

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 20th July 2015

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



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

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

Recommendations:

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

List of Background Papers

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

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

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Application Number	15/01184/FUL
Site Address	Land At Newland Street Eynsham Oxfordshire
Date	8th July 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham
Grid Reference	443664 E 209577 N
Committee Date	20th July 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.

1. 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.

I.2 One Voice
Consultations

Highways - It is considered that the proposal overall is not that traffic intensive in terms of the number of units and as such is not considered a highway safety issue given the small amount of vehicles the development would generate. Where developments involve the construction of residential estate roads/pavements (for more than 5 dwellings), it is a requirement of developers to enter into an agreement with the Highway Authority (HA) under Section 38 of the Highways Act 1980, under which they themselves will construct the streets to the satisfaction of the HA in accordance with Oxfordshire County Council's specification. However, in the case of this proposed development it is our understanding that the developer wants the proposed new roads/pavements to remain as a private un-adopted road. The County Council would still have to give technical approval and inspect the construction of the proposed road even if it was not put forward for adoption in respect of the Advance Payment Code (APC), although, an exemption is required in this case for the APC with a requirement for a 'Private Road Agreement (an agreement with the County Council as Street Works Authority) as it will remain private with the frontages being responsible for its maintenance and upkeep.

To conclude there are no objections to the proposal from a traffic and highway safety point of view subject to the suggested conditions.

Archaeology - No objections subject to conditions

Education - Education contributions required to mitigate the impact of the development on infrastructure, but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC will not require a s106 obligation in respect of:-

- £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- Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

- Library £3,106.75
- Central Library £626.83
- Waste Management £2,339.20
- Museum Resource Centre £182.75
- Adult Day Care £2,651.00

Total £8,906.53

Oxfordshire County Council is not seeking a contribution towards library, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from the 6th April 2015.

I.3 WODC - Arts

No Comment Received.

I.4 Ecologist

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.

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.

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.

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| 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 | <p>Recommendation</p> <p>The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.</p> <p>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.</p> |
| 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	<p>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.</p> <p>Thames Water would also advise that with regard to sewerage infrastructure there is no objection to the above planning application.</p>
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;

3.2 “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.

3.3 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.

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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. Members will recall the matter was deferred for a site visit, from June's meeting.

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 1, 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 form 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 since revised his comments and has no objections subject to the suggested condition at the end of this report.
- 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 in section 5.1.3 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 includes 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, the comments of which can be viewed on the Councils' website.
- 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', which has been amended since the matter was last heard at committee, includes a suggested 20 year lease to the group on a peppercorn rent of £5 per annum. Access to the Orchard would be made available to members of the 'Green Tea' group; anybody may join the group by subscribing and 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 The amended draft Legal agreement which has since been submitted now includes the developer contributions as suggested by the Parish Council to help fund local infrastructure projects, which, would be £40,300(index linked), as well as an offsite affordable housing contribution of £5,000 per unit, £65,000 in total.
- 5.28 This contribution is sought as it is noted that due to the section 123 of CIL regulations the County are unable to make a request through a section 106 agreement. West Oxfordshire District council has not yet adopted the CIL charging schedule and as such can only require 'district' contribution via section 106 agreements.
- 5.29 Policy H11 of the WOLP 2011 states that affordable housing contributions are only required, if the site is in Eynsham, where it has as area of more than 0.5ha or more than 15 dwellings are proposed. As this scheme does not trigger that policy requirement no affordable housing provision was initially put forward. However in light of the above matters and the policy aims of the emerging Local Plan, which states in policy H3 that schemes of more than 11 units, in 'medium value' zones, should offer 40% of affordable housing on site, or off site financial contributions may be appropriate; the applicant has come forward with the contributions as proposed.
- 5.30 As the emerging Local Plan has not yet been examined or adopted, a limited amount of weight can be attributed to policy H3. The applicant has also submitted a viability appraisal which follows the RICS guidance and methodology on 'Viability in Planning'. Whilst this contains commercially sensitive information, it concludes that the viability of the scheme is marginal due to the site costs, and that the amount proposed to support affordable housing contributions is calculated at an amount which will still make the scheme viable overall.

Conclusions

- 5.31 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.

- 5.32 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.

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 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.
- 17 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.
- 18 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 19 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 20 No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
REASON: In the interest of highway safety
- 21 Prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land, boundary treatment and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.
REASON: In the interest of highway safety and to provide safe and convenient access.

NOTE TO APPLICANT

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County council's Road Agreements Team for the proposed access works under Section 278 of the Highway Act 1980. For guidance and information please contact the County council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

Application Number	15/01550/OUT
Site Address	Land North Of Cote Road Cote Road Aston Bampton Oxfordshire
Date	8th July 2015
Officer	Miranda Clark
Officer Recommendations	Approve subject to Legal Agreement
Parish	Aston, Cote, Shifford And Chimney
Grid Reference	434511 E 203231 N
Committee Date	20th July 2015

Application Details:

Proposed residential development for up to 41 dwellings, landscaping, public open space and associated infrastructure with all matters reserved except for access. (Amended Description and Plans)

Applicant Details:

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

I CONSULTATIONS

- I.1 One Voice Consultations
- Transport
No objection subject to conditions
Key issues:
'Reserved Matters' (estate road layout) application to be to County Council adoption standards.
Legal Agreement required to secure:
Section 278 agreement catering for off-site highway (footway) improvements.
Conditions:
1. That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified (proposed footway improvements) shall be undertaken within a section 278 agreement under the Highway Act 1980.
2. Prior to the commencement of the development hereby approved, full details of the vehicular access visibility splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land and vegetation

within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.

3. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

4. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Discharge Rates

Discharge Volumes

Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)

Sizing of features - attenuation volume

Infiltration in accordance with BRE365

Detailed drainage layout with pipe numbers

SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)

Network drainage calculations

Phasing

Informatives:

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and ancillary works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

To conclude in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.

Should the application be recommended for approval there are no objections subject to a number of conditions that must be imposed as above.

Archaeology

Recommendation:

No objection subject to conditions

Key issues:

The application site is within an area of archaeological potential. There are identifiable crop marks to the north of the application area. We would therefore recommend should planning permission be granted that conditions are attached that will require a staged programme of archaeological investigation in advance of any development.

Conditions:

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, 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).

Education

No objection subject to conditions

Key issues:

Based on the following mix of units:

10 x One Bed Dwellings

17 x Two Bed Dwellings

10 x Three Bed Dwellings

7 x Four Bed Dwellings

£127,981 Section 106 required for necessary expansion of permanent

primary school capacity in the area. This site lies within the current Aston & Cote CE Primary School designated catchment area. £144,455 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within the current Henry Box School (an academy) designated catchment area. Education contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a S106 obligation in respect of: SEN infrastructure.

