Comment Received. |
| I.5 | OCC Rights Of Way
Field Officer | No Comment Received. |
| I.6 | WODC Env Health -
Lowlands | No Comment Received. |
| I.7 | WODC Head Of
Housing | No Comment Received. |

2 REPRESENTATIONS

2.1 Three letters of objection have been received from the occupiers of adjoining properties. It is considered that the main points raised may be summarised as follows:

- Access is inadequate
- There are no pedestrian facilities
- Sewage system will not cope
- Site can only take 2 houses
- Land is contaminated
- Village is busy with large agricultural vehicles
- Occupiers will have no local connections
- Parish has previously objected to this form of development
- Vision splays are inadequate and concerned re proximity to play areas and bridleway

3 APPLICANT'S CASE

3.1 Writing in support of the proposals the agent has tabled a considerable quantity of supporting information which may be viewed on line or upon request to the case officer. The conclusion to the covering letter reads as follows:

3.2 The site is situated in the centre of the village and is surrounded by residential properties.. Whilst the services available within Northmoor are limited a wider range of facilities and employment are available in the nearby villages of Standlake and Stanton Harcourt.

3.3 Historically, Northmoor has always been linked to these settlements and others along the route between Witney and Oxford by a bus service that currently operates on a one hour frequency, Monday to Saturday. Thus in terms of the advice set out in the NPPF additional housing in Northmoor will help maintain the vitality of the village and support services there and in nearby villages. The NPPF advises that planning applications for change of use and any associated development from commercial buildings (currently in Class B use classes) to housing should be approved where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

3.4 There is clearly both a general need for housing and a specific need for affordable housing locally and there are no strong economic reasons that would cause the development to be regarded as inappropriate.

3.5 In addition the development would satisfy the criteria of the relevant employment policies of the adopted Local Plan 1997 and the emerging Local Plan 2031 in the following respects:

- The continuation of the lawful commercial use would be disruptive to local residents and impact adversely upon their privacy and amenities;
- The development would improve vision for vehicles emerging on to Chapel Lane and would remove large commercial vehicles from the local road network which would improve highway safety;
- The development would remove the existing unsightly buildings and inappropriate commercial use from the centre of the village which would enhance the character and appearance of the Conservation Area; and

- The development would assist in meeting housing needs and a particular need locally for affordable housing.

3.6 The NPPF advises that in rural areas LPA's should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. In our view the local circumstances in this case determine that the inclusion of some market housing (37.5%) would indeed help facilitate the provision of a significantly larger proportion of affordable housing (62.5%). It is also considered that a mixture of housing would be preferable in that it would help to maintain a social balance within the village.

3.7 In our view, having particular regard to the uncertain status of the housing policies of the emerging Local Plan 2031, the outdated nature of the housing policies of the Local Plan 1997 and the advice of the NPPF the proposals represent an acceptable housing development.

3.8 The proposed development has been designed and laid out so that it is entirely sympathetic to its context. The possible ecological and natural amenity constraints have been assessed and flood risk has been evaluated. The development would provide a high quality housing scheme that would supply good standards of accommodation for its occupants as well as high levels of amenity and privacy. Furthermore, the development has been designed so that it will not have any material adverse impact on the amenities of existing adjoining properties.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE5 Conservation Areas

E6 Change of Use of Existing Employment Sites

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

E1NEW Land for employment

EH7NEW Historic Environment

OS2NEW Locating development in the right places

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

5 PLANNING ASSESSMENT

5.1 This application relates to a site located in the centre of Northmoor. The site has a historic use as an employment site but in recent years has been underused except for some car repairs in one of the frontage units. Planning permission is sought to cease the employment use of the site and replace it with a small courtyard of houses and bungalows. Of the 8 units proposed 5 would be affordable units and 3 would be private houses. Parking would be provided at a ratio of 2 spaces per unit and access is to be taken to Chapel Lane.

