

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 22nd June 2015

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc. and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Application Number	Address	Page
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Application Number	I5/00739/FUL
Site Address	Sturt Farmhouse Oxford Road Shilton Burford Oxfordshire OX18 4ET
Date	10th June 2015
Officer	Hannah Wiseman
Officer Recommendations	Refuse
Parish	Shilton
Grid Reference	427435 E 210598 N
Committee Date	22nd June 2015

Application Details:

Redevelopment to include twelve new dwellings, the demolition of two existing houses together with industrial, stable and equestrian buildings, the conversion of an existing barn to a dwelling house along with enhanced highway access and landscaping buffer zone.

Applicant Details:

Mr Jason Russell
14 Little Portland Street
London
W1W 8BN
United Kingdom

I CONSULTATIONS

I.1 Parish Council

The SPC has considered this application and does not support these proposals.

The current occupation of the site is for industrial and commercial activity of varied size and business sector. This site at Sturt is amongst the last remaining unrestricted trading sites that are so essential to local services, commerce and for the 'green shoots' of new enterprise. The loss of this amenity in favour of yet more housing is not acceptable. Policy E6 in the Local Plan is to reject this type of proposals.

The proposals represent development and intrusion and are contrary to Local Plan conditions BE21(d) and policies NE2 and NE3

The introduction of a new settlement, notably larger than its current circumstance that would dwarf its neighbouring communities creates a negative impact on the locality. Furthermore, it introduces a bridgehead for later development. Shilton Parish Council would like the planning department and the Lowlands committee to reject this application

- I.2 WODC - Arts No Comment Received.
- I.3 Ecologist No objections subject to conditions regarding a 5 year landscape and ecological management plan based on section 4 of the submitted Ecological survey report submitted with the application.
- I.4 WODC Drainage Engineers EA are likely to object based on the lack of Soakage test results and drainage calculations submitted at this stage.
- If full planning permission is granted please include suggested conditions.
- I.5 One Voice Consultations
- Transport
- The Local Planning Authority should consider the sustainability of the development given the poor accessibility of essential services, shops and amenities.
- Key issues:
- Accessibility Provision of an improved vehicular access with potential amendment of speed limit
- Archaeology
- No Objection subject to conditions requiring a staged programme of archaeological investigation in advance of construction works.
- Key issues:
- The application site is adjacent to an area where Romano British burials have been found. It is possible that these extend into the application site. To determine whether burials are present a predetermination archaeological field evaluation should be undertaken in line with Para 128 of the NPPF and Local Plan Policy BE13.
- Education
- Approval subject to the conditions
- Key issues:
- £74,472 Section 106 required for necessary expansion of permanent primary school capacity in the area. Burford Primary School is the catchment school for this development. No Section 106 expected to be required for necessary expansion of permanent secondary school capacity in the area. This site lies within Burford School's designated catchment area. £4,226 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Minerals and Waste

No objection subject to conditions- the revised proposals put forward address the objections on minerals and safeguarding policy originally raised by the County in their response dated 17th April 2015.

Key issues:

The proposed development could significantly increase the effective sterilisation of deposits of limestone within the area around Sturt Farm. These limestone deposits are of long-term strategic importance for Oxfordshire. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10 for safeguarding of mineral resources. The application needs to include evidence to clearly show that the need for the proposed development outweighs the economic and sustainability considerations relating to the mineral resource. The application includes a noise impact assessment and site design and landscaping measures, which now includes provision for long-term retention and management of landscaping. Therefore, subject to conditions satisfactorily addressing the safeguarding issues no objections are raised.

Property

No objection subject to conditions

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

It is calculated that this development would generate a net increase of:

48.91 additional residents including:

2.17 resident/s aged 65+

27.29 residents aged 20+

7.65 resident/s ages 13-19

5.47 resident/s ages 0-4

Ecology

The District Council Should be seeking their own ecological advice.

I.6 Environment Agency

Object- The FRA submitted fails to demonstrate the development would not increase flood risk to the site and the surrounding area. The drainage strategy relies on infiltration rates and however no tests have been undertaken as evidence to support the use of infiltration. In addition no network drainage calculations have been submitted to support the surface water drainage strategy.

- I.7 WODC Env Health – Uplands WODC Officers- No objections to the above application provided that the recommendation in the noise report with regard to acoustic attenuation measures are implemented.
- For information we are not aware that this site has any mains water or drainage and drinking water is currently supplied via a private water supply. I am therefore slightly confused by the comments from Thames Water, in respect of the water supply, unless the applicant is proposing to bring a mains supply to the site.
- CDC Environmental Protection - Given the former agricultural and industrial use of the land and the proposed residential development, please consider adding the suggested conditions to any grant of permission.
- I.8 WODC Head Of Housing There are currently in the region of 112 households with a connection to this area that would qualify for affordable housing were it available today. I understand that there to be 12 new build dwellings plus a barn conversion, giving a net increase of 10 dwellings, none of which lend themselves easily to the provision of affordable housing. Strategic Housing wonders whether in the absence of affordable housing, and given the identified need, whether the council would be reasonable in seeking some form of financial contribution to affordable housing provision.
- I.9 WODC Landscape And Forestry Officer No Comment Received.
- I.10 Natural England You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- I.11 WODC Planning Policy Manager Applications for residential development in locations such as this should be determined against Policy H4 of the adopted Local Plan which only permits new dwellings in exceptional circumstances, e.g. where there is an essential agricultural or other operational need for a full time worker to live on the site.
- It is clear from observations of the route however, that future occupants would experience difficulty both entering and exiting the site due to the high levels of traffic that use the A40. The applicant's transport assessment suggests a reduced speed limit on the A40 from 60mph to 50mph would provide sufficient mitigation for the safety risk of accessing the A40 from Sturt Farm. The advice of the Highways Authority will be important in this regard but it is not considered that adequate provision has been made for the safe movement of pedestrians, cyclist or vehicles. The proposals are therefore contrary to Policy BE3 of the adopted plan.

- I.12 WODC - Sports Sport/Recreation Facilities
- Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.
- Contributions
- £1,088 x 12 = £13,056 off site contribution towards sport/recreation facilities within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.
- For play facilities - £818 x 12 = £9,816 for the enhancement and maintenance of play/recreation areas within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.
- I.13 TV Police – Crime Prevention Design Advisor No Comment Received.
- I.14 Thames Water 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 recommends 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.15 WODC Community Safety No Comment Received.

2 REPRESENTATIONS

- 2.1 At the time of writing two comments have been received. One comment is from Smith and Sons (Bletchington) Ltd. who own and run the mineral extraction site adjacent. They are concerned about the maintenance of a landscape buffer and how this would be secured long term. There are concerns about the noise and details of the footpath as shown on the submitted plan, however the revised mineral impact assessment and landscaping maintenance plan is now considered to suggest that these issues can be satisfactorily addressed by condition.
- 2.2 The second objection is from Mr Harriss who operates the blacksmith and ironworks from one of the premises and is concerned that there are no other similar premises in the area and therefore the business would likely result in closure as a result of this proposal.

3 APPLICANT'S CASE

3.1 The applicants' case as submitted with the application forms a Design and Access statement which concludes as follows;

- The proposed development will significantly regenerate Sturt Farm with spacious high quality family housing whilst improving the quality of life enjoyed by local residents who live and work in the area.
- We believe that the development is appropriate for this rural location because it respects the intrinsic character of the area by the re-use of appropriate existing buildings. It will make a positive contribution to farm and country estate diversification and complies with policies for the protection of the natural environment and heritage assets.
- The proposed development will safeguard future mineral extractions and provide sufficient noise protection for its future residents. The highway works provide much needed safety improvements to vehicular access and will secure much needed infrastructure works. Given its location it will spread the potential benefits of growth and help sustain this rural part of the District. It will also contribute to the requirement of providing 1,850 new family homes for Carterton in a rural country setting.

4 PLANNING POLICIES

- BE1 Environmental and Community Infrastructure.
- BE2 General Development Standards
- BE3 Provision for Movement and Parking
- H4 Construction of new dwellings in the open countryside and small villages
- H10 Conversion of existing buildings to residential use in the countryside and
- E6 Change of Use of Existing Employment Sites
- NE3 Local Landscape Character
- NE4 Cotswolds Area of Outstanding Natural Beauty
- OS5NEW Supporting infrastructure
- OS2NEW Locating development in the right places
- OS4NEW High quality design
- OS3NEW Prudent use of natural resources
- T1NEW Sustainable transport
- T2NEW Highway improvement schemes
- T3NEW Public transport, walking and cycling
- T4NEW Parking provision
- EH1NEW Landscape character
- EH2NEW Biodiversity
- EH6NEW Environmental protection
- H6NEW Existing housing
- H2 General residential development standards
- H2NEW Delivery of new homes
- E3NEW Reuse of non-residential buildings
- The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application proposes the redevelopment of the entire site to include twelve new dwellings, the demolition of two existing houses together with industrial, stable and equestrian buildings, the conversion of an existing barn to a dwelling along with proposed enhanced highway access and landscaping buffer zone.
- 5.2 The site currently comprises of mixed uses of dwellings, industrial and equestrian uses. A Cattery is situated immediately North West of the site and a mineral works is situated south east. The site is accessed from the A40 immediately north of the site.

Background Information

- 5.3 Planning history- The most recent planning history on the site was an application for the redevelopment of the farm to include the erection of ten new dwellings with the barn conversion and erection of equestrian building and stables under reference 14/1194/P/FP. This application was withdrawn during the determination period due to further reports and investigations which would need to be undertaken with regards to the adjacent mineral extraction site.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 - Siting, design and form
 - Highway Safety
 - Loss of Employment
 - Ecology
 - Archaeology
 - Minerals and Waste Extraction

Principle

- 5.5 It is noted that whilst the Council's housing policies could be considered increasingly in that they pre date the policies contained within the National Planning Policy Framework. Based on the assumptions as set out in the most recent position statement, Officers of the council consider that the Council can claim to have a 5 year housing land supply. Taking this into account the relevant policy for new housing in open countryside, Policy H4, is still considered to have some weight. Policy H4 states that homes in open countryside locations will only be permitted if there is a genuine agricultural need for someone to live on site in connection with an operational need.
- 5.6 Paragraph 55 of the NPPF states that homes in isolated locations should be avoided. Policy OS2 of the Council's emerging Local Plan 2031, which now has increasing weight, is a general policy which relates to locating development in the right places. In small villages and open countryside development should be limited to appropriate development which respects the intrinsic rural character of the area. Appropriate development is considered to include re-use of existing buildings with priority given to employment tourism and community uses, for travelling communities, or to make a contribution to farm or country estate diversification. The proposal

does not meet any of these criteria and therefore is not considered to comply with emerging policy OS2 of paragraph 55 of the NPPF.

- 5.7 Due to the isolated location of the development proposed the development is considered to be contrary to Policy H4 of the adopted Local Plan, the advice of the NPPF and the policies of the emerging Local Plan. However this should also be considered against other relevant policies of the plan to determine whether there would be any other gains from this proposal which would outweigh the 'in principle' policy objection. These will be further addressed below.