Legal Agreement required to secure:

£127,981 Section 106 developer contributions towards the expansion of Aston & Cote CE Primary School, by a total of 11.04 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

£144,455 Section 106 developer contributions towards the expansion of The Henry Box school by a total of 8.21 pupil places (including 1.03 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Informatives:

Indexation Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

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.

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended). If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be

secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Minerals and Waste

No objection.

Ecology

N/A - For the District Council to comment

Conditions:

N/A - For the District Council to comment

Informatives:

N/A - For the District Council to comment

I.2 WODC - Arts

No Comment Received.

I.3 Wildlife Trust

No Comment Received.

I.4 Ecologist

Based on inspection of reports and plans

Comments: The Ecological Appraisal (fprc dated April 15) identified the main habitat on site as arable with hedgerows on the northern (H1), southern (H2) and part of the western boundary (H3). The development will result in a loss of arable habitat and 280m of hedgerow along the roadside, whilst this is an ecological loss to the site the hedgerow is currently comprised of several gaps and is managed as a short trimmed hedgerow of reduced ecological value.

The proposed compensation is the planting of a replacement native species rich hedgerow along the boundary apart from the new access point, (It should also be considered that some of the more healthy sections of the hedgerow could be transplanted into the new hedgerow) as well as a new hedgerow planted along the eastern boundary and a proposed attenuation Swale along this eastern edge (this could also include some wetland enhancement planting). The drawing no.6486-L-03 Rev H shows in addition to this buffer planting

along the northern boundary and retention of the badger sett some of the outing entrances into this sett which are currently lost during ploughing operations a large area of POS green space.

If all the recommendations within the ecology report including the creation of a wild flower meadow area and new native hedgerows and inclusion of bat and bird boxes within the houses are carried out then the proposed loss of the hedgerow is sufficiently mitigated for and the national and local policies are all met.

However the following condition is suggested so that the details can be provided at the reserve stage and the size of the area proposed as Green space secured even at this outline stage. It is important to note that the replacement hedgerow along the southern/roadside boundary will not form a boundary to the proposed houses but will be expected to be retained as part of the managed green areas this will need to be designed into the layout at reserve matter stage.

Recommendation - No objection subject to condition

Before any works begin on site a Badger Mitigation strategy & a ten year Landscape and Ecological Management plan based on the mitigation & recommendations in the Ecological Appraisal (fpcr April 2015) and as illustrated in the drawing no.6486-L-03 Rev H must be submitted for approval to the LPA. Once approved all the works must be carried out as per approved plan and there after permanently maintained.

Reason - To ensure that birds, bats, Badgers and their Habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, The Badger act 1992, 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 saved Policies NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

1.5	WODC Community Safety	No Comment Received.
1.6	WODC Architect	No Comment Received.
1.7	WODC Drainage Engineers	No Comment Received.
1.8	Environment Agency	This application does not fall within any of the categories of development in our External Consultation List. The list includes types of development for which we are a statutory consultee, as well as those we wish to be consulted on because of their potential impact on the environment.

I.9	WODC Env Consultation Sites	No Comment Received.
I.10	WODC Env Health - Lowlands	No Comment Received.
I.11	WODC Head Of Housing	<p>I can confirm that were affordable housing available today in Aston, then in the region of 70 households would qualify.</p> <p>If we are seeking 50% affordable provision, may I outline the mix that Strategic Housing would be seeking in this instance; 35% larger family housing, 65% smaller units for single, couples, older people and smaller families. As a guide, of these 2 : I ought to be Affordable Rented to Shared Ownership.</p> <p>In principle, if the above mix and unit type can be met, then I can support this application.</p>
I.12	WODC Env Services - Landscape	No Comment Received.
I.13	WODC Landscape And Forestry Officer	No Comment Received.
I.14	WODC Planning Policy Manager	No Comment Received.
I.15	WODC - Tourism	No Comment Received.
I.16	WODC - Sports	<p>Sport/Recreation Facilities</p> <p>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.</p> <p>Based on a football pitch of 0.742ha, a provision cost of £80,000 (Sport England Facility Costs Fourth Quarter 2013) and a commuted maintenance cost of £200,400 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £453,477 per 1,000 population or £1,088 per dwelling (at an average occupancy of 2.4 persons per dwelling).</p> <p>Contributions</p> <p>$£1,088 \times 44 = £47,872$ off site contribution towards sport/recreation facilities within the catchment.</p> <p>Play Facilities</p> <p>WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups</p>

(LAPs Local Areas of Play, LEAPs Local Equipped Area of Play and NEAPS Neighbourhood Equipped Areas of Play).

DEVELOPMENT TYPES, THRESHOLDS AND REQUIREMENTS

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

Contributions

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

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

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a NEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £143 for provision and £198 for maintenance. This equates to an overall contribution of £818 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$£818 \times 44 = £35,992$ for the enhancement and maintenance of play/recreation areas within the catchment.

I.17 TV Police - Crime Prevention Design Advisor

No Comment Received.

I.18 Thames Water

Waste Comments

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. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

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.

Supplementary Comments

Waste: Network concerns have been raised based on existing flooding issues in the catchment. We also have concerns regarding sewage treatment capacity in this area as the works is unlikely to be able to support the demand anticipated from this development.

Developer will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users.

I.19 WODC Env Services -
Waste Officer

No Comment Received.

I.20 Parish Council

The Parish Council objects to the application.

In the current local plan (West Oxfordshire Local Plan 2011), Aston is categorised as a Group B village, with planning permission for new

dwellings to be restricted to infilling, rounding off and conversion of existing buildings (policy H6). This application does not come under any of these categories. Within the emerging replacement plan (Local Plan 2031), Aston is again categorised as a village and not a rural service centre, with development only to be permitted where it "respects the village character...and would help to maintain the vitality of these communities" (Policy OS2). This application seeks to extend the built-up envelope of the village by extending it onto greenfield land, and is not required to maintain the vitality of Aston, for the reasons outlined below.

The applicant is aware that the current and emerging Local Plans are unlikely to support the development proposed, and therefore seeks to argue the case for the development to be approved by attacking West Oxfordshire District Council's (WODC) housing target contained within the emerging plan. In the draft Local Plan 2031, WODC has resolved that a target delivery of 525 new dwellings per year is justifiably appropriate, given historic new home delivery and sustainability studies carried out which are specific to the district area. The NPPF requires planning authorities to have a 5 year land supply, and WODC has produced evidence showing that it is satisfied that it has the required supply for a target delivery of 525 homes per year. If this is WODC's position, then the members of Aston, Cote, Shifford & Chimney Parish Council call on WODC to stand firmly behind its position and reject this application, which is not supported by the current or emerging local plan, as it does not meet the requirements of either policy H6 of the current plan nor OS2 of the emerging plan.