Background Information

5.2 The site has no particular planning history of relevance.

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 Under the policies of the adopted and emerging plan Northmoor is not a settlement that is scheduled to take housing growth. The policies of the adopted and emerging plan relating to employment sites also seek in general terms to keep those sites in employment use - subject to a series of criteria/caveats. A full open market scheme would thus not attract a recommendation for approval. However that is not what is being proposed here. Rather the applicants are proposing a scheme of 5 affordable units to a mix and specification suggested by your housing officers and 3 private houses. Members will be aware that recent Government guidance has removed the ability of LPA's to secure any affordable housing or other community benefits on schemes under a 10 house threshold. Thus the offer of more than 50% affordable housing when this cannot be required represents a substantial material consideration that attracts weight in the determination of the application. In your officers assessment the weight that can be attached to this benefit, coupled with the fact that this can be bolstered by the benefits to residential amenity of removing a non conforming commercial use in close proximity to existing residential properties is such that in this instance the concerns about the principle and conformity with policy are not such as would justify a refusal.

Siting, Design and Form

- 5.5 The existing site features a number of large sheds and barn like structures and open storage. The buildings are poorly designed and the site as a whole has an unkempt and unsightly appearance. The proposed residential development is quite dense and tightly planned; it is also largely back land development. The house types are relatively conventional but perhaps not what would conventionally be expected in a conservation area comprising a large number of bungalows as well as 2 storey houses. However, in this instance, the natural building line on that side of the road is not characteristic of the village as a whole. Since the main part of the development lies to the rear of the site and the development on the frontage is limited, the fact that the form and massing are not entirely sympathetic to the character of the CA (as demonstrated in the variety of the main village street) is not necessarily a major issue in this instance. Consequently, although the design of the individual buildings and some aspects of the layout are not ideal, on balance, this development would not cause harm to the character of the CA as a whole such as would justify refusal on those grounds. Conditions can be attached to cover materials etc.

Highway

- 5.6 It will be noted that a number of respondents have raised highway issues as being of concern. OCC as Highway Authority acknowledge that the road access is not to standard but take the view that the levels and nature of traffic generated when compared to the extant lawful use are such that conditional approval can be given.

Residential Amenities

- 5.7 There are a number of properties in very close proximity to the site ranging from a small close of bungalows in the south west corner, 2 houses on the main street and a further house whose boundary adjoins the whole of the northern boundary of the site. All of the properties barring the last of those mentioned have very small amenity areas between the property and the development site such that neighbourliness issues could potentially have considerable harm.

- 5.8 However your officers would commend the applicants in that by a combination of the form of the buildings (bungalows with a slack pitch) their siting out of main sight lines and the fact that in some places the new development is replacing very large industrial buildings with consequent visual and noise harms that would be removed means that officers having looked into this matter in some detail are satisfied that there is no overriding neighbour amenity based refusal reason.
- 5.9 The neighbour with the longest shared boundary has a very substantial conifer hedge along the shared boundary. That site is in the course of a substantial extension to the host property. The application offers the opportunity to condition a reduction in the scale of the trees to improve amenity whilst at the same time ensuring adequate privacy and amenity standards.

Flooding and Ecology

- 5.10 Reports accompanying the application record that some of the buildings on site have bat roosts but advises that these are not significant and suggests mitigation measures that would appear to overcome any potential for the need for licensing or an offence to be committed. Provided that these works are conditioned this aspect is considered acceptable. The position regarding flooding is that the village sits on an island of higher land within an area that floods but again the modelling work undertaken would suggest that the site will not flood and that there are dry means of escape from the village to land less liable to flood

Section 106 agreement

- 5.11 Given that the delivery of the affordable housing is a key reason why the scheme is being recommended for approval it is necessary to require that this is provided and retained as such by way of a legal agreement.