Siting, Design and Form

- 5.8 The proposal includes the conversion of the existing building Sturt Farm Barn which is currently the oldest building on site, the retention of 3 existing dwellings on site and the demolition of the agricultural sheds and units to create a total of 15 dwellings on site, including the 12 to be built as part of this proposal.
- 5.9 The design of the buildings are broadly in a similar style, 2 storey, detached, each with off street driveway parking. They are proposed to be under pitched slate roofs, with gable end features, a natural stone lintel and quoin details with brick built walls. Three main house types are proposed, type A, B and C, which all vary slightly in design details and materials, some featuring sections of render or timber cladding.
- 5.10 Overall the design may be considered appropriate, with detailing and materials reflective of the wider vernacular (there is no local example in this vicinity) however the layout is not considered to form a logical compliment to the existing scale and pattern of the area, which is generally rural and 'low key' in nature. In fact it is considered the characteristics of the 'estate' layout appears as an incongruous feature within the rural location and will have a visual impact when viewed from the A40 which will be at odds with the prevailing rural character of the area.
- 5.11 The proposals are not exceptional to a level that they enhance the character of the area, in fact they are considered to appear as an alien feature in the wider rural landscape and therefore do not enhance the local landscape and setting as required by the general principles of policy BE2 of the Adopted Local Plan or OS2 of the Emerging Local Plan.
- 5.12 The type and range of houses are also limited on this site with all being detached, large, mostly 4 bedroomed properties. No affordable housing provision has been made on site nor offered off site. The development would not therefore appear to have been designed as a result of any particular need, and indeed may become isolated from any nearby community and therefore lead to a loss of any meaningful social cohesion.

Highway Safety

- 5.13 The site is served by one access which is directly on to the A40. Due to the isolated nature of the site and lack of onsite facilities it is highly likely that any future residents would be highly reliant on the private car. This junction is busy, and although there is good visibility in both direction the speed of and steady flow of traffic on this road would make entering and exiting the site difficult.
- 5.14 The Highways Authority has commented that the proposal is contrary to Oxfordshire County Council Local Transport Plan 2030 Policy SD1 as the development does not seek to '...promote sustainable travel for all Journeys associated with new development especially those to work and

education'. The location of the site has few destinations within a reasonable walking or cycling distance and no access to any existing bus stops or routes.

- 5.15 Whilst the provision of a single access with turning lane may be acceptable in principle this would have to be subject to technical specifications and the proposed layout would need to be amended as it does not appear to show sufficient turning heads. It is also noted that Shilton Public Footpath 2 is not shown correctly on the submitted plans and therefore this should be noted.
- 5.16 Taking into account several matters that would require details by condition to be made acceptable, it is still considered by officers that the development has not given due regard to the safety of movement of pedestrians, cyclists or vehicles and therefore are considered contrary to Policy BE3 of the adopted Local Plan.

Loss of Employment

- 5.17 There are a range of existing employment uses operating from this site which are well established and provide local services. There is a garage with MOT services as well as a Riding School which provides therapeutic lessons to children and adults. The applicant has not submitted any justification or supporting information as to why these uses are no longer viable. Policy E6 of the adopted Local Plan seeks to retain a wide range of employment site and uses across the district and resists their loss unless there are clear viability reasons.
- 5.18 This proposal is not submitted on any such premise and it is not demonstrated within the proposal that there would be any wider substantial planning benefits by allowing other forms of development on this site. Policy E1 of the emerging Local Plan states that non-business uses will only be permitted where substantial community benefits would be achieved by allowing alternative forms of development, along with other tests. It is therefore considered that the proposal is contrary to policy E6 of the adopted Local Plan and E1 of the emerging Local Plan.

Ecology

- 5.19 The submitted ecological report identifies that there are habitats on site and several protected species. There would be no objections to the scheme on the grounds of impact on ecology subject to specific conditions regarding a Bat Method Statement.

Archaeology

- 5.20 The site is noted to be adjacent to an area where Romano British burials have been found and located to the east of site is Akeman Street which is an important Roman Road. Due to the presence of existing structures on site it would make pre determination evaluation before demolition very difficult. As a result a holding objection has been retracted from the County Archaeologist subject to conditions being attached to any permission requiring a staged programme of archaeological investigation in advance of any construction works. There is therefore no objection on the grounds of archaeology.

Minerals and Waste Extraction

- 5.21 The proposal site is adjacent to two mineral extraction sites, Whitehill Quarry to the west and Burford Quarry to the South East and the application site lies partly within the Whitehill Quarry Mineral Consultation area. The development therefore needs to be considered against the Oxfordshire Minerals and Waste Local Plan policy SD10, for safeguarding mineral resources and

the development could significantly increase the effective sterilisation of deposits or limestone within the area around Sturt Farm.

- 5.22 It was originally considered that the application did not include evidence to clearly show that the need for the proposed development outweighs the economic and sustainability considerations relating to the mineral resource due to the noise impact assessment and landscaping measures proposed lacking sufficient detail and any provision for a long term management plan. The details have since been amended to include details of a long term management plan and landscaping plan which includes a 3m high bund. It is now considered that in terms of the impacts on the mineral resource there is adequate information to demonstrate that the mitigation measure proposed would be sufficient to avoid adverse impacts on the mineral resources within the adjoining land in the long term, subject to suitable conditions.
- 5.23 However the revisions to the landscaping plan include the provision of a 3-4m high bund/raised bank along the southern and eastern edge of the site with planting on the inside of the bund. Despite the planting, the bund is not a natural feature typical of the landscape character of the area and therefore forms an alien feature within the landscape. The bund has been suggested as a solution to overcome the minerals and waste (noise) impacts, but has resulted in an unacceptable landscape impact instead.
- 5.24 There remains a concern regarding the on-going long term maintenance of the buffer/bunded area. The management plan states that this would be subject to a minimum of 12 visits a year but it is not made clear who exactly would be responsible or financially liable for this after the initial 5 years after the developer no longer has control for this element. The vegetation may also not be able to mature to the extent required due to the pressure for uninterrupted views from the individual property owners, towards Shilton and Brize Norton. However the maintenance issues are resolved, the resultant bund feature would only add to the overall impact and urbanisation the area taking it from currently having a 'neutral' visual impact on the countryside, to an unacceptable visual impact. The proposal is therefore also considered contrary to policy NE3 of the adopted Local Plan 2011 and policy EH 1 of the emerging Local Plan 2031.

Conclusion

- 5.25 It is noted there remain no technical objections in terms of ecology, biodiversity, drainage or highways etc. to this application, which could not be overcome with suitable conditions. It is also noted the applicant has committed time in pre application discussions and preparing supplementary specialist reports to overcome those technical objections, however none of these have been demonstrated to be clear benefits of the scheme which would outweigh the overall unsustainability of this site.
- 5.26 The proposal has failed to demonstrate that there is any need for this type of development in this remote rural location or that there is any other wider benefit coming forward as a result of this proposal which would outweigh any policy objection for dwellings in this remote, rural location. The proposal would form an alien feature in an otherwise rural landscape, would not form a logical complement to the character and context of the area and would not contribute to any wider community cohesion due to its isolated and 'secluded' location. For these reasons the proposal is recommended for refusal.

6 REASON FOR REFUSAL

The proposal would form an alien and incongruous feature in an otherwise rural landscape and would harm any community cohesion due to its isolated and 'secluded' location. The proposal has failed to demonstrate that there is any wider planning benefit as a result of this proposal which would outweigh the harm and policy objection the addition of 12 new dwellings in this remote, rural location would have. For these reasons the proposal is considered contrary to policies BE2, BE3, H4, NE3 and E6 of the adopted Local Plan 2011, policies OS2, E1, EH1 and T1 of the Emerging Local Plan 2031 and paragraph 55 of the NPPF.

Application Number	I5/00761/FUL
Site Address	Eynsham Nursery And Plant Centre Old Witney Road Eynsham Witney Oxfordshire OX29 4PS
Date	10th June 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Eynsham
Grid Reference	442263 E 209882 N
Committee Date	22nd June 2015

Application Details:

Erection of 77 dwellings (comprising a mix of 1 bedroom flats and 2, 3, 4 and 5 bedroom houses), open space, car parking and all associated landscaping and ancillary works. Formation of new vehicular access.

Applicant Details:

Mr Brett Jacobs
C/o Agent

I CONSULTATIONS

- I.1 One Voice Consultations No Comment Received.
- I.2 WODC - Arts No Comment Received.
- I.3 Wildlife Trust No Comment Received.
- I.4 Ecologist

If all the recommendations such as maintaining tree and hedgerow links for bat flight lines incorporating bat and bird boxes within the building/garages in the scheme and planting new hedgerows as enhancements then the impact of the scheme will be modified and some low level ecological enhancements may be achieved. It is hoped that the recommendations can be extended across the whole scheme to enhance the site.

It is a shame that a better green infrastructure was not designed into the scheme to integrate a series of green public open spaces but additional planting along the boundaries of the site will help enhance the scheme and provide better wildlife corridors ideally additional planting should be incorporated into the scheme as this would also provide good cover for badgers, as such a five year landscape and ecology plan has been asked for to incorporate these features and show how the management can enhance the ecological value of these features shown on the landscaping plan drawing no. I205-PP-301RevA.

I.5	WODC Community Safety	No Comment Received.
I.6	WODC Architect	<p>I have strong misgivings about this scheme; particularly in respect of the principle of development in this location.</p> <p>The scheme (in terms of both location and layout) would not relate well to the existing settlement pattern. Currently, Eynsham has a fairly well-defined form, with development bounded by, or bounding, the Old Witney Road and Witney Road along its western edge. The proposed site is conspicuously physically disconnected from Eynsham, with the copse at Fruitlands making only more marked the separation of the site from the settlement to the E. Additionally, this incongruity is likely to be exacerbated by the layout itself, which does not e.g. follow the line of an established route, or form an obvious infill etc.; but rather would form a detached spur orientated SW - a contrived and uncomfortable design solution forced by the constraints of the site.</p> <p>The scheme, through its physical disconnection from Eynsham, would not read, or be experienced as, a part of the town; but neither would it make obvious sense as an isolated settlement in its own right, appearing rather as slice of urban residential development cut adrift from Eynsham to the E.</p> <p>RECOMMENDATION: Advise consents be refused.</p> <p>REASON: Appears clearly incompliant with Policy BE2.</p>
I.7	WODC Drainage Engineers	No Comment Received.
I.8	Environment Agency	<p>The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, Paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size.</p> <p>We note that a FRA has been submitted in support of the proposed development. The West Thames Area is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development.</p>
I.9	WODC Env Services – Engineers	We agree that there are several points which will require further examination, such as the use of a granular conveyance "trench" under the adopted road, the point raised in the infiltration test (T&P) report (Pg. 4) which states that the site is not overly suitable for

permeable paving, how the pumping station will be protected from exceedance event flows and whether the proposal will have an impact on the existing ditch adjacent to the site which will take all the water from any severe event.

The above points mean that although I approve of the broad strategy to use permeable paving, a pre - commencement condition stating that WODC must approve the surface water drainage design must be attached to any consent granted.

I.10 WODC Env
Consultation Sites

Review of the Design and Access Statement submitted with the application indicates that the site is currently occupied by an existing garden nursery and associated land, including several large storage buildings. From review of aerial photographs of the site it also appears that there has been some storage outside of the buildings. Given the use of the site and the proposed residential development please consider adding the following condition to any grant of permission.

1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages.

(ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;

(iii) A developed conceptual model of the potential pollutant linkages with an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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

- | | | |
|------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.11 | WODC Env Health – Lowlands | The site is set back from the A40 and due to the shape of the proposed layout, it is screened by other properties which will reduce the impact of traffic noise to an extent where I do not feel that it will be an issue. |
| I.12 | WODC Env Services - Car Parking | No Comment Received. |
| I.13 | WODC Head Of Housing | I can confirm that there are currently in the region of 270 households who would qualify for affordable housing Eynsham, were it available today. Only 9 households require a larger 4 bedroom home. It has been found to be good practice to have double the number of those seeking to rent a particular sized home on the council's waiting list, to |

ensure that none of the completed homes are left empty. Also many people now find it difficult to afford neither the higher rents charged for these larger homes, nor are able to secure a mortgage on such a large property in a high value area such as West Oxfordshire. Strategic Housing would be able to fully support this application, if an arrangement to address the above issue could be found.