Sustainability Issues

The applicant seeks to argue that WODC's 525 new dwelling target is too low, and that if this is accepted to be the case, then the policies of the Local Plans can be disregarded, and the provisions of the NPPF must be applied, with presumption in favour of sustainable development.

One of the main factors used to assess the sustainability of a development is the issue of sustainable transport. Paragraph 30 of the NPPF states that "In preparing Local Plans, local planning authorities should...support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport." Aston is not a sustainable community to live in when assessed from the perspective of transport. The only amenities contained within Aston itself are a primary school, a public house, an (outreach, part-time) post office, two churches, one small shop, a village hall and recreation field. When residents need to access secondary or further education, medical facilities, shops to meet their weekly shopping needs, or wider recreation facilities, they have to travel outside the community. More importantly than this, there are very few local employers, and none are looking to expand significantly at the present time. The vast majority of people of working age who live in Aston commute (to Witney, Oxford and further afield) to get to work. In order to access their employment, the secondary school, medical facilities and shops, people have to use either public transport or the private motor car,

as the village is too far from these services for people to cycle or walk. The public transport services (bus only) are very limited. The bus service between Aston and Oxford currently runs 11 times per day Monday to Saturday (approximately one per hour between 7.00am and 6.00pm). There is an additional bus service between Aston and Witney/Carterton which runs 12 times per day Monday to Saturday (approximately one per hour between 7.00am and 7.00pm). There are no services in the evening, nor on Sundays. The buses are dependent on subsidies from Oxfordshire County Council, which are currently under review, and the bus service is likely to be reduced further as the County Council seeks to make budget cut-backs. From a transport perspective, Aston is not a sustainable community to live in.

The sustainability matrix prepared by the applicant is misleading. It states that (WODC's) "settlement sustainability report identified Aston as a sustainable settlement providing a range of services and facilities," and states therefore that "the site adjoin(s) or (is) within a recognised sustainable settlement or location for growth in LPA policy." This is not the case - the current plan identifies Aston as a Category B village not suitable for development other than rounding off or infilling, and this development fulfils neither of these descriptions.

Furthermore, the sustainability matrix shows a single tick beside a range of amenities alongside the heading of "Accessibility to local and neighbourhood facilities within or just beyond the 800m walking distance", yet it shows that 4 of those amenities (an ATM, shopping hub, sports facility and pharmacy) are all over 3km away. It also shows a single tick beside a range of amenities alongside the heading of "Accessibility to district services within or just beyond the 2000m walking distance", yet only one of those amenities is shown as within that distance - all the others (train station, health centre, dentist, secondary school, leisure centre, library, district centre, supermarket, district sports facility, employment area and bank) are between 3.42km and 17km away. The applicants own sustainability matrix does in fact clearly demonstrate that this location is not sustainable.

Housing Mix

The NPPF clearly expresses the importance of a mix of size, type, tenure and range of housing within a local plan. Larger developments should seek to deliver this mix in order that the needs of all groups within a community (including families with children, older people and people with disabilities) are met. This application does not provide for a mix of properties. Of the 44 homes proposed, 22 are to be affordable, with all the affordable units being 1-3 bed apartment/terraced homes, and 22 are to be market housing, with all of the market housing to be larger 4-5 bedroom detached properties. This split of housing type will not cater for different households, and the clear distinction between the type and size of homes which are to be affordable and those which are to be for market housing will create an inappropriate community divide, and will not contribute to the creation of the "healthy inclusive community" described within the

NPPF. In addition to the division between tenure types created by the mix of housing sizes, the development has not been designed to have a mixed layout, with all the affordable housing grouped together on one side of the site. This will not encourage mixing across social groups and will not therefore contribute to the creation of an inclusive community.

The Parish Council supports the need for additional affordable housing in Aston, and commissioned a study to identify the affordable housing requirement in Aston several years ago, which revealed a need for approximately 9 additional affordable homes within Aston. Whilst this study is now slightly out of date, it is clear that the need for affordable housing in Aston does not extend to 22 dwellings, as proposed within this application. The outline application for 38 dwellings on the area of land between Saxel Close and Aston Village Hall (13/1494/P/OP) itself contains proposals for up to 19 affordable homes, which would be double that required in the village. Aston does not have a demonstrated need for 41 affordable homes which these two applications taken together would deliver. If permission for the scheme is given, the Parish Council requests that it is given the opportunity to have some input into the establishment of the criteria for the allocation of the affordable housing, and the Parish Council would be keen to ensure that the allocations are done on the basis of local links.

Open Space

The planning application includes a large area of new open space at the rear of the site. The application does not contain any evidence to explain the reason for the creation of this new open space. There is sufficient open space within the area of Aston where the application is planned - there is a large recreation and sports field opposite the site, including children's play equipment, which is maintained by a local charity. There is no evidence of any need for new open space within this part of Aston, and the Parish Council is concerned that the proposed new space will not be adequately maintained (there is no information on who would be responsible for its maintenance) and would not be well used. There are also concerns that the real reason for its inclusion and the positioning of the new road to serve the site is to open up both this area and the adjacent land behind Foxwood for future development. If the planning application is granted, the Parish Council would wish to see the layout of the site changed to ensure that this area of land cannot be accessed by the new road to be built within the site, to remove the risk that this area of open space will be built on in the future. Alternatively, the Parish Council would wish to see the new open space subject to a binding restriction that it could not be developed in the future.

Sewerage

As the District Council is aware, Aston, like many other communities in West Oxfordshire, experiences problems with inadequate sewerage services. The sewerage system which runs between Aston and Bampton and beyond is at capacity. The Parish Council does not wish to see the current problems exacerbated by new residential

development. Thames Water has already responded to this application, stating that

"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." (Thames Water consultee comment, 29 May 2015).

The Parish Council endorses this response, and considers that the development should not be linked to the existing sewerage system until significant works have been undertaken to improve the network.

Flooding

Whilst the report prepared by the applicant indicates that the development is in an area of low flood risk, local knowledge is that the site has frequent standing water during heavy rain. The Parish Council is concerned no development within the village should risk any contribution to enhanced flooding risk for existing properties or for the new ones proposed. We note that the developer is proposing to install a swale, but are concerned that there is no indication on who would be responsible for maintaining the swale beyond the development timeframe.

Road safety concerns

The Parish Council has already been approached by residents with concerns about the speed of vehicles entering Aston on Cote Road. If this planning application is granted, there will be a significant increase in the number of traffic movements on Cote Road. The Parish Council would like to request that consideration is given to installing a traffic calming scheme on Cote Road in order to mitigate the risk presented by the increase in the number of traffic movements, and would like to suggest that the cost of this is covered by a s106 contribution.