Conclusion

- 5.12 The proposals are contrary to the adopted and emerging housing policies (albeit that these do not presently carry full weight) and would involve the loss of a currently underused commercial site. This would in general terms be contrary to policy. However the scheme would deliver a mixed housing development that met housing needs as well as providing new private housing in a location where such developments are not usually allowed and where it could help sustain village facilities such as the pub opposite the site. This is considered to be a key benefit that outweighs the harms to policy.
- 5.13 The scheme has been carefully designed to respect neighbour amenity and has a neutral impact on the conservation area. There are no highway or other objections that would warrant refusal and the impacts upon ecology can be successfully mitigated by condition. As such the scheme is considered acceptable on its merits and conditional approval subject to the applicants first entering into a legal agreement is recommended.

CONDITIONS

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 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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or garden buildings, other than those expressly authorised by this permission, shall be constructed to plots 1, 3, 5 or 6.
REASON: Control is needed to preserve the amenities of the adjoining properties.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the external elevation(s) of the building.
REASON: To safeguard privacy in the adjacent property.
- 5 Before above ground 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.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers and verge details at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 8 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 9 That all works of ecological mitigation set out in the report accompanying the application shall be implemented in full in accordance with a timetable and specification that has been agreed in writing by the LPA prior to development commencing.
REASON: To ensure the ecological mitigation measures are implemented in full.

- 10 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 ensure the safeguarding of the character and landscape of the area during and post development.
- 11 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.
REASON: To safeguard the character and landscape of the area.
- 12 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.
- 13 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 14 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. 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 and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 15 No dwelling shall be occupied until space has been laid out within the site for 16 cars to be parked and such spaces shall be retained solely for parking purposes thereafter.
REASON: To ensure that adequate provision is made for off-street parking.

Application Number	15/01433/FUL
Site Address	43 Burford Road Witney Oxfordshire OX28 6DP
Date	13th May 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Witney
Grid Reference	434785 E 210283 N
Committee Date	26th May 2015

Application Details:

Erection of 2no. 3-bed semi-detached dwellings (Resubmission of 15/00087/FUL)

Applicant Details:

Mr Stephen Holborough
C/O Agent

I CONSULTATIONS

- 1.1 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
- No objection subject to
- G11 access specification
 - G36 parking as plan
- 1.2 Parish Council As per previous application and observations for this address. Witney Town Council cannot see any changes that would not result in over-development of the site.

2 REPRESENTATIONS

- 2.1 Comments have been received from S Sanford of 41 Burford Road and Mrs F Strutt of 27 West End. Their comments are briefly summarised as follows:
- According to the plans, the dimensions are exactly the same as before and there seems confusion as to whether the houses are 3 or 4 bed;
 - The adverse impact on the amenity value of our home will be the same as before (41 Burford Road). 4 first floor and 3 attic windows looking directly down onto our garden, patio , kitchen and bedroom windows;
 - The loss of light and sunshine would not differ from the earlier application;

- Quite apart from loss of amenity, this will result in higher energy consumption and extra expense for us;
- The plans have been drawn up with complete disregard for neighbouring properties;
- As a result of these plans I feel pressurised into commissioning a 2 metre high close board fence along the boundary between 41 and 43 Burford Road in order to regain privacy. I may further re-enforce this privacy by planting some tall trees which would impact on future occupiers in terms of the small amenity space afforded the dwellings;
- There are a number of discrepancies with the plans, D_A statement and the application form;
- The density of development is best suited to an urban development in town centres and is not in keeping with prevailing suburban character found in this location;
- The proposal is cramped and contrived with poorly designed garden space unsuited to family homes. The scheme does not show 'high quality design and layout with reasonable standards of privacy and space'(WODC Local Plan 2011 para 5.38);
- The garages could be considered undersized. If a garage is counted in car parking terms then it should be fit for use and large enough to accommodate parking and some storage, otherwise there may be an unforeseen increased pressure on on-site parking;
- The cramped nature of the site and the close proximity of neighbouring boundaries also mean that the proposals have little scope for adaptability;
- The proposed development not only creates unacceptable living conditions for future occupiers but also for neighbouring properties and this thus contrary to policies of the WOLP 2011 and policies of the emerging local plan;
- The proposed dwellings lie only 4m from the side boundary of the rear garden of 41 Burford Road. The houses are to be 2.5 storey with habitable rooms lining the rear elevation. The houses will directly overlook the private garden area of 41 Burford Road and will also have angled views in to the rooms at the back of the bungalow. The proposed development is overdominating causing unacceptable living conditions for the occupiers of 41 Burford Road by eroding their residential privacy and amenity;
- Due to the sites orientation it will severely reduce the amount of sunlight reaching the house and garden of 41 Burford Road. The loss of natural daylight is an important consideration, affecting not only the use and enjoyment of rooms and outdoor space, but also impacting upon the sustainability credentials of a property and associated energy and resource conservation. The development also take away a significant chunk of the rear garden serving 43 Burford Road leaving the property with an undersized , inadequate garden, tucked away in an overshadowed corner to the north of the proposed 2.5 storey dwellings;
- There are a number of refusal precedents.