I.14 WODC Env Services – No Comment Received.
Landscape

I.15 WODC Landscape And No Comment Received.
Forestry Officer

I.16 WODC Planning Policy Housing and site suitability
Manager

The scheme occupies previously-developed land on the edge of a Group C Service Centre (Rural Service Centre in the Local Plan 2031). The proposal conflicts with adopted policy H7 (construction of new dwellings in service centres) in the adopted Local Plan as it does not comply with any of the criteria contained therein.

At the present time, the Council considers that it is able to demonstrate a 5-year housing land supply (February 2015 position statement) and as such, Policy H7 is able to be afforded weight. However, it must be recognised that the policy was adopted some time ago and pre-dates the NPPF by a considerable margin.

Furthermore, since the policy was adopted, the Council has acknowledged more recently that to meet identified housing needs, some development on the edge of sustainable settlements such as Eynsham will be needed.

Indeed, the land to the west of Eynsham including the application site has been identified as potentially suitable for development in the Council's SHLAA.

In terms of emerging policy, the proposal is broadly consistent with Policy H2 of the pre-submission draft Local Plan in particular the fact that it makes use of previously developed land. Furthermore, the site is not within the AONB or Green Belt, is not an area of flood risk, would not lead to coalescence of settlements and I would suggest is proportionate in scale for a settlement such as Eynsham.

A key consideration is vehicular access and this is discussed further below. Potential landscape and visual impact is a further important consideration.

Density and Form of Development

The proposed site density is about 30dph and although this is similar to some other pockets of development within Eynsham, would a lower-density, looser, pattern be more suited to this location on the village's fringe? It is worth noting that the West Oxfordshire Landscape Assessment suggests that further urban intrusions into the attractive rural fringe to the north and west should be discouraged.

Access

A key issue for this site is access, both vehicular and pedestrian/cycle.

In relation to vehicular access, I note that a scheme has been submitted to block off the existing site entry from the A40 and provide an alternative connection to the Old Witney Road. Ultimately, therefore, traffic generated from this scheme will still be travelling either west along the A40 or east through Eynsham itself.

The D & A statement confirms that the County Highways Officers are satisfied that the existing road infrastructure is more than adequate to accept the additional traffic flow from this scheme but, presumably, there must be a limit to the level of any additional traffic movements that could be safely accommodated.

Importantly, the development of this submitted scheme is likely to significantly limit the access options for additional future development to the west of the village. This in turn could limit the choices available to achieve the emerging Local Plan's proposed level of new housing development in the Eynsham-Woodstock sub-area (policies H1 (amount and distribution of housing) and EW2 (Eynsham-Woodstock Sub-Area Strategy) in that document).

Ideally, this site would be considered in a more comprehensive manner together with adjoining land in order to achieve a more satisfactory access arrangement including potentially, access directly onto the A40 to avoid eastbound cars having to travel through Eynsham.

In terms of non-car modes of travel, the site has good existing footpath and cycle links to the village centre and, alongside the A40, further afield. The site also has access to nearby premium bus routes and local primary and secondary schools.

Landscape and Visual Impact

Whilst the site is previously developed land with a number of existing buildings and areas of hardstanding, the proposed development will clearly have an urbanising effect on this low density urban/rural fringe location.

Careful consideration must therefore be given to the landscape and visual impact of the development. I note that concerns about the urbanising effect of development in this location formed part of the Inspector's reasons for dismissing a previous appeal for a much smaller proposal.

Housing Mix

I note that the proposed scheme offers a good mix of housing types and tenures, with over half of the units being affordable in accordance with adopted policy. Is there also an opportunity here for an element of housing designed specifically for older residents - maybe some extra care units?

Sustainability

The D & A statement lists a number of measures that will be taken to ensure the energy efficiency of the proposed homes, from installing 'A' rated white goods and appropriate double-glazing and insulation to using local materials, where possible, and considering the issue of water conservation. The statement does mention the use of a 'renewable energy source' but does not elaborate on it further. Will this be a decentralised source?

It is proposed that the development will also employ SUDs and provide individual homes with water butts and compost bins.

This general approach accords with policy BE2 (general development standards), in the adopted Local Plan, and policies OS3 (prudent use of natural resources) and OS4 (high quality design) from the emerging Local Plan 2031.

Noise

The northernmost proposed homes on this site are only about 70 metres from the A40. It is likely that traffic using this road, and the nearby layby, produces a significant level of noise for most of the day and night. I didn't come across any reference to this issue in the application's supporting documents and wonder whether there are any measures proposed to minimise this traffic impact - policies BE19 (Noise) in the Local Plan 2011 and EH6 (Environmental Protection) in the Local Plan 2031.

Ecological impact

When I visited this site I noted a number of buildings and areas of vegetation that could provide potential habitats for wildlife. I note that a survey has been carried out, prior to this application, and its recommendations should be followed - NE15 (Protected species), in the 2011 Local Plan, and EH2 (Biodiversity) in the Local Plan 2031.

School Capacity

It is understood that the primary school is already at capacity and that the County Council have concerns about the impact of further residential development at Eynsham and the extent to which additional pupil numbers could be readily absorbed. I note that this issue has been raised in responses from a number of local people and the view of the County Council will be important in this regard. There will be little point in securing a financial contribution towards additional school capacity if the school is physically unable to expand.

- | | | |
|------|---------------------------------------------|----------------------|
| I.17 | WODC - Sports | No Comment Received. |
| I.18 | WODC - Tourism | No Comment Received. |
| I.19 | TV Police – Crime Prevention Design Advisor | No Comment Received. |

- I.20 Thames Water
- Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.
- Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.
- The receiving sewer does not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 0845 850 2777) with regard to arranging an impact study.
- I.21 Natural England
- Natural England has no comments to make regarding this application.
- I.22 Parish Council
- Eynsham Parish Council objects to this application for the following reasons:
1. The Strategic Housing Land Availability Assessment, June 2014 (SHLAA) refers to this Site (187 and 187a) as 'suitable but only as part of a larger, comprehensive development'. As such, the Site should form part of a comprehensive master plan for the longer term growth of Eynsham with other landowners of sites for sustainable development, which identifies key infrastructure provision for transport, schools, healthcare, utilities and social amenities.
 2. This proposal is for a short term, opportunistic development which would create a significant obstacle to future comprehensive development of Eynsham. It would not only unacceptably urbanize the western fringe of the village (BE2) but be isolated from the village by a single, narrow bottleneck access for all pedestrians and cycles, all motor vehicles and emergency and essential services. This is contrary to WODC's Draft Local Plan 2031, CO2, CO3 and OS5.
 3. The Applicant concedes that access to the Site from the current A40 is unacceptable. It instead seeks to link up to Old Witney Road, which its Transport Assessment says (at 7.1.6 and 7.1.9)

will double the current peak time traffic. A historical road from Eynsham to the west, Old Witney Road was blocked off as part of previous A40 development works specifically to decrease the amount of traffic on this residential road. This excess vehicular traffic would then add to the near capacity traffic already using Witney Road and the junction with the A40. As there is no right turn at this junction, the excess traffic eastbound would be obliged to use Spareacre Lane as a rat run or go right on Witney Road to the village centre, Acre End Street, High Street and Oxford Road via the B4449 bypass or Swinford Toll Bridge. OCC have already identified Witney Road, Acre End Street/High Street and the Toll Bridge as among the worst congestion areas in West Oxfordshire.

4. The application ignores the proposals in OCC's draft Local Transport Plan 2015-2031 (LTP4). The site is adjacent to a section of the A40 identified as having serious and continuous congestion and which will be part of LTP4's emerging A40 strategy. LTP4 also identifies this section as a site for an Eynsham park and ride in its proposals for a Bus Rapid Transit system as part of its Science Transport Network. The building of this development now, with the designated access, would be an obstacle to provision of improved, integrated transport access for the future development of Eynsham as part of improvements to the A40 to accommodate the LTP4 proposals.
5. The application also ignores DLP 2031 which (Policy T2) supports the LTP4 proposals. Approving this application now would be contrary to CO10 (Ensure land is not released for new development until the supporting infrastructure and facilities are secured) and CO13 (Improve access to services and facilities without unacceptably impacting upon the character and resources of West Oxfordshire). The NPPF (at para 32) says developments should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
6. The application fails to address significant other infrastructure issues, in addition to transport.
 - (a) On education, the Planning Statement erroneously states that Bartholomew School has capacity. Consent has recently been granted for four new classrooms and two science labs to accommodate a 95 pupil increase in autumn 2015. This expansion does not include the present application. The Statement says 'it is likely that additional primary school provision will be required by the development'. The primary school has already undergone expansion to accommodate increased demand. The application does not address the fact that neither school has the capacity to continually expand on a piecemeal basis funded by individual s106 contributions. (IDP Feb 2015, 4.15.)

(b) The application makes no assessment of the capacity of local healthcare facilities. Eynsham Medical Centre (and its branch at Long Hanborough, which is also subject to significant development proposals) is already rationing patient appointments. The practice states it now has 13,617 patients, and is under strength, with a majority of doctors only working part-time.

(c) The application's provision for drainage is inadequate. The Site is on the far west side of the village. Foul sewage from the Site will have to be pumped across the entire village to the Thames Water sewage pumping station east of the B4449 bypass. Thames Water has concerns (letter 15 January 2015) that the public sewer network may have insufficient capacity to accommodate the Site and has requested an impact study, which has not been provided with this application.

Surface water drainage is to rely on a SUDS system but the permeability testing indicates significant amounts of clay, resulting in poor to modest infiltration. Notwithstanding the proposed remedial measures, the developed Site 'will result in a significant increase in impermeable area' (Flood Risk Assessment, 11.3) and therefore generate substantial run-off. The surface water drainage strategy (FRA, Appendix E) shows run-off discharging from the south-west of the Site, towards the Chil Brook to the south. In addition, a drainage ditch runs parallel to the east boundary of the site. This also discharges into the Chil Brook, which flows through the southern edge of the village (significantly not shown in FRA, Appendix C) historically causing flood damage to properties in the vicinity of Station Road. No assessment has been provided to show the adverse impact and increased risk of flooding, water quality (NE11) or pollution (BE18) that would be caused by the development.

7. Despite the wide mix of housing types, the development has a lack of bungalows in an area where there is a significant lack of, and demand for, them. The proposed development does not cater for the needs of the area, which has a higher than average population of elderly residents. The housing mix also does not deal with the related requirements for dwellings suitable for the disabled (DLP 2031, H4). In addition, the application pays no attention to the DLP 2031 guide (at 5.63) for the mix of market housing. For example the DLP guide recommends 3 bed houses at 43.4% (as opposed to 31.8% in the development) and 23.9% 4+ bed houses (as opposed to 60.5%).
8. Despite the wide mix of housing types, the plans/elevations indicate a predominate ridge height of around 9m. This substantial development on the western fringe of the village would adversely affect and harm the visual amenity of the locality and local landscape (OS2, BE2, BE4 and NE3).