Cumulative Impact

Whilst WODC considers planning applications individually, when there are a series of planning applications submitted for the same small rural community, the cumulative impact cannot be ignored. If this application is approved, taken together with the other applications which have already been approved within the last 3 years, there will be an additional 94 dwellings built within Aston within a very short time frame - this represents a 20% growth above the current number of dwellings. The cumulative impact of this rate of growth on the school, traffic movements, the sewerage system, fresh

water supply, drainage, and utility provision (particularly accessibility to high speed broadband and broadband speeds) is significant, with the rate of development expected to have a detrimental impact on the people already living in the community.

Local views

The NPPF states that the planning system should "empower local people to shape their surroundings" (paragraph 17). The Parish Council was disappointed with Gladman's lack of proactive two-way pre-application consultation with the council and the public on the proposed development. The Parish Council invited Gladman to attend a parish council meeting, which Gladman declined. In addition to this, despite our advising Gladman that developers of other similar sites in the village had held open public consultation meetings, which were appreciated by local residents as an effective way for them to obtain information and express their preliminary views on proposed developments, Gladman indicated that it does not hold these type of meetings for smaller developments. The Parish Council considers that the pre-application consultation exercise conducted by Gladman was not as effective as it should be as it prevented two-way discussion. The Statement of Community Involvement prepared by Gladman records the 25 responses they received from members of the public, none of which support the application. This accords with the feedback the Parish Council has received from local residents, including from the 39 members of the public who attended our Annual Parish Meeting on 19 May 2015 - no-one expressed support for this development. If local views are to be taken into account, then this development will not be built. We note that Gladman did not include the formal response of the Parish Council to the pre-application consultation sent to them on 20 March 2015 in the Statement of Community Involvement.

S106 Sport and Leisure

Should WODC grant the application despite the Parish Council's objections, the Parish Council will require s106 funds for sport and leisure improvements within Aston. There are clearly evidenced plans, supported by community consultation, for enhanced sport and leisure facilities within Aston, and the s106 funds would be used to deliver these.

Site visit

The Parish Council would like to request that the Lowlands Committee considers undertaking a visit to the site prior to determining this application to enable a visual assessment of the extent to which this development will encroach into the countryside around Aston, and the impact on the gap between Aston and Cote. Parish Council representation

The Parish Council intends to send a representative to speak at the Committee meetings where this application is to be considered, and we would like you to ensure that we are kept informed of the dates of these meetings.

Conclusion

In conclusion, the Parish Council of Aston, Cote, Shifford & Chimney objects to this application. The primary reason for the objection is that the development does not meet the criteria for development within Aston in either the current Local Plan nor the emerging Local Plan, based on WODC's target of 525 homes per year and the five year supply to deliver these that WODC has identified. If, however, this target and supply are not accepted, then the development does not meet the sustainability criteria within the NPPF and should be rejected on those grounds.

2 REPRESENTATIONS

2.1 24 letters of objection have been received. The comments have been summarised as:

- This is a proposal for a Green Field site and neither Brownfield nor fill in.
- Needs to be considered with other applications/ consents in Aston.
- Potential flooding issues?
- Any parking by Residents or Visitors on the main road would be a safety hazard.
- The size of this proposal, if approved, would fundamentally change the character of the village.
- The proposal is so full of superfluous words and statistics that it is often difficult to pick out the actual plans/proposals in this application.
- You mustn't build on green belt land and where the application is it will be outside the village boundary.
- The roads are poorly maintained without extra traffic breaking them up.
- Bus services are being cut so people cannot get to town.
- The local surgery is fully booked over subscribed.
- There is nothing for youngsters to do in the village this will encourage crime.
- We have no proper shops so all will have to drive to town another potential 150 cars in and out would not be good.
- Please consider keeping new development s nearer a town or our village will soon be a town.
- We have had problems with sewage and flooding in recent years in the village. This will obviously be made worse without suitable measures. What are these?
- Will impact on the flooding and sewerage as there is simply no way for the water to go.
- Concerned that the application goes against recommendations in the current local plan (west Oxfordshire local plan 2011) where planning permissions in a category b village for new dwellings should be restricted to infilling, rounding off and conversion of existing buildings.
- Services like fast broadband which is very recent to the village could decline due to higher demand as we cannot receive full speeds because of the distance to the exchange.
- Concerned that the proposed public green space is not needed as the village park is opposite the site and is really just a future potential planning site.
- There is already a development planned and approved for approx 40 houses next to Saxel Close.
- This is enough development down the Cote Road which consists now of a sprawl of various designs of houses with no thought to the legacy left to those living here in future. Cote Road looks tatty and ugly in appearance and cannot support yet a further development.

- There were two tractors stuck in fields along the Cote Road during the flooding because the land was so water logged. The more development there is along the Cote Road, the more Aston and Cote are both at risk from flooding regardless of computer risk assessments. More concrete means less drainage.
- With the likely reduction or cancellation of bus services to Aston (including in rush hour), all residents would be forced to use cars, adding to.
- The congestion and parking issues through the village, and adding to the already congested routes between Oxford, Witney and Abingdon (more people sat stationary on the A40!). The idea proposed by Gladman that new entrepreneurial residents in high tech jobs may choose to work.
- From home is unfounded unless the council or developers were to provide high quality broadband our end of the village (parts of Saxel Close closest to the new developments) missed out on fibre optic broadband as part of the Better Broadband project - this stops me working from home.
- Suspect that the villages in West Oxfordshire are being lined up to take overflow affordable housing from Oxford city as the most recent survey of Aston residents identified only 8 families who would require this in order to remain in the village.
- This is an unbalanced approach to planning within the village - siting all affordable housing at one end of the village is not integrating it across a community.
- Gladman have not engaged with us as a community therefore it seems that their intention is not to benefit the village. If they did want to do this, they would at least engage in discussions.
- The housing will not be affordable to my generation - Gladman's proposal leaflet mentions supporting young adults returning to Aston from University - I fall into this bracket and do not believe this development will benefit me in this way.
- The proposed development is outside the current Aston Parish boundary and will also eat up more precious green belt. Recent developments such as the new estate in Witney next to the Leys must be the way to go, built on an old industrial brownfield site.

2.2 I letter of support has been received, comments summarised as:

- Use the wasted land to make Aston bigger and better.
- Allow a few younger people to move back to Aston.
- It would be nice to be able to move back to the area.

3 APPLICANT'S CASE

3.1 An Assessment of Current and Future Sustainability, Residential Development Benefits, Socio-Economic Sustainability Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Statement, Travel Plan, Ecological Appraisal, Flood Risk Assessment, Air Quality Assessment, Noise Assessment, Archaeology Report, Built Heritage Statement, Statement of Community Involvement, Utilities appraisal, Sustainability Matrix, Foul drainage analysis and a Planning Statement have been submitted as part of the outline application. These documents are available to view from the WODC website. The Planning Statement has been summarised as:

- This Statement has been prepared in support of an application for outline planning permission for up to 44 dwellings with all matters except access reserved for future consideration on land to the north of Cote Road, Aston.