3 APPLICANT'S CASE

The application is accompanied by a Design and Access statement and an ecology report in respect of roosting bats.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
NE15 Protected Species
T1NEW Sustainable transport
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH2NEW Biodiversity
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application is an amendment to a recently refused planning application for a semi detached pair of dwellings on the site. This proposal is for 2 x 3bed semi detached dwellings finished in render with plain tile roofs. The units have two beds at first floor level and one in the roof space. The houses have land to the rear and sides to use as garden and off street parking spaces.

Background Information

- 5.2 Planning permission was refused under ref 15/00087 for a semi detached pair of dwellings on the same plot for the following reason:-

'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. In addition, in light of claims that the trees within the garden are being used as bat roosts, insufficient information has been submitted with the application to demonstrate that the development will not harm specially protected species. As such, the proposal is considered contrary to policies H7, H2, BE2 , BE3 and NE15 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.'

- 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 development is policy compliant in this instance.

Siting, Design and Form

- 5.5 The design, scale and materials of the proposed development are considered by officers to pay regard to the sites context. This application proposes a semi detached pair of a smaller footprint than previously refused with single storey wings as opposed to one and a half storey wings. The reduction in both footprint and scale has resulted in dwellings with small gardens to the side and rear and adequate off street parking space.

Highway

- 5.6 Highways has raised no objections and the revised proposal has adequate space within the curtilage to provide for two off street parking spaces plus a garage. To ensure that adequate off street parking is retained a condition has been attached requiring that the garage only be used for the parking of vehicles.

Residential Amenities

- 5.7 In your officers opinion the property that is most impacted by the development is 41 Burford Road, where the proposed building at it's closest point is located 4 metre off of the common boundary with 41. 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. In addition, in respect of the overlooking concerns that have been raised in the representations, officers are recommending a condition that the ensuite bathroom windows be obscure glazed and the rooflights have a minimum cill level of 1.7m above finished floor level along the rear elevation. This will reduce the level of the overlooking of the bottom end of the garden serving 41 Burford Road from 8 windows to 2 windows.
- 5.8 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.
- 5.9 In terms of the points raised in the representations about the amenities of the future occupiers, whilst the garden sizes to serve each dwelling are small, particularly to the rear, they are not considered so minimal as to justify a reason for refusal.

Ecology

- 5.10 At the time of writing the Council's ecologist has not responded to the consultation. A verbal update will be given to Members at the meeting in respect of this matter.

Conclusion

- 5.11 In light of the above assessment the application is recommended on balance for conditional approval subject to the Council's ecologist not raising any fundamental objection that cannot be addressed through the imposition of conditions.

CONDITIONS

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 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 shall be rendered in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be 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 any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, roof extensions, external alterations 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.
- 6 Before first occupation of the dwellings hereby permitted the en suite window(s) in the rear elevation shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
- 7 Notwithstanding any indication given on the plans hereby permitted, the rooflights in the rear elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.
REASON: To safeguard privacy in the adjacent property.
- 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 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 10 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.