9. This development is not needed now for West Oxfordshire to achieve its housing targets in the Draft Local Plan 2031. Eynsham, as part of the Eynsham-Woodstock Sub-Area, has had a number of small, suitable, infill sites either approved or proposed since April 2014, notwithstanding no housing requirement (SHLAA, Table 1) until 2019. No substantial development (250) is planned until the period 2019 to 2024. This would allow any future substantial development to become part of a more comprehensive sustainable development plan for longer term growth in the village with adequate provision for the necessary supporting infrastructure (OS2).

This application should not be approved as its adverse impact on future growth of development and infrastructure would significantly and demonstrably outweigh the benefits (NPPF, para 14, OSI and BEI).

If this application is approved:

A developer contribution should be required expressly for improvements, including pavement, lighting, shelters and RTI installation to the Evenlode bus stops on the A40.

The Parish Council requests a developer contribution in the amount of £238,700, index linked, towards street furniture, play and recreation areas and facilities or other appropriate village amenities to reflect the additional strain on existing community infrastructure the development will represent.

2 REPRESENTATIONS

2.1 At the time of agenda preparation 47 letter of objection had been received from residents and the Eynsham Society. The main comments raised may be briefly summarised as follows:

- Old Witney Road is unable to take the strain of additional traffic
- Eynsham can't cope with additional houses
- The School is already full
- Headlights will cause glare onto the A40
- A40 is already at capacity
- This development is crazy
- Infrastructure is not in place to serve the development
- Health care cannot cope
- Will increase congestion at the toll bridge
- Cycle facilities are inadequate
- This is not sustainable
- Would need to cross the A40 to access bus to Oxford
- Residents will not use sustainable transport options
- It is too far to walk to primary school
- Quoted distances from facilities are wrong
- Needs a proper access direct to the A 40
- There will be hundreds of additional vehicle movements

- Traffic disturbance alongside my property (63A Old Witney Rd)
- Increased pollution
- Development to the west should be a complete package so the impacts can be properly mitigated
- Previous application was dismissed at appeal
- Will open up additional land but with no suitable access
- Need to properly plan the social and transport infrastructure
- Location and access arrangements mean this is an isolated/detached proposal and not integrated
- Too far to shops etc.
- Eynsham has flooded in recent years
- Will sewers cope?
- Streets are too narrow to take additional traffic
- Developers are already looking at wider/more comprehensive proposals
- There is a playground/playing fields at the end of Witney Road and traffic will endanger children
- We need more homes but this is a disaster
- Problems for service vehicles and tire engines
- Sewer system will not cope as it is too old
- Contrary to existing policy and emerging Neighbourhood Plan
- Need a comprehensive development with a western bypass and more bus lanes
- I assume this is an April Fool
- A40 was to be duelled
- No piecemeal development without a long term strategy
- No good for anyone except the developer
- Imbalance of houses and jobs
- WODC policy has traditionally favoured development to the east of the settlement
- WODC should have enforced its use as open space
- Children's nurseries are full
- There is only one Zebra crossing in the village
- Should be rejected like Fruitlands
- Beyond limits of settlement
- Previous refusal reasons still apply
- Is not needed/justified
- Contrary to NPPF as fails to provide safe and adequate access
- Precedents for refusal
- Will inhibit my vision splay when emerging from Five Elms
- Increased danger to vehicles and pedestrians
- We need affordable houses for residents of Eynsham not new 5 bed units
- Rat running though village to avoid bottleneck of A 40
- Ok in principle as brownfield but access is too narrow and close to existing houses
- Should await more comprehensive proposals through ELP or NP
- Should be refused pending the NP
- Development to the west needs to be integrated with A40 changes and provide infrastructure
- Who will maintain the anti-dazzle fence?
- Surface water drainage issues will flood our land

- Trees and hedges need maintenance
- Hedgerow is ancient
- Set a precedent for Eynsham to join to Witney
- No significant housing is needed in Eynsham until 2019 which gives time for a comprehensive approach to be undertaken
- Children will need to be exported to other settlements as there is no capacity which will add to gridlock
- Concern at impact on unique character of ancient settlement

2.2 One letter of support has been received which advises (in summary)

- Too many applications have been allowed in the village so it is overcrowded
- Past developments have led to reduced gardens and open spaces
- Infilling chokes the area
- Brownfield sites would bring much needed housing for local families
- There are no highway issues
- It is not a flood risk area
- School is not actually full as many parents do not live in village
- Many Doctors surgeries are under pressure
- Will not impact on congestion on A40 or Toll Bridge
- Public transport is excellent
- Can walk to village centre
- Shortfall of homes is a major problem
- Site is ideally located

3 APPLICANT'S CASE

3.1 Writing in support of the application the applicants have tabled a very comprehensive package of supporting information which may all be viewed in full on line. The conclusion to the planning statement is reported in full below:

3.2 This application is submitted on behalf of Vanderbilt Beaconsfield Ltd for the development of 77 dwellings on land west of Eynsham.

9.2. The Site is identified in the West Oxfordshire Strategic Housing Land Availability Assessment (SHLAA) June 2014 (reference 187 and 187a) which confirms that the site forms "previously developed land" which is "relatively well-related to the settlement".

It goes on to confirm that the site is "suitable in principle" subject to appropriate and sensitive form of development and landscaping. The Site is a prime location for a sustainable residential-led development with the capacity to make a positive contribution to housing land supply in the area in the short to medium term. This is particularly pertinent given the Council's acknowledged inability to demonstrate that it has a five year supply of deliverable housing sites.

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and keep up to date a deliverable five year housing land supply - without this, planning policies for the supply of housing are out of date and the presumption in favour of sustainable development is engaged. From the above information it can be seen that numerous amenities are available for residents of the site. These amenities can be reached by foot, cycle and public transport. It is concluded that the proposed site is well served by public transport and amenities.

The development site is highly accessible by all modes of transport and would be in accord with the NPPF.

This Statement, in conjunction with the other statements that have been submitted in support of this application, demonstrates that the proposed development is in accordance with the policy objectives of the NPPF, saved policies contained within the Adopted Local Plan and other relevant supplementary planning documents. The proposal also accords with policy objectives contained within the Council's emerging Local Plan (2012). Having regard to the details contained within this Statement, it is considered that the proposal being put forward in this planning application is entirely acceptable and should be granted planning permission.

4 PLANNING POLICIES

- BE2 General Development Standards
- BE3 Provision for Movement and Parking
- BE19 Noise
- NE15 Protected Species
- T2 Pedestrian and Cycle Facilities
- T7 Travel Plans
- H2 General residential development standards
- H3 Range and type of residential accommodation
- H7 Service centres
- H11 Affordable housing on allocated and previously unidentified sites
- OS2NEW Locating development in the right places
- OS3NEW Prudent use of natural resources
- OS4NEW High quality design
- OS5NEW Supporting infrastructure
- H1NEW Amount and distribution of housing
- H2NEW Delivery of new homes
- H3NEW Affordable Housing
- H4NEW Type and mix of new homes
- T1NEW Sustainable transport
- T2NEW Highway improvement schemes
- T4NEW Parking provision
- EH2NEW Biodiversity
- EH6NEW Environmental protection
- EW2NEW Eynsham-Woodstock sub-area

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to the existing garden centre and nursery located at the eastern edge of the settlement. Planning permission is sought to redevelop the site for 77 houses and an area of open space. Access will be taken from a re-modelled access that only allows access to Old Witney Road and not direct to the A40. An anti-glare fence will be erected along the intervening verge. Just over 50% of the units will be affordable units and the houses range in size from 1-bed flats to 5 bed houses. The plans will be made available to view in the usual manner

Background Information

- 5.2 Members will recall that it has a long planning history including enforcement investigations for unauthorised activity, certificates of lawful use and an approval for a redeveloped garden centre under application ref 11/0684. Of most relevance in the context of this application is application ref 07/1117. This sought consent for redevelopment of the garden centre for 14 dwellings which was refused and dismissed at appeal. In dismissing the appeal the Inspector commented:

"Development along Old Witney Road adjoining the A40 largely comprises single storey or 1½ storey dwellings fronting onto the road, with only two instances of dwellings constructed immediately behind frontage dwellings, one of which is at 69 Old Witney Road, behind 67 Old Witney Road and immediately adjoining the site.

However development west of the access to the Nursery and Plant Centre is much more diffuse, with a few sporadically sited larger detached dwellings set well back from the road. The built-up frontage does not continue beyond No. 67, and the proposed dwellings would be located to the rear of No. 69. The layout of the proposed development, a cul-de-sac of dwellings to the rear of Nos. 67 and 69 and extending much further back than dwellings along the frontage, would not reflect the existing pattern of frontage development. Furthermore, the mix of 1½, 2 and 2½ storey semi-detached and linked dwellings would be distinctly different in form from other dwellings in this part of Old Witney Road, with greater ridge heights.

The combination of these dwellings with their parking areas and access road would result in a development with a far harder and more urban form and appearance than other development in this edge of village location, including development fronting Old Witney Road, Elms Place and the scattering of buildings to the west. The development would also be more prominent and have a much more urban appearance than the existing Nursery and Plant Centre, which because of its low glasshouse-style buildings and the character of the use does not appear out of place here.

Although the development would be to the rear of Nos. 67 and 69 and well back from the road, it would be visible to passers-by on the A40 along the gap formed by the existing access to Elms Place and the proposed site access, despite the fall in ground level towards the rear of the site. It would also be visible in private views from surrounding dwellings, from the Elms Place access road and from the countryside to the south. In these views, the development would stand out as an incongruous urban extension that would detract significantly from its surroundings and erode the semi-rural character and appearance of the area.

The loss of much of the grass verge at the front of the Old Witney Road properties in order to provide an access to the development would also harden and urbanise the appearance of the area, and the anti-dazzle fence required by the highway authority to be erected close to the A40 would be a somewhat incongruous and urbanising feature, even if in the form of a green painted mesh.

Although these two aspects of the development might not be sufficiently harmful by themselves to render the appeal scheme unacceptable, they would add to the harm identified above. Furthermore, although each proposal for development must be assessed on its own merits, development on this site in conflict with the development plan could lead to pressure on the Council to allow similar development on other garden land to the rear of Old Witney Road, which might be difficult to resist, and which would lead to a further harmful urbanisation of this semi-rural edge of the village. This adds to my concerns".

5.3 These comments set the context for assessing the planning merits of the scheme albeit that clearly there is a different policy context some 7 years after that decision

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 Members will be aware that the existing adopted Local Plan whilst still a material consideration carries increasingly less weight as it pre dates the NPPF and is gradually being superseded by the Emerging Plan. This similarly does not yet carry full weight but carries increasing weight as it gets closer to adoption. The NPPF remains in force with its presumption in favour of sustainable development and the Districts current position is that it can claim a 5 year land supply such that the provisions of paragraphs 14 and 49 are not currently fully engaged.

5.6 A smaller scheme on a less isolated/divorced part of the site was found unacceptable at appeal in the recent past. Whilst the policy context has changed the physical harms identified by the Inspector remain and, in your officers opinion are exacerbated by the substantial increase in both the scale of the development and its incursion into the soft rural fringe of the settlement. This is clearly contrary to policy (as found at appeal). The harms are such that in the absence of any other compelling reason it is not considered that the harms to policy are outweighed by the benefits of the development. This concern is at the heart of the first suggested refusal reason.