- The housing land supply position set out in West Oxfordshire District Council Position Statement of February 2015 has been examined and it has been concluded, for the reasons below, that the figure of 5.6 years described by the Council is not a robust or reasonable figure to adopt:
- The figure of 525 dwellings per year preferred by WODC is not in a current adopted Plan. This is substantially below the range suggested as appropriate for the District in the SHMA (and in the Council's own studies), and has not been tested at examination.
- A more reasonable figure for assessing housing land-supply, in the absence of an up to date, tested figure in a Local Plan is the SHMA mid-point figure of 660 dwellings per year. In the most recent land supply calculations, the Council have adopted a 5% buffer. It is considered that given the past under supply, which equates to over two years supply, there are reasonable grounds to include a 20% buffer.
- This is supported by recent appeal decisions.
- The delivery of housing from the sites identified by the Council is considered to be overly optimistic. The Council's delivery for the next five years includes development on several sites which appear only as allocations in the emerging plan. Although it is possible these sites will yield some housing within the next five years, in the absence of an allocation, or more importantly, an acceptable planning application, and subsequent planning permission, it is unlikely that the yield within the first five year period will be as great as that anticipated by the Council.
- Taking into account all of the above, it is considered that a reasonable calculation of the Council's supply of deliverable housing land is 3 years. This is the same figure agreed by the Council in an appeal in relation to Land at West End Farm, off Churchill Road, Chipping Norton (PINS REF: APP/D3125/W/14/2213853) in December 2014.
- In these circumstances, and in accordance with paragraph 49 on the NPPF, the housing policies contained in the West Oxfordshire Local Plan are out of date, and housing applications should be considered in the context of the presumption in favour of sustainable development. This is supported by the recent report to West Oxfordshire District Council's Lowlands Area Planning Sub-Committee (19th January) in respect of planning application 14/01863/OUT for development in Eynsham. In this report, officers concluded that regardless of the housing land supply position, the strategic Housing policies of the adopted Local Plan should no longer be accorded full weight in determining applications and the provisions of paragraph 14 of the NPPF should be invoked.
- In this context paragraph 14 on the NPPF is clear that for decision taking the presumption in favour of sustainable development means that planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- The application site is considered to be in an appropriate and sustainable location for new development and the development would make a much needed contribution to housing land supply, and the provision of affordable homes.
- The Illustrative Masterplan and Design and Access Statement describe the opportunity for a high quality development which will enhance the setting of Aston and the Conservation Area, and offer enhanced biodiversity habitats. Analysis of the accompanying technical reports indicates that there are no barriers to residential development on this site. From the above, it is clear that the proposed development represents a sustainable form of development and that there are no adverse impacts arising from this development which would significantly or demonstrably outweigh the clear benefits of granting planning permission.
- Having demonstrated that the weight to be attached to the existing Local Plan should be reduced, and having identified the strong accordance with the NPPF the presumption in

favour of sustainable development is engaged, and having completed a thorough planning balance, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted.

Draft Heads of Terms for Section 106 Agreement

Obligations:

1. Open Space

The Agreement will require the Developer to provide onsite informal open space and an equipped children's play area. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas including off site commuted sums as applicable.

2. Education

The Agreement will require the Developer to make a contribution to the Education Authority to mitigate the impact of the development for Secondary School pupils arising from the proposed development.

3. Affordable Housing

The Agreement will require the Developer to provide up to 50% affordable housing in accordance with the Council's West Oxfordshire Local Plan (2006).

4. Other

Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests set out in CIL Regulation 122 and 123 consideration will be given to their inclusion.

Amended Scheme

- 3.2 Officers have received amended plans and a brief outline of the changes that have taken place. The main changes from the originally submitted scheme are:

- Reduced the developable area from 1.82 ha to 1.71 ha with a reduction to the number of units from 44 to 41. The revised masterplan and framework plan demonstrate that we have pulled the developable area in at the north east corner to ensure that the depth of development projects no further away from the road than the existing development.
- Change to the Eastern Boundary to soften the edge of the development with a significant vegetative buffer to assimilate more easily into the flat character of the location (N.B an element of the tree/shrub planting/landscape belt is outside of the red line, within the applicants control and could be secured via a Grampian condition).
- The Illustrative masterplan demonstrate the provision of a number of bungalows adjacent to the site entrance, to the front eastern part of the site. The reason for this is so that the proposals have an element of single storey scale along the frontage to reflect that which is proposed on the opposite side of the road, but also to retain a two storey frontage element to tie in with the existing development to the north of Cote Road and to the west of the site.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
NE1 Safeguarding the Countryside
NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows
 H11 Affordable housing on allocated and previously unidentified sites
 H3 Range and type of residential accommodation
 NE13 Biodiversity Conservation
 NE15 Protected Species
 BE1 Environmental and Community Infrastructure.
 H6 Medium-sized villages
 TLC7 Provision for Public Art
 OS1NEW Presumption in favour of sustainable development
 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
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 EH1NEW Landscape character
 EH1NEW Landscape character
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application submitted is in outline form, with only the principle and access to be assessed at this stage. The application site lies adjacent to Aston's Conservation Area at the edge of the village. The proposed access to serve the new dwellings will be from Cote Road.
- 5.2 Aston is considered to be a medium size village where Policy H6 allows new development in terms of infilling and rounding off. The village has facilities which include; a village shop, public house, village hall, recreation ground and a tourism related use - Aston Pottery.
- 5.3 The proposal now seeks permission for up to 41 dwellings of which 50% will be affordable.
- 5.4 The illustrative plans detail a number of single storey dwellings along the site frontage with some two storey development to reflect the existing development at Fox Close, and the approved scheme opposite for 38 dwellings (13/1494/P/OP). Within the main site properties are predominantly 2 storey with occasional 2.5 storey. The forms also differ with detached properties and terraced units to reflect Foxwood's character.
- 5.5 New pedestrian footways would be created through the site to link Foxwood.
- 5.6 Members will recall that a Members site visit took place on 16 July 2015.

Background Information

- 5.7 There have been no recent relevant planning applications on the site.

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

Principle

- 5.9 The Council's latest housing land supply position statement (dated February 2015) confirms that the Council is able to demonstrate a five year supply of deliverable housing sites and therefore the Council's adopted local plan policies relating to the supply of housing can be given a good degree of weight (whilst recognising that the policies pre-date the NPPF and were conceived some time ago when speculative, undeveloped greenfield sites were not needed to meet housing targets). The applicant's agent has queried the use of the proposed housing target of 525 homes per year in the calculations of the Council's five year housing land supply.
- 5.10 Policy H6 is the most relevant policy and whilst the application does not fulfil its criteria for new housing (Infilling or rounding off), it is accepted that Policy H6 is more restrictive than the NPPF which post-dates it. The Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites on the edge of settlements. This is reflected in Policy H2 of the pre-submission draft Local Plan. The key issue therefore is whether this undeveloped greenfield site represents a suitable and sustainable development opportunity and whether the benefits of the proposal outweigh any potential harm that would result.
- 5.11 In assessing this, it is important to assess the resulting impact of this development together with the approved scheme to the south of Cote road and their impacts to the character of this part of the village.
- 5.12 Officers consider that based on the above information where Policy H6 can be considered to be out of date, that more flexibility has to be taken with regards to developments within larger villages and towns. Although the site is on the edge of the settlement, the back drop of Foxwood is visible and with the now approved housing scheme opposite the application site, officers consider that on balance the principle of development is acceptable. Officers also consider that the site is in a sustainable location, able to sustain an increase in householders. The number of proposed dwellings in the application has been reduced from up to 44 dwellings, to up to 41 dwellings. Although this may appear not to be of a significant reduction, this application is only in outline. A Reserved Matters application will contain more detailing, and may have less dwellings, depending on how the layout alters given the reduced site area.
- 5.13 The applicants have stated that 50% affordable housing will be provided and have submitted a draft Heads of Term to confirm this. The mix of housing put forward in the supporting statements are in line with the Head of Housing comments.

Siting, Design and Form

- 5.14 The main issue to be considered is the impact to the visual appearance of the adjacent Conservation Area, and to the general landscape as a whole. The application site is not within the Conservation Area, but Policy BE5 also discusses the setting of the Conservation Area. The landscape character of the application site is agricultural and would, after development be of a more domestic nature. However as part of the assessment of the proposal, officers requested

that the eastern boundary of the application site be a softer/screened edge, rather than a hard uniform edge seen in more urban contexts. The agent has agreed, as well as making some changes to the scale of dwellings to the front boundary, and increasing landscaping with a significant buffer to enable the development to assimilate more easily into the flat character of the location. The exact details of the landscaping would be subject to the reserved matters application, but officers would not want the landscaping to hide the new housing, but to help it to integrate the built form into the existing flat landscape.

- 5.15 The main access road runs through the site, with a secondary road serving a number of dwellings facing the eastern boundary. Officers consider that this layout will not erode the visual appearance but integrates the scheme with the village and to the development approved opposite the site. Officers have included a condition to ensure that any reserved matters application is based on the amended layout. Furthermore, your conservation officers consider that subject to the exact design and landscaping details, there is the potential for the creation of a village gateway which could significantly enhance the setting of the conservation area and help to better integrate the housing estate to the west into the wider landscape

Highway

- 5.16 Members will note that OCC as Highway Authority are raising no objections subject to conditions and a legal agreement. They consider that the proposed development is located within easy reach of local facilities and services and has a number of travel choices particularly walking given its proximity to local facilities, school etc. In terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development. Clearly these views do not accord with the comments of the Parish Council's and the representations received in terms of speeding but in the absence of a technical objection from OCC as Highway Authority the highway position is considered acceptable.

Drainage Issues

- 5.17 OCC now comment on major applications for more than 10 dwellings and no objection has been received. A condition requesting a surface water drainage scheme for the site has been requested which includes information such as; Discharge Rates, Discharge Volumes, Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement), Sizing of features and attenuation volume etc.

Thames Water

- 5.18 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.

- 5.19 The Parish Council endorses this response and considers that the development should not be linked to the existing sewerage system until significant works have been undertaken to improve the network.

Ecology

- 5.20 The detailed reports submitted with the application indicate that the site is not home to any protected species or habitats albeit that the existing hedgerows are of some ecological potential. The Ecologist supports this assessment subject to a condition relating to Badger Mitigation strategy & a ten year Landscape and Ecological Management plan based on the mitigation & recommendations in the Ecological Appraisal and shown on the approved plan.
- 5.21 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability -
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 4. Damage or destruction of an EPS breeding site or resting place.
- 5.22 Given the above, your officers do not consider that an EPS offence is likely to be committed. The survey submitted with the application details mitigation/enhancement measures which in your officer's opinion will secure "offence avoidance" measures and will potentially enhance the ecological value of the site over and above the existing arable field. Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Residential Amenities

- 5.23 Whilst the scheme is in outline the illustrative plans indicate that the respective positions and orientations of the dwellings likely to be built on site are such that no undue harms arising from overlooking or overbearing are likely to arise and any that may do could be addressed as part of the Reserved Matters application. There are no noise, light, odour and disturbance issues raised by Environmental Health such as would justify refusal and as such these elements of the scheme are considered acceptable.

Section 106 Contributions

- 5.24 The agent has tabled the following as suggested Heads of Terms of a section 106 agreement:

Obligations:

1. Open Space

The Agreement will require the Developer to provide onsite informal open space and an equipped children's play area. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas including off site commuted sums as applicable.

2. Education

The Agreement will require the Developer to make a contribution to the Education Authority to mitigate the impact of the development for Secondary School pupils arising from the proposed development.

3. Affordable Housing

The Agreement will require the Developer to provide up to 50% affordable housing in accordance with the Council's West Oxfordshire Local Plan (2006).

4. Other

Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests set out in CIL Regulation 122 and 123 consideration will be given to their inclusion.

Oxfordshire County Council is seeking education contributions of:

£127,981 Section 106 developer contributions towards the expansion of Aston & Cote CE Primary School, by a total of 11.04 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.
£144,455 Section 106 developer contributions towards the expansion of The Henry Box school by a total of 8.21 pupil places (including 1.03 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

Education contributions required to mitigate the impact of the development on infrastructure, but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of Special Educational Needs.

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

A separate Section 278 agreement catering for off-site highway (footway) improvements is also required.

WODC Sports and Leisure are also seeking contributions, although at the time of writing your officers are seeking confirmation which projects these contributions will help fund, and that no more than 5 other contributions have already been made.

Officers are still waiting comments from the Public Art officer regarding the type of provision that is needed.

Conclusion

- 5.25 Officers consider that the proposal is contrary to Policy H6 in that it is not rounding off within the village but is rather an extension to its built up limits. However it is accepted that Policy H6 is more restrictive than the NPPF which post-dates it. The Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites on the edge of settlements. This is reflected in Policy H2 of the pre-submission draft Local Plan.
- 5.26 The key issue therefore is whether this undeveloped greenfield site represents a suitable and sustainable development opportunity and whether the benefits of the proposal outweigh any potential harm that would result.
- 5.27 Whilst your officers have acknowledged that there are local concerns and opposition to the proposal and its siting, there are no objections to the scheme from formal consultees. As such the issues raised are not considered to outweigh the benefits.
- 5.28 In light of the above, having considered the relevant planning policies, the provisions of the NPPF and all other material considerations, your officers consider that the proposed development is acceptable.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, scale, landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified (proposed footway improvements) shall be undertaken within a section 278 agreement under the Highway Act 1980.
REASON: To protect highway safety.
- 4 Prior to the commencement of the development hereby approved, full details of the vehicular access visibility splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.
REASON: To protect highway safety.