5.7 That is not the end of the position however. Members will be aware that the emerging plan has identified land, including this land, as being potentially suitable for development as part of a much more comprehensive development on the western fringe of the settlement. In dealing with the western fringes comprehensively issues such as density, scale of development in relation to landscape impact and neighbours, landscape buffers , key access points, connections to the existing built area, location of POS can be looked at much more holistically and in that way the harms identified above could be designed out. It should be noted that a number of respondents are not objecting to development per se but rather to the fact that this piecemeal approach is unlikely to deliver the optimum solution in terms of both meeting the infrastructure needs of the scheme but also in ensuring a properly planned urban extension rather than a series of unrelated ad hoc applications. This concern is at the heart of refusal reason 2.

Siting, Design and Form

5.8 As alluded to above, the previous scheme on the site shared many characteristics with what is now proposed. Your officers are far from convinced that what is effectively an extended cul de sac feeding into a loop road either relates well to the well-defined urban form of the settlement but rather consider that it would read as an isolated detached spur unrelated to the general morphology or evolution of the town. It is difficult to discern any particular design features or philosophy that means a similar scheme could not have been designed to abut any settlement anywhere and in this regard the applicants have failed to "take the opportunities available for improving the character and quality of an area and the way it functions" as required by para. 64 of the NPPF. This adds weight to the concerns expressed in reason 1 and 2.

Highway

- 5.9 At the time of agenda preparation the advice of OCC as to the highway and other impacts has yet to be received. It would appear from the accompanying documentation that the applicants have undertaken discussions with OCC that may avoid a highway based refusal reason. However the access appears contrived and as a result of its tortuous nature the development as a whole will be less integrated with the host settlement than were a more logical access arrangement promoted. The paraphernalia to seek to avoid glare etc. to users of the A40 will add to the urbanisation of this part of the village. Thus the access arrangements are far from ideal even if OCC do determine that they are safe. A verbal update as to this aspect will be given at the meeting.

Residential Amenities

- 5.10 In that the scheme is largely a projection into the countryside there are relatively few neighbours directly affected. The main affects would be civil issues such as drainage flows to third party land, increased disturbance and inconvenience from additional traffic using the surrounding road network and particular changes in the nature and volume of traffic using the site as it affects those neighbours directly abutting the access. However there is a lawful fall back of the extant garden centre and the consent allowed to expand that. Additionally the traffic volumes on the A40 mean the ambient noise levels are generally higher than elsewhere in the District and critically the EHO is not objecting on noise grounds. In light of the above it is not considered that a noise refusal could be sustained.

Drainage

- 5.11 A number of respondents have raised sewerage issues as being of concern and TW has similarly identified that there may be a problem. However they are satisfied that a Grampian style condition would address that issue. Were it necessary to impose such a condition to ameliorate the sewage impact this would undermine the certainty that could be given to any claims as to how the scheme would contribute to the 5 year supply because as yet the nature, cost and deliverability of any solutions are as yet unknown. The EA has not objected on flooding grounds.

Ecology

- 5.12 The applicants have tabled a comprehensive assessment and our own ecologist is satisfied that measures could be secured by condition to ensure no ecological harms were caused.

Capacity of village facilities

- 5.13 Many respondents have raised concerns regarding the problems of capacity at the local primary school and surgery. Officers understand that there are particular pressures in this part of the District where children are being bussed from one village to neighbouring villages to mop up surplus capacity but that even with these arrangements in place many schools are full. The problem is exacerbated in that previous education building programmes have allowed schools to expand on campus such that even were developers to provide additional monies there is not sufficient room to build the additional capacity as the ratio of buildings to outside space would be compromised. It would appear that OCC need to construct new schools but in order to do this they need developments of sufficient scale that they can provide the land and funding in locations that are suitable. In the absence of a response from OCC as Education Authority it is not known what the exact position is but it is understood that the position outlined above applies in Eynsham. A verbal update will be given.

- 5.14 Similarly concerns have been expressed regarding the waiting times for Doctors appointments but there has been no formal request from either the surgery or the NHS for funding.

SI06 package

- 5.15 The applicants are proposing 50% Affordable housing which is to be welcomed as there is a substantial housing need in the settlement. It would appear that the mix is in need of refinement but the principle is acceptable. Additionally there would need to be a I06 to secure leisure contributions, parish council contributions, OCC contributions, to ensure landscape areas are available and maintained etc. etc. At present there is no such agreed mitigation package in place. The third suggested refusal reason seeks to ensure that the above identified concerns regarding capacity and mitigation are properly addressed should the application be refused and go to appeal.

Conclusion

- 5.16 The scheme relates to a site where development has recently been refused and dismissed at appeal. Notwithstanding that since the dismissal the policy context has changed it is considered that the reasons why the scheme was considered unacceptable remain relevant. Additionally the scheme, if approved, could seriously frustrate a more comprehensive development on the western edge of the settlement as identified in the emerging local plan and the published SHLAA. There is no agreed mitigation package in place and it is understood that some of the impacted services such as education may not be possible to mitigate by payment of funds. A verbal update on this aspect will be given at the meeting.
- 5.17 For the above reasons Officers do not consider that this piecemeal application should be supported and consider that there are no compelling material considerations that would outweigh the above identified harms. Refusal is therefore recommended.

6 REASONS FOR REFUSAL

- 1 That in appeal decision ref APP/D3125/A/07/2054276 the Inspector in dismissing the appeal referred to the adverse visual impacts of residential development of up to 2 ½ storey height upon the soft village edge that would stand out as a hard incongruous urban extension which would be exacerbated by the urbanisation of the highway verge and could set a precedent for further such piecemeal extensions that could further harm the edge of the settlement. In the opinion of the LPA the development of a larger site with considerably more dwellings would cause additional such harms and continues to preclude development of the site. The scheme is therefore considered contrary in particular to policies BE2, H2 and H7 of the adopted plan, OS2, OS4 and H2 of the emerging plan and the provisions of the NPPF.
- 2 The proposed piecemeal development of an isolated plot of land with a key access point onto the A40 would be likely to prejudice and frustrate the more comprehensive development of the western edge of the settlement to the detriment of the proper planning of the locality and contrary to policy H1, OS2 and EW2 of the emerging local plan and the published SHLAA.
- 3 In the absence of an agreed mitigation package coupled with a more comprehensive development proposal the development of the site is likely to put undue pressure on existing services and facilities without the means to adequately mitigate those impacts and contrary to policies BE1 of the adopted plan OS5 of the emerging plan and the provisions of the NPPF.

Application Number	15/01184/FUL
Site Address	Land At Newland Street Eynsham Oxfordshire
Date	10th June 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham
Grid Reference	443664 E 209577 N
Committee Date	22nd June 2015

Application Details:

Erection of 13 dwellings with associated access, parking and open space

Applicant Details:

c/o agent
United Kingdom

I CONSULTATIONS

I.1 Parish Council

The Parish Council objects to the planning application 15/01184/FUL for the following reasons.

- I. The proposed development, as with the two previous rejected applications for this site; 07/1024/P/FP and 08/1504/P/FP, represents the partial loss of one of the few remaining undeveloped open spaces in the oldest part of the village and will change its appearance from that of a well-established rural setting in the heart of the conservation area to one dominated by residential development. The central 'block' of apartments is a substantial building that would dominate the view, especially during the winter months when the summer leaf screen has gone.

The engineering works to create the access would be detrimental to the appearance of the attractive wall and tree belt along the site frontage and the unspoilt frontage in general. This proposal would also urbanise the view when entering the village via the Cassington road in the same way as the recent application by the developer Gladman to build a number of houses in the paddock to the west of Station Road Eynsham (14/01863/OUT) which was rightly rejected by WODC.

As such this proposal would be harmful to the character and appearance of the Eynsham Conservation area and also to the settings of the listed buildings in the immediate vicinity of the development, which would be contrary to Policies BE5 and BE8 of the West Oxfordshire Local Plan 2011 and to the

equivalent policies in the emergent 2015-2031 plan.

2. The Parish Council does not believe that this development can make the case for approval on the basis of need given that other developments are already underway to produce in excess of 70 properties within areas that HAVE been identified for development by the emerging WODC Local Plan 2015-2031. As such the proposal is contrary to the Policy H7 of the WODC plan 2010 and to the equivalent policies in the emergent 2015-2031 Plan.
3. The Parish Council must also express its concern regarding the arrangements for the communal Orchard. If the Orchard is to become a community asset then it should be passed out of the hands of the present owners to a suitable organisation to own and manage it. If it is to be a communal asset, with very limited access then the fear would remain that this is part of a plan for future development of the paddock utilising the access to the highway via this proposed development. Experience has proved that developers and land owners can often be very patient in waiting for a suitable time to propose further development e.g. Fruitlands/Pye Homes (15/01445/OUT and 15/00597/TPO).
4. If the development was to be approved by WODC then the Parish would need assurances regarding the future of the Orchard and would need the developer to enter into a suitable S106 agreement to help fund local infrastructure projects. Based upon the Swinford Green development in the village the S106 amount for the Parish Council would be £40,300 index linked to the Swinford Green agreement date.

1.2 One Voice Consultations

Highways- Objection subject to redesign of layout and turning heads.

Archaeology- No objections subject to conditions

Education- No objections subject to contributions required for;

- £52,814 Section 106 contribution for necessary expansion of permanent primary school capacity in the area.

- £59,281 Section 106 contribution for necessary expansion of permanent secondary school capacity in the area.

- £2,698 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Property- No objection subject to Conditions and contributions to;

o Library £3,106.75

o Central Library £626.83

o Waste Management £2,339.20

o Museum Resource Centre £182.75

o Adult Day Care £2,651.00

Total £8,906.53

I.3	WODC - Arts	No Comment Received.
I.4	Ecologist	<p>The submitted Extended Phase One Habitat Survey & Badger Survey (4Acre Ecology Ltd Oct14) identifies the grassland as improved and a small block of woodland on the east of the site in which there are several active badger paths with the active setts being directly adjacent to the site.</p> <p>Whilst the inclusion of a community orchard will be of definite biodiversity enhancement and the retention of the majority of the trees is welcomed further surveys are required to assess the importance of the site for bats and badgers and the details of any mitigation required as the houses have the potential to create light spill and reduce the value of the retained woodland habitat. I would question whether the 5m buffer is sufficient from the woodland and badgers to fully protect the identified protected species and priority habitat but with more surveys then the LPA will be better informed to make this decision.</p> <p>Additional information provided indicates a better picture of the use of badgers has been properly assessed and the unlit corridor will provide access to the woodland for the badgers, with all the trees examined for bat roost and none found this also reduces the potential impact of the proposed scheme. As such a suitable condition is suggested.</p>
I.5	WODC Community Safety	No Comment Received.
I.6	WODC Architect	<p>There is an argument that, in the fullness of time, given the context, pressure would develop for a larger residential development on the wider plot. Given that the proposal keeps much of the frontage landscape and the remainder of the site is to be made available for community use - in a form which relates well to the wider site and its listed buildings - and many ecological/community interests in Eynsham - I agree that this application is, in a way, a form of protection for the wider site and the setting of the listed buildings it contains.</p> <p>This particular developer has an excellent track record in using high quality materials and securing well detailed and well-built projects. They have taken care to undertake proper pre-app discussion and amendment. Although the scale of development is quite large, it is set back from the road and based on other examples in this particular Street. The proposal respects the setting of the LBs and, if well detailed and well built, will preserve the essential character of this part of the conservation area.</p>
I.7	WODC Drainage Engineers	No Comment Received.