- 5 Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.
REASON: To protect highway safety and that this information was not provided in the hereby approved application.
- 6 No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
REASON: To protect highway safety.
- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
Discharge Rates
Discharge Volumes
Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
Sizing of features - attenuation volume
Infiltration in accordance with BRE365
Detailed drainage layout with pipe numbers
SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
Network drainage calculations
Phasing
REASON: To ensure that a workable solution for managing surface water drainage is constructed and retained.
- 8 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).
- 9 Following the approval of the Written Scheme of Investigation referred to in condition 1, 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).

- 10 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.
- 11 Before any works begin on site a Badger Mitigation strategy & a ten year Landscape and Ecological Management plan based on the mitigation & recommendations in the Ecological Appraisal (fpcr April2015) and as illustrated in the drawing no.6486-L-03 Rev 1 must be submitted for approval to the LPA. Once approved all the works must be carried out as per approved plan and there after permanently maintained.
REASON: To ensure that birds, bats, Badgers and their Habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, The Badger act 1992, 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 saved Policies NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 12 Notwithstanding the details submitted with the application, the dwellings fronting onto Cote Road and on the east edge of the development, should be no more than 1 1/2 storey in height. The remaining dwellings shall generally not exceed two stories in height.
REASON: To ensure that no adverse impacts shall result to the visual character and amenity of the adjacent Conservation Area, and for the development to respect the existing and approved scale of development in the immediate vicinity.
- 13 The development shall be carried out in accordance with the plans accompanying the application as modified by the agent's email dated 3 July 2015 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 14 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.

NOTES TO APPLICANT

- 1 Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and ancillary works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

- 2 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- REASON - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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.

The Developer will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users.

Application Number	15/01923/FUL
Site Address	Land At Albion Place Bampton Oxfordshire
Date	8th July 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Bampton
Grid Reference	431464 E 203076 N
Committee Date	20th July 2015

Application Details:

Conversion of existing barn to form dwelling together with associated works including provision of parking and garden area.

Applicant Details:

J G Pimm And Sons Ltd
Abbey Street
Eynsham
Oxon
OX29 4TB

I CONSULTATIONS

- I.1 WODC Architect No objection
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to the provision of 1 parking space (2.5 x 5.0m).
- I.3 Thames Water
Waste Comments
Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
Water Comments
On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 1.4 Parish Council Objection
Over development of the site and insufficient parking for current users which will be aggravated further by additional parking and traffic

2 REPRESENTATIONS

No comments received at the time of writing.

3 APPLICANT'S CASE

A Design and Access Statement has been submitted as part of the application. It has been summarised as:

- The existing barn is used for storage purposes by the applicant and his transport visits the site on a regular basis to pick up materials. This existing use will be relocated.
- The main yard serves commercial premises and 2 residential properties.
- One parking space is indicated but it is possible to park two cars on plot.
- The design is single aspect and will not cause any overlooking of any of the adjacent properties.
- Not have an undue visual impact.
- access for emergency vehicles will remain as existing.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
BE10 Conversion of Unlisted Vernacular Buildings
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application is to be heard before the Committee as the Parish Council has objected to the proposal.

Background Information

- 5.2 A previous planning application for a similar proposal was withdrawn. The application reference is 15/00863/FUL.

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

Principle

- 5.4 The application site is located within Bampton village, set off Bridge Street and Albion Place. This area is accessed by existing commercial premises which front onto with residential properties. The site is also located within the Conservation Area.

- 5.5 The existing barn is set towards the rear of the area and is currently used for storage. Part of the building will be restructured and the existing slates will be repaired as necessary. The building is of a single storey scale.
- 5.6 The proposal is for the conversion of the barn to a dwelling. A previous planning application for the same proposal was withdrawn after officers had concerns regarding a proposed extension to the barn to provide additional accommodation. Officers were of the opinion that this would have been contrary to Policy BE10 as the extension would have altered the original character of the building too greatly. In addition it was considered that sufficient amenity space would not have been provided to the detriment of any future occupiers.
- 5.7 The revised application now shows that the extension has been omitted which now provides more amenity space to serve the new dwelling.

Siting, Design and Form

- 5.8 Although the site is proposed to be enclosed by a 1.8m high close boarded fence, officers do not consider that the fence will significantly erode the open character of the site. The site is not visible from Bridge Street itself or from the wider Conservation Area.

5.9 Highway

- 5.10 In terms of the Parish Council's comments, officers have consulted with OCC Highways Engineers who have no objection to the proposal, subject to a condition regarding the parking.

Residential Amenities

- 5.11 Due to the modest number of new openings in the barn, officers are of the opinion that no adverse overlooking will result to the existing occupiers adjacent to the barn. Conservation roof lights are proposed however due to the single storey nature of the building, officers are content that no harmful overlooking will result.

Conclusion

- 5.12 Conditions have been suggested removing permitted development rights for any additional openings and for the erection of any extensions and outbuildings, details for boundary treatments and the parking area.
- 5.13 Taking in to account all of the above matters, it is your officer's opinions that the proposal is considered to comply with policies listed at 4 above, and should therefore be approved.

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 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 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, porches, conservatories or outbuildings other than those expressly authorised by this permission, shall be erected.
REASON: Control is needed to retain the character of the existing building, and to prevent an overdevelopment of the site.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooftlights shall be constructed in any of the elevation(s) of the building.
REASON: To retain the character of the existing building.
- 5 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 6 The building shall not be occupied until space has been laid out within the site for one car parking space (2.5mx 5.0m) and such that space shall be retained solely for parking purposes thereafter.
REASON: To ensure that adequate provision is to be made for parking to serve the proposed dwelling.

NOTE TO APPLICANT

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.

Application Number	15/01951/FUL
Site Address	154 Thorney Leys Witney Oxfordshire OX28 5NZ
Date	8th July 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney
Grid Reference	434170 E 209176 N
Committee Date	20th July 2015

Application Details:

Change of use of public amenity land to residential garden. Relocation of garden fence.

Applicant Details:

Mr Brett Davis
67 Park Road
North Leigh
Witney
Oxfordshire
OX29 6SB

1 CONSULTATIONS

- 1.1 Parish Council Witney Town Council objects to this application due to the loss of public amenity space.
- 1.2 OCC Highways No objection.

2 REPRESENTATIONS

No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 The design and access statement submitted with the application advises as follows in a precised form:
- The strip to the side of the house is larger than the garden. The previous homeowner removed the grass and laid gravel.
 - There has been an ongoing issue with dogs fouling on the land, which has been reported to WODC. Signs have been erected but the issue is still on going.
 - The proposal is to reposition the boundary fence approximately 2m from the existing position to enlarge the rear garden. This will increase the space to make the garden more useful and enjoyable. Also it will reduce the area that the dogs can foul on and have to maintain.