- I.8 Environment Agency This application is deemed to have a low environmental risk and due to workload we are unable to make an individual response at this time.
- I.9 Historic England Recommendation
- The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.
- I.10 WODC Env Consultation Sites No comments to make.
- I.11 WODC Env Health – Lowlands While I have no serious concerns relating to contaminated land given the proposed residential development please consider adding the following condition to any grant of permission as a precaution.
- I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- Reason: To prevent pollution of the environment in the interests of the amenity.
- Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.
- I.12 WODC Head Of Housing Having regard to the Council's Housing Register I can confirm that there are in excess of 270 households who would qualify for affordable housing in Eynsham were it available today. I understand that the applicant is proposing a mix of 2 and 3 bedroom apartments and 3 and 4 bedroom homes. The total units take the scheme just over the Governments recommended threshold, as such Housing Services might reasonably expect to receive a financial contribution in lieu of on-site affordable housing. The financial contribution would obviously need to pass a developer viability assessment.

I.13	WODC Env Services – Landscape	No Comment Received.
I.14	WODC Landscape And Forestry Officer	No Comment Received.
I.15	WODC Legal & Estates	No Comment Received.
I.16	WODC Planning Policy Manager	The key issue is this proposal's effect on the local character. Adopted Local Plan policies BE2 (General development standards) and H2 (General residential development standards) are both concerned with the effect that development might have on the existing character and appearance of the surrounding area and policy BE5 (Conservation areas) is also relevant, bearing in mind the site's location within the Eynsham CA. Policies OS4 (High quality design) and EH7 (Historic environment), follow this approach through in the emerging Local Plan 2031.
I.17	WODC - Sports	No Comment Received.
I.18	WODC - Tourism	No Comment Received.
I.19	TV Police – Crime Prevention Design Advisor	No Comment Received.
I.20	Thames Water	On the basis of the 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 would also advise that with regard to sewerage infrastructure there is no objection to the above planning application.
I.21	WODC Env Services – Waste Officer	No Comment Received.
I.22	Ward Councillor	No Comment Received.

2 REPRESENTATIONS

- 2.1 There has been a total of 22 third party representations submitted in relation to this application at the time of writing. 17 of these were objections which are summarised below;
- Previous applications have been refused for this site, what has changed, this application does not appear to be materially different.
 - The access would be inappropriate and lead to more on street parking which already restricts the traffic to single lane.
 - More houses mean more cars accessing this road
 - The proposal would harm the setting of the conservation area and the adjacent listed properties.

- There have been many new houses built in the area of late and it would be unreasonable to consider building more on such a beautiful historic site of environmental interest.
- This is a modern development which would not enhance the conservation area.
- The three storey block would loom over the cottages opposite.
- The proposal is excessive and consequently inappropriate for the immediate neighbours and environment.
- This will change the rural aspect of Cassington Road entrance to the village and affect the Gables, as Listed building
- Development of this site will continue the gradual disintegration of a site with historic value to the village.
- The view from the street will be permanently and detrimentally changed
- Further houses in Eynsham will lead to more traffic on both the A40 and the Toll Bridge.
- The whole woodland area to the east of the current fence line should be retained to provide suitable wildlife corridor for all the wildlife.
- This proposal would be detrimental to Eynsham's infrastructure and quality of life, the schools and surgeries are already full

2.2 There have been 2 general comments and 4 comments of support which are summarised below;

- The dwellings are proposed to be of stone to match the area which is entirely appropriate
- The plan includes to set aside a larger area for a community orchard which feels like a unique opportunity which is only available while the sale of the land to a developer remains under the stewardship of local people.
- This current proposal would provide protection against that scenario for some time into the future.
- The plans keep the mature tree line
- Buildings are set back from the road by some distance relative to others in the street
- Adequate provision is made for parking
- I can see some long terms benefits to this proposal over what might come forward in the future over parcels of land such as this.
- The inclusion of apartments could be a benefit for local people wishing to downsize
- An area like this could be vulnerable to much more intensive development than this in the near future.
- The community orchard and allotments would safeguard the remaining area
- With the exception of the access the appearance of this section of Newland Street will remain pretty much unchanged.
- The intention to set aside a large proportion of paddock is to be applauded as it offers the opportunity for people without gardens to produce their own fruit locally.

3 APPLICANT'S CASE

3.1 The applicant has submitted a design and access statement to support the application which is summarised in the last section of the document, '7.0 Summary and Conclusions' copied below;

“The proposed development has evolved through positive pre-application consultation with the Council's Conservation Architect and Planning Officer and by giving special regard to the context of the site within the Conservation Area and adjacent to Listed Buildings. This context has informed the development proposals to ensure that it respects the character of the area,

incorporates locally appropriate design and materials and minimises its impact on heritage assets.

Rather than a large unimaginative development of standard house types, the proposal is for a high quality and distinctive development which has been informed by its context and which:

- Is relatively small and well-designed, providing visual interest to the area;
- Minimises its impact on heritage assets through focusing development northern and eastern areas, whilst maintaining existing tree belts and a significant open area to the south as a setting to The Gables and Highcroft House;
- Incorporates a mix of houses and apartments, including smaller starter homes/apartments;
- Sympathetically mixes different building styles which have a local reference and uses locally appropriate, natural and high quality materials;
- Retains existing tree belts and stone wall as much as possible and can facilitate the repair and enhancement of this wall;
- Makes provision for wildlife and biodiversity;
- Facilitates the provision of a separate but linked proposal for a communal orchard by providing vehicular access to Newland Street and Cassington Road.

3.2 In the current context, the NPPF is a material consideration and dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of the planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

3.3 Through careful design, every effort has been made to ensure the special architectural, historic and environmental character and appearance of the Conservation Area and setting of listed buildings will be preserved in accordance with local and national policies.

3.4 In accordance with the national policy special regard must be given to the conservation of heritage assets and this must also be weighed against the public benefits of the proposal.

3.5 The proposal will have a number of benefits including the provision of much needed housing in a sustainable location, high quality design, economic benefits including the employment of local builders and tradesman, and facilitating the provision of the communal orchard.”

4 PLANNING POLICIES

- BE2 General Development Standards
- BE3 Provision for Movement and Parking
- H2 General residential development standards
- H7 Service centres
- BE5 Conservation Areas
- BE6 Demolition in Conservation Areas
- BE13 Archaeological Assessments
- NE3 Local Landscape Character
- NE6 Retention of Trees, Woodlands and Hedgerows
- NE15 Protected Species
- H3 Range and type of residential accommodation
- OS2NEW Locating development in the right places

- OS4NEW High quality design
- EH7NEW Historic Environment
- BE4 Open space within and adjoining settlements
- EH3NEW Public realm and green infrastructure
- T3 Public Transport Infrastructure
- T4NEW Parking provision
- EH1NEW Landscape character
- EH2NEW Biodiversity
- H4 Construction of new dwellings in the open countryside and small villages
- The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application is seeking full planning permission for the erection of 13 dwellings (3 x 3-4 bed room detached houses and 10x 2-4 bed apartments) with the associated access, parking and open space to support such a development. The matter is before the Lowlands Sub Area Planning Committee due to officer's recommendation being contrary to the Parish Councils' views on the proposal.

Background Information

- 5.2 The application site comprises of a 0.4ha parcel of grassland to the south of Newland Street in Eynsham, adjacent to the section of the road where it turns into the Cassington Road. The site is bounded to the north by a dry stone wall and mature tree belt. To the east of the site also exists a mature and substantial tree belt. South of the application site, lies further grassland and allotments within the paddock, and south of this, a further hedgerow this forms the applicant's boundary to Highcroft House. Highcroft House is a Grade II listed building, immediately to the south of the application site. To the west of the site lies The Gables, another Grade II Listed building, which is separated from the application site by a Stone 'Ha -ha'.
- 5.3 The site is within the Eynsham Conservation area, the 'Lower Windrush Valley and Eastern Fringes' of the West Oxfordshire Landscape Assessment, and within a protected species buffer and within Flood Zone I, low risk of flooding.
- 5.4 The relevant planning history to this site is;

08/1504/P/FP for, 'Erection of ten apartments and training facilities for learning disabled plus ancillary shared areas. Fourteen retirement apartments, warden flat and shared areas and garages. New shared access from Newland Street.' The application was refused, citing similar reasons to a similar earlier scheme (ref 07/1024/P/FP) as copied below;

"The proposed development represents the partial loss of one of the few remaining undeveloped open spaces in the village and will change its appearance from that of an agricultural paddock to one dominated by residential development. The works to create the access would involve engineering works that would impact to the detriment of the substantial and attractive wall and tree belt along the site frontage and the unspoilt appearance of the frontage generally. As such the proposals would be harmful to the character and appearance of the Eynsham Conservation Area, and also to the setting of the Listed Buildings in the vicinity of the development, which would be contrary to Policies BE5 and BE8 of the West Oxfordshire Local Plan.

That whilst sufficient case has been made out that the extent of need is such that an approval of the development against housing policy could potentially be justified, it has not been demonstrated to the satisfaction of the Local Planning Authority that the extent of on-site harm identified in the preceding refusal reason has been justified by the extent of need. As such the proposals are contrary to Policy H7 of the West Oxfordshire Local Plan in that the development is not considered to comply with the plan definition of rounding-off and it does cause conflict with other policies of the plan."

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

- Principle
- Siting, design and form
- Highway Safety
- Residential Amenity
- Heritage Impact
- Biodiversity
- Community Orchard and infrastructure

Principle

5.6 The proposal is submitted for a residential development on a previously undeveloped parcel of land within the Village of Eynsham. Eynsham is one of the more sustainable settlements within the district and is classed as a service centre due to its excellent bus links and infrastructure provisions. As such has attracted a fair amount of growth in the recent past. Indeed, the Swinford Green development to the south east of the site has been completed within the last couple of years which was an allocated site within the West Oxfordshire Local Plan 2011. This application site has not been put forward within the Local Plan and was not included in the Strategic Housing Land Availability Assessment.

5.7 The Council, in its latest statement (February 2015) is claiming it can demonstrate a five year housing land supply, and therefore weight can be attributed to the Housing policies of the Local Plan 2011. Although, it is noted that the projected figures could come under scrutiny, and as the Local Plan 2011 pre dates the NPPF, some of the policies could be considered out of date. The Councils' emerging Local Plan 2031, in its current format is due for examination by the Inspector in Autumn this year. Officers are therefore attributing limited weight to the emerging policies, where applicable.

5.8 Whilst this proposal does not meet criteria of policy H7 of the WOLP 2011, due to it not being considered to form 'in-filling' or 'rounding off', the emerging policy of OS2 takes a slightly less prescriptive approach and states that development should be approved where;

- it forms a logical complement to the existing scale and pattern of development and/or the character of the area;
- it would not have a harmful impact on the amenity of existing occupants;
- it protects or enhances the local landscape and the setting of the settlement/s;
- it makes use of previously developed land where available, provided it is not of high environmental value (e.g. ecology) and the loss of any existing use would not conflict with other policies of this plan;

- it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- it can be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;

5.9 The policy also states that the rural service centres, of which Eynsham is classed, are suitable for development of an appropriate scale that would help to reinforce their existing service centre role including sites within the or on the edge of the service centre. It would appear therefore that providing there are no conflicts with any other policies within the plan, the proposal may be considered acceptable in principle.

Siting, Design and Form

5.10 The proposal is a mix of 10 apartments with 3 detached dwellings set back from the main road, focused on the north eastern edge of the site in attempt to maintain the front from The Gables and towards Wytham Woods. The site is proposed to be accessed from Newland Street by removing a section of the existing stone wall and trees where there is a more 'natural' gap in the tree belt.

5.11 The design and appearance of the proposed buildings is proposed in three main styles. The main apartment block in the centre of the site has been designed in the Georgian Villa/ Townhouse in a local natural coursed stonework with facing brickwork under a natural slate roof. The 3 dwellings are proposed in a stone cottage style at 1 1/2 and 2 1/2 storey which have more vernacular detailing, with local stone, timber sash windows under a reconstructed stone tile roof. The third, smaller block of apartments is designed in a red brick cottage style which includes detailing of bay windows, dormer windows and roof under natural blue/black slates.

5.12 The proposal keeps much of the frontage landscape and the remainder of the site is to be made available to community use which will keep it in a form which will relate well to the wider site and its setting. The site is served with laid parking spaces to the rear and side of the dwellings and as such the main frontage of the buildings are fronting the road and will remain screened by the tree belt.

5.13 Whilst the scale of the development it noted to be quite large, in terms of height, it is set back from the main road and has taken its basis from other examples in the street on which it is located and is therefore considered to be compliant with the overall aims of policy BE2 of the adopted Local Plan. It is considered that the use of good quality materials will be key to ensuring the overall success of the design and therefore conditions requesting built samples are suggested as are full joinery details.

Highway Safety

5.14 The Highways Liaison officer initially had objections to the proposed lay out of the site in terms of the adoptability of the roads as the drawing did not show that the road would sufficiently cater for waste collection and that a swept path analysis would be required.

5.15 An amended plan has been received which shows a swept path and turning heads of a sufficient size. The Highways officer has been requested to revise their comments, this will form part of the late representations report or be verbally reported to members at the meeting.

- 5.16 In terms of parking and traffic generation there are no objections from Highways in relation to these matters. The parking on site meets standards and is considered acceptable, subject to the approval of the amended plan.

Residential Amenities

- 5.17 The layout of the properties have been positioned and screened as such that there would be very little adverse impact on nearby residential amenities. The nearest properties on Newland Street are set some 27-31m away from the proposed development and 75m away from Highcroft House to the south. As such there is unlikely to be any unacceptable level of overlooking or loss of privacy existing residents.
- 5.18 The 3 detached dwellings will each have their own sufficient private amenity space and the apartments will share the remaining communal garden space with cycle and bin storage. Views from the apartments would be over the leafy street to the north or the orchard/paddock to the rear, south. Taking this in to account it is considered that a good level of amenity would be created for the new occupants and therefore the proposal is considered to be compliant with policy BE2 of the adopted local plan 2011 and policy OS2 of the emerging local plan 2031.

Heritage impact

- 5.19 The application has been supported by a Heritage Impact Statement which provides an assessment of the heritage assets affected by this proposal, and how significant those impacts are. As can be seen above the previous refusal reasons on this site related to the change to the character of the existing paddock and the changes to the tree belt and boundary wall. This proposal has been designed to minimise its impacts on these assets and has done so by retaining as much of the wall and the tree belt as possible.
- 5.20 It is considered that this proposal contains the built development element to a relatively small section of the application site, leaving the rest for community use, which results in a fairly low density development, given the size of the wider site. Leaving the remaining site in a secured community use would be a benefit of the application, protecting the wider site and its setting in relation to the adjacent listed buildings.
- 5.21 Due to the development being set back from the road and taking its design influence from the local vernacular of the area it is considered that the proposal respects the setting of the adjacent Listed Buildings and will preserve the essential character of this part of the conservation area. As such the proposal is considered to be compliant with policy BE5 of the adopted Local Plan.

Biodiversity

- 5.22 An ecological survey has been submitted with the application which assessed the likely impacts of the proposal on the habitats and protected species which may be found on site. The original survey concluded that further surveys would be required for badgers and that any trees to be removed would need to be studied for bat roost potential. It was therefore required that further surveys be carried out to assess the importance of the site for bats and badgers, along with any proposed mitigation measures.
- 5.23 A further report has been carried out to enable the LPA to make a more informed decision, based on the above comments. This report identifies that the unlit corridor will continue to provide access to the woodlands for the badgers and none of the trees marked for removal had evidence of bat roosts. As such the potential impact of the scheme has been reduced. The

mitigation measures as put forward are suggested to be conditioned as are details of a lighting plan.

Community Orchard and infrastructure provision

- 5.24 The proposal included the provision of a community orchard. Whilst this is not included as part of this application, it is within the applicants control and put forward as a benefit of this proposal. There is a community group who have put forward their interest in taking on the Orchard and have written in support of this application.
- 5.25 The community orchard has been put forward on the premise that the potential success of the application would facilitate access to the orchard. The applicants have submitted what they would see as potential draft 'heads of terms' of any potential lease with the group known as 'Green Tea' which are a sub group of the Orchard Group, interested in apple growing, grafting and products. This 'draft' includes a suggested 20 year lease to the group on a peppercorn rent with members paying a nominal annual subscription fee.
- 5.26 The community Orchard is very much seen as a benefit of this proposal in terms of protecting the setting of the listed building, being a landscape and ecological improvement as well as a benefit for the local community. The applicants are satisfied to enter in to a legal agreement which will tie any approval of this application, to the adjacent site, subject to a separate planning application being submitted, for the Orchard. The wording of the legal agreement would be such that no planning permission would be released until such time as a legal agreement has been drafted and agreed, to the satisfaction of the Local Planning Authority.
- 5.27 It is hoped that by the time of the committee meeting a draft heads of terms of any such legal agreement will be provided by the applicant in order for Officers to verbally update the committee members. This agreement will need to include the developer contribution as suggested by the Parish Council to help fund local infrastructure projects, which, based upon the Swinford Green development in the village the amount for the Parish Council would be £40,300 index linked to the Swinford Green agreement date. The section 106 should include the amounts set out in the County Councils 'One Voice' response for education, library, waste management, museum and day care facilities to offset the impact this development would have on the local infrastructure.

Conclusions

- 5.28 This proposal is considered to represent a sustainable form of development which has duly taken in to account the local context and character of the area. The design and form of the proposal is considered to respect the setting of the adjacent listed buildings and the maintenance of the tree belt and stone wall fronting Newlands Street is considered to preserve the character of the conservation area.
- 5.29 The range of accommodation provided, in smaller units will meet the need of local people wishing to downsize, as well those wanting smaller properties in general. The proposed Orchard to be put to community use will preserve the wider site and be of a benefit to the local biodiversity. Taking in to account all of the above matters, the proposal is considered, on balance, to be considered acceptable and compliant with the policies listed above, and should therefore be approved subject to the imposition of the conditions as suggested and the signing of a section 106 agreement to secure the use of the Orchard as a Community Orchard.

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 development works shall take place on site until a full method statement for Badgers and a lighting plan has been submitted to and approved in writing by the Local Planning Authority. Once the plans are approved all works must be carried out as per the approved plans and as per the recommendations in section 7 of the Tree Assessment for Bats & Badger Survey (4 acre ecology dated May 15).
REASON: To ensure that birds, badgers, bats and their Habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, 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.
4. Before above ground building work commences, a schedule of materials of the stone and brickwork (showing details and junctions and including built 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.
5. 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.
6. Notwithstanding details contained in the application, detailed specifications and drawings of all forms of dormers, porches, canopies, and full joinery details for windows, roof lights and external doors; 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 that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
7. That 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.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
REASON: To safeguard the character and landscape of the area.
9. 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.
10. Except insofar as may be necessary to allow for the construction of the means of access, the existing landscape frontage along the whole of the highway boundary of the land shall be retained at all times; and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.
REASON: To safeguard a feature that contributes to the character and landscape of the area.
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. Notwithstanding the information provided on the approved layout plan, details of all walls and fences around each plot and on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected before occupation of the associated dwellings hereby approved and thereafter be retained.
REASON: To ensure that in the interests of privacy and visual amenity a high standard of boundary treatment is provided.
13. The specific design and details of the proposed access, conservation and repair works of the whole dry stone boundary wall, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development hereby permitted. The repairs shall be carried out in accordance with those approved details and retained thereafter.
REASON: To reflect the character of existing walls in the locality and thereby safeguard the character and appearance of the area
14. No development shall take place until a programme of archaeological work has been carried out in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.

REASON: To afford the opportunity to ensure archaeological investigations and recording during the development.

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

16. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity in accordance with policy BE18 of the West Oxfordshire Local Plan and section 11 of the NPPF.

Application Number	I5/01433/FUL
Site Address	43 Burford Road Witney Oxfordshire OX28 6DP
Date	10th June 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Witney
Grid Reference	434785 E 210283 N
Committee Date	22nd June 2015

Application Details:

Erection of 2no. 3-bed semi-detached dwellings (Resubmission of I5/00087/FUL)

Applicant Details:

Mr Stephen Holborough
C/O Agent

I CONSULTATIONS

- I.1 OCC Highways Amended Submission
No reply at the time of writing
- I.2 Parish Council Amended Submission
Witney Town Council would like to make the following observations as previously submitted. There still appears to be a lack of sufficient amenity space and room for parking. The windows at the rear overlook the neighbouring gardens and this could be considered over-development.
- I.3 OCC Highways Original Submission
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
- I.4 Parish Council Original Submission
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.

- 1.5 OCC Ecologist Having looked at the documents submitted including the ecology report I can see no issues for this application if the following condition is added:-

All works should be carried out as per the recommendations in section 5 of The tree survey for roosting bats (Windrush Ecology April 2015). All mitigation and enhancements must be completed before the dwellings are first brought into use and permanently maintained.

2 REPRESENTATIONS

Original Submission

- 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 reinforce 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 over dominating 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.

Amended Submission

2.2 Comments have been received from Mr and Mrs Heeley, S Sandford and Mrs F Strutt. They are briefly summarised as follows:

- We are very concerned to see that on the latest plans submitted after the planning meeting on the 26th May, these houses are shown to have been moved forward again by 2.5 metres so will be much closer to the properties opposite them on Davenport Road, (no. 2A and Kinsale) and also to no. 45 Burford Road;
- We feel this is totally unacceptable with regard to our privacy and still think these properties are being squeezed into a small site with absolutely no concern for existing residents. We also think it is such a shame that so many large gardens are being built on to the detriment of their neighbours;
- This is the third time we have submitted our objections to this proposed planning application so all our previous comments still stand;
- The amended plans do not differ substantially from the previously submitted plans;
- The latest plans do nothing to address the loss of privacy, light and amenity to my garden.at the same time they make matters worse for the properties across the road which is a narrow street;
- The front building line is now only 2.4 m back from the footpath and is completely out of character with the streetscape;
- I have ordered a 2m close boarded fence to be erected along my western boundary and if the development goes ahead I will also be planting some taller trees .The ground floor rooms and amenity spaces of the proposed houses will be completely surrounded by high walls and fences , and will be dark and cramped;
- The proposals are a clear overdevelopment of the site and there is little room to reposition the buildings to make any significant improvements to the scheme and the impact on neighbouring properties. The garden of 43 Burford Road is too small and narrow for a development of this size;
- I would like the comments and objections that I raised in my previous letter to remain in place.

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 was deferred at the May Sub Committee meeting to allow for re-advertisement following the submission of amended plans. Members resolved that the application could be determined under the scheme of delegation subject to the Town Council raising no objections and no further matters being raised in the representations received. The Town Council has once again raised objections and thus the application is before the Sub Committee for consideration.

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.

- 5.6 The siting of the dwelling further forward on the site will not unacceptably harm the visual character of the street scene because the existing garage/outbuilding serving 43 Burford Road sits further forward than the proposed dwelling. Further, there are a number of trees along the southern boundary of the site which can be retained in order to help visually assimilate the development into the street such that it will not appear overly dominant or incongruous.