- The fence has been positioned so that it will not obscure access to the highway. The remaining area will still feel open as the fence is approx 2m from the path and does not occupy the complete length of the side strip.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

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

5 PLANNING ASSESSMENT

5.1 The application seeks permission to change a section of amenity space to residential garden and reposition the boundary fence accordingly.

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

Principle and the Impact on the Character and Appearance of the Area

5.3 The application site is located in a visible corner position on the street scene within a modern housing estate which is characterised by houses of differing styles with an overall similar appearance. The amenity area is located to the side of the property and comprises of a gravel surface. The amenity area is a spacious size, the application proposes to retain and relocate the fence to the side by 2m to enclose a section of the side verge whilst still retaining an area which will remain open.

5.4 The amenity area with its gravelled surface is considered to have low visual amenity and is not considered to contribute significantly to the overall appearance of the area. Open spaces are considered important features within built up residential areas but officers consider that given the nature of the land and the fact the proposal does not seek to enclose the entire area, the change of use would not adversely impact the street scene or the overall character and appearance of the wider area in any detrimental way..

5.5 The fence would be relocated closer to the footpath, the shape of the area allows the fence to be located in a logical position, the height will remain the same. There are examples of boundary fences located up against the footpath in the vicinity and so the relocation in close proximity to the footpath is considered in keeping.

Highways

5.6 County Highways have been consulted on the application and raise no objection.

Conclusion

5.7 Given the above, your officers consider this planning application to be in accordance with Policies BE2, BE3 and BE4 of the West Oxfordshire Local Plan 2011. As such, your officer's recommendation is one of approval, subject to conditions.

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.

Application Number	15/01756/LBC
Site Address	Post Office 4 Market Square Witney Oxfordshire OX28 6HN
Date	8th July 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435568 E 209746 N
Committee Date	20th July 2015

Application Details:

Display of 1 no. externally illuminated fascia sign and 1 no. through-lit hanging sign, associated with change of use of premises (amended plans).

Applicant Details:

Bills Restaurants Ltd
c/o Agent
United Kingdom

1 CONSULTATIONS

- 1.1 WODC Architect No objection to the amendments
- 1.2 Parish Council Witney Town Council have no objection to the externally illuminated fascia sign but object to the through lit hanging sign. It considers the lighting for this to be unsuitable within this part of the Conservation Area and it would have more than a minimal impact, contrary to policies B15 and B16 of the West Oxfordshire Local Plan 2011.

2 REPRESENTATIONS

No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 A Design, Access and Heritage Statement has been submitted as part of the application and has been summarised as:
- The shopfront and proposed illumination have been designed in order to meet the criteria as set out in Saved Policies BE14 and BE15. Raised lettering is proposed at fascia level, painted 'Lord K Green' and illuminated by 2 no. mounted directional spotlights, with a maximum illumination of 40 candellas. An additional timber Lord K Green hanging sign is proposed to the southern side of the front elevation. It is proposed that this sign is through-lit, illuminating both sides.
 - Policy EH6 of the Draft Local Plan states that lighting proposals will be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels

of light. Additionally, the proposal would not have a detrimental effect on local amenity or the character of a settlement.

- The proposed lighting scheme is conservative and appropriate for a town centre location. Furthermore, there are no sensitive receptors in the vicinity of the site.
- The proposed advertisements do not restrict access to the restaurant in any way, and preserve safe pedestrian access within Market Square, in accordance with Saved Policy BE3.
- Therefore, it is considered that the proposal will not cause an unacceptable impact on the amenity of the neighbouring properties and is therefore in accordance with Policy EH6 of the Draft Local Plan.

4 PLANNING POLICIES

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE15 Advertisements and Signs

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks advertisement consent for a variety of illuminated and non illuminated signage, on a Grade II Listed Building which is located within Witney Town Centre and Conservation Area.
- 5.2 Through negotiations amended plans have been received which now show the external illumination as being omitted from the fascia sign.
- 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:

Impact on the Listed Building and Conservation Area

- 5.4 Officers consider that the removal of the fascia lights has allowed the level of illumination and clutter to be reduced from the prominent façade, to a level which allows the design of the listed building to be preserved. In addition given the use of the building the advertisements proposed are considered to balance the needs of the business whilst still allowing for the lighting to sit comfortably within this part of the Conservation Area and town centre.
- 5.5 The Town Council object to the illumination of the hanging sign. The neighbouring premises in the vicinity benefit from this type of illumination and officers consider that the sign would be in keeping with the surrounding buildings and would not have an adverse impact on the character and appearance of the Listed Building or wider Conservation Area

Conclusion

- 5.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits and is therefore recommended for approval.

6 CONDITIONS

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) 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.

Application Number	I5/01757/ADV
Site Address	Post Office 4 Market Square Witney Oxfordshire OX28 6HN
Date	8th July 2015
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435568 E 209746 N
Committee Date	20th July 2015

Application Details:

Display of 1 no. externally illuminated fascia sign and 1 no. through-lit hanging sign, associated with change of use of premises (amended plans)

Applicant Details:

Bills Restaurants Ltd
C/O Agent
United Kingdom

1 CONSULTATIONS

- 1.1 OCC Highways No objection
- 1.2 Parish Council Witney Town Council have no objection to the externally illuminated fascia sign but object to the through lit hanging sign. It considers the lighting for this to be unsuitable within this part of the Conservation Area and it would have more than a minimal impact, contrary to policies B15 and B16 of the West Oxfordshire Local Plan 2011.

2 REPRESENTATIONS

No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 A Design, Access and Heritage Statement has been submitted as part of the application and has been summarised as:
- The shopfront and proposed illumination have been designed in order to meet the criteria as set out in Saved Policies BE14 and BE15. Raised lettering is proposed at fascia level, painted 'Lord K Green' and illuminated by 2 no. mounted directional spotlights, with a maximum illumination of 40 candellas. An additional timber Lord K Green hanging sign is proposed to the southern side of the front elevation. It is proposed that this sign is through-lit, illuminating both sides.

- Policy EH6 of the Draft Local Plan states that lighting proposals will be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light. Additionally, the proposal would not have a detrimental effect on local amenity or the character of a settlement.
- The proposed lighting scheme is conservative and appropriate for a town centre location. Furthermore, there are no sensitive receptors in the vicinity of the site.
- The proposed advertisements do not restrict access to the restaurant in any way, and preserve safe pedestrian access within Market Square, in accordance with Saved Policy BE3.
- Therefore, it is considered that the proposal will not cause an unacceptable impact on the amenity of the neighbouring properties and is therefore in accordance with Policy EH6 of the Draft Local Plan.

4 PLANNING POLICIES

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE15 Advertisements and Signs

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks advertisement consent for a variety of illuminated and non illuminated signage, on a Grade II Listed