Highway

- 5.7 Highways raised no objections to the original submission. In light of the fact that the revised proposal has adequate space within the curtilage to provide for two off street parking spaces plus a garage officers do not anticipate that OCC Highways will raise objections. A definitive response will be given verbally at the meeting. 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

- 5.8 In your officers opinion the property that is most impacted by the development is 41 Burford Road, where the proposed building at its closest point is located 6.5 metres 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.
- 5.9 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.
- 5.10 The occupiers of two properties on the opposite side of the road have raised concerns about overlooking and noise from the semi-detached pair. In your officers opinion the relationship of the existing dwellings with the proposed units is typical of 'across the road' relationships throughout the towns and villages in the District. In terms of overlooking 'Kinsale' was approved with first floor windows looking on to the undeveloped garden land serving 43 Burford Road. This application is proposing a similar 'across the road relationship' with first floor windows serving the proposed development looking onto 'Kinsale' and the neighbouring dwelling. A number of windows serving the existing properties on the opposite side of the road are already surveyed by users of the road, both walking by the sites and driving past. In light of this, the relationship of the existing properties with the proposed is not considered so harmful as to justify refusing the application on the grounds of unacceptable levels of overlooking

- 5.11 In terms of the points raised in the representations about the amenities of the future occupiers, the side and rear garden sizes are considered adequate to serve the amenity needs of the future occupiers.

Ecology

- 5.12 The Council's ecologist has raised no objection to the proposed development subject to a condition.

Conclusion

- 5.13 In light of the above assessment the application is recommended on balance for conditional approval.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 and the shower room windows in the front elevations shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: In the interests of the amenity of the adjoining dwellings.
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.
11. All works should be carried out as per the recommendations in section 5 of the tree survey for roosting bats (Windrush Ecology April 2015). All mitigation and enhancements must be completed before the dwellings are first brought into use and permanently maintained.
REASON: In the interests of protected species.

Application Number	I5/01624/FUL
Site Address	113 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	10th June 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Minster Lovell
Grid Reference	431200 E 209917 N
Committee Date	22nd June 2015

Application Details:

Erection of boarding cattery.

Applicant Details:

Mr David Rogers
113 Brize Norton Road
Minster Lovell
Witney
Oxfordshire
OX29 0SQ

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 G36 parking as plan
- I.2 Parish Council Minster Lovell Parish Council objects to this application as it is contrary to the following West Oxfordshire Local Plan 2011 policies:-
BE2, BE4 - The proposed location of the cattery building is situated too far away from the host dwelling which therefore constitutes backland development. The linear design of the Brize Norton Road area of the Village should be conserved and open areas to the rear of properties makes an important contribution to the distinctiveness and character of the Village. The building should be located closer to the garden boundary.
- BE3 and T6 - The Brize Norton Road, specifically in the area of 113, is very busy with large skip lorries accessing the business located next door. Concern is raised regarding safe movement of all vehicular traffic both within the site and when gaining access to the Brize Norton Road. The application if granted, will not alleviate traffic or reduce traffic conflicts in the area and could increase the potential for accidents. Whilst it is acknowledged that vehicle movements are forecast at 6-11 vehicles per week, the Brize Norton Road continues

to become congested.

2 APPLICANT'S CASE

2.1 A Design and Access Statement has been submitted as part of the application and has been summarised as;

- The Boarding Cattery is to provide a high quality service that is in significant demand in the area. It is for persons holidaying and who wish to leave their cats in a secure and well managed establishment.
- The owner/manager is highly experienced and would be licensed by WODC with whom initial contact has been made. Part time staff assistance would also be planned.
- Change in use of land to erect a secure UPVC and glass sectional building on a concrete hard standing in the rear garden with 11 pens, an isolation unit and with an office/food preparation area and WC.
- Building supplied by professional designers Pedigree Pens Ltd who are nationally renowned for producing cat and dog boarding establishments to British Standards
- Materials are to be white UPVC solid panels to the rear and part solid panels to end elevations, part glass and part steel mesh panels to front with 2 matching doors
- Pre-application advice was sought and Kevin Batchelor advised that splay angle vision for emerging vehicles was not within acceptable standards due to the hedgerow. The front hedge was reduced to below 1m in height and the 2m front hedge to No 111 completely removed for its entire length. A new hedge will be planted and kept below 1m high.
- There is space for 8-10 cars to park and room for turning
- It is anticipated that a maximum of 2 or 3 cars in any one and a half hour opening period, mostly at weekend due to holiday bookings and not during a rush hour. This is based on the following;
- There are 11 cattery units so up to 11 customers. Cats are boarded for 1 or 2 weeks so that would mean between 6 and 11 customer visits per week. Customers who drop off and collect would choose either the morning or evening open periods.
- Limited opening hours - 9-10.30am and 4-5.30pm weekdays, 9-10.30 am Saturday, 9-10am Sundays.
- No 115 is the B and E Transport/Waste Transfer/Skip handling site. The proposed building will back onto the open yard where materials are unloaded and sorted
- No 111 is a private residence which includes multiple dog kennels. Both above neighbours (and others) have shown support for the proposal. A letter drop was made by the applicant to 7 neighbouring properties and all have shown support.
- Foul waste to run downhill to a main sewer at the far east end of the property with consent of Thames Water. This is separate to and will have no connection with the sewage system for the dwelling
- Surface water drainage will be to a soak-away in the applicant's field
- A contract will be arranged with a licensed disposal operator for regular collections
- Health and Safety measures will be addressed.

2.2 Further comments have been received in response to the Parish Council's comments;

We understand the guidance to Councils in the local plans which also allows for discretion, when all matters are taken on balance and it is this wish I wish to be considered when coming to a final decision.

2.3 We wish to set out the supporting information for our case to allow the application.

Landscape Creation and Wildlife Conservation

- 2.4 We took on the site 3 years ago to develop and encourage wildlife, both having been involved in animal welfare and wildlife conservation and professional gardening and landscaping for many years.
- 2.5 The reduction of natural habitats nationally for wildlife is reducing fast, and unfortunately adjacent to our property we have seen complete removal of the woodland outside the foot of our garden (Bushey Ground Lane) to provide storage for scrap metal and a continuing reduction of woodland at the skip yard next door.
- 2.6 We have made huge efforts to counter the uncomfortable development of other land as follows:
- The planting of 150 metres of natural hedging as a wildlife corridor where there was none.
 - The planting of 50 native trees
 - The creation hundreds of square metres of wildflower meadow
 - A 15 metre wildlife pond
 - A 30 metre bamboo curtain
 - The renovation and enhancement of old poorly maintained hedgerows
 - The renovation of our existing woodland
 - The planting of hundreds of shrubs and flowers and thousands of native bulbs, ferns etc.
 - The `field` as it was is now part of the larger back garden.

Location

- 2.7 The proposed building is of very low impact having a glazed frontage and being of modular design. In proportion to the overall size of the site the building is very small and is in keeping with the recently created landscape.
- 2.8 Its location is partly in the shadow of a huge hanger like shed in the skip yard. The skip yard is currently building an even bigger second unit that will totally overshadow our building. These are not matters on which we wish to complain of, but are raised to put in perspective the proportion of our building which will look like a small greenhouse by comparison.
- 2.9 To locate it closer to the dwelling would not be practical as:
- It would mean the removal of a line of mature trees which need to be preserved (bat roosting and birds nesting)
 - Its proximity to existing outbuildings would give the appearance of being cluttered and the difference of construction materials would clash
 - The position in respect of the large wildlife pond would be detrimental/compromised.
- 2.10 Neighbours have described our whole extended garden as a spectacular transformation, a dream to be in and an oasis for wildlife, and are all supportive of our small venture, and when the garden is viewed overall the cattery would not be at all detrimental in the proposed location.

Transport Issues

- 2.11 The minimal increase in traffic of 6 to 11 car visits per week we feel will have minimum impact.

- 2.12 No vehicles will be parked on the road and site safety is allowed for due to our large front driveway in which vehicles can fully turn.
- 2.13 The road is now safer since the drastic reduction in bus services which were more than 6 to 11 per day. The traffic movements will effectively be countered by working at home and not driving out to work each day.

Conclusion

- 2.14 We are the only garden making a significant enhancement to the distinctiveness and character of the Charterville area whilst brick extensions and block build buildings increase around us.

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 The application is to be heard before the Sub-Committee as the Parish Council has objected to the proposal. The application proposes the erection of a boarding cattery to the rear of the existing dwelling's garden. The cattery building is of a single storey scale with 11 pens.

Background Information

- 4.2 Planning history associated with the site is set out below;
- 11/1507/P/FP - Removal of existing conservatory and erection of single storey front and rear extensions and double garage - Grant with conditions.
- 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 Brize Norton Road has mixed business uses as well as domestic dwellings. Adjacent to the application site is a skip business. This proposal is considered to be not as intensive as its neighbouring use, due to the low key nature of the business and the type of animals to be temporarily housed whilst their owners are on holiday. As such officers consider that the principle of such a use in this location is acceptable.

Siting, Design and Form

- 4.5 The proposed building is to be single storey and constructed of a UPVC frame with glass panels and mesh at the upper levels. The roof type proposed to be of a poly carbonate material. As well as the pens for the animals, a preparation area and WC is also proposed. The approximate height and length of the building is 2.4m and 20.7m. Although the building will not be of traditional materials, given that the location is to the rear of the property, officers do not

consider that the building will be visible to the main public domain. As such officers consider that the proposed building will not adversely affect the visual amenity of the streetscene.

- 4.6 With regards to the Parish Council's comments, the building is set away from the host dwelling, which helps to prevent any undue disturbance to neighbouring properties' residential amenities. There are various outbuildings on both sides of Brize Norton Road that have been erected in extended garden areas, and do not detract from the strong linear character that exists. As such officers do not consider that the location of the building will have an unacceptable impact on the character of the village.

Highway

- 4.7 As per usual, OCC Highways has been consulted as part of the application process. No objections have been raised apart from a condition request. Both parking and highway safety issues were considered.
- 4.8 Officers consider that the access from the site onto the Brize Norton road is clearly visible. Officers note and have seen the large skip lorries entering and exiting the site next door, however this access is also wider to accommodate such manoeuvres and set further away from the application site.
- 4.9 The vehicle movements associated with the proposed use is considered to be low and this is further confirmed by the proposed opening hours which are limited.

Residential Amenities

- 4.10 The siting of this building is located to the rear of the host dwelling in the garden area, adjacent to an existing mature hedge. The neighbouring property is an existing commercial use.
- 4.11 Due to the location, screening, and existing use adjacent, officers do not consider that a loss of amenity in terms of noise and disturbance will result. The neighbour at No 111 is considered to be set at sufficient distance also not to be adversely affected. In addition due to the limited number of pens and the opening hours, officers do not consider that traffic or parking issues would cause considerably harm to their amenities.

Conclusion

- 4.12 Taking the Parish Council's comments into consideration, and assessing the application's information, your officers consider that the proposed use is acceptable in terms of its location, scale and highway issues.

5 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. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

3. The hereby approved building shall be used as a cattery and for no other purpose (including any other purpose in the Classes of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the use specified because of the special circumstances of the site.
4. The premises shall not be open for customers outside the following hours: -
 - 9-10.30am and 4-5.30pm; Mondays - Fridays
 - 9-10.30am; Saturdays
 - 9-10.00am; Sundays.REASON: To safeguard living conditions in nearby properties and in terms of highway issues.
5. 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.
6. 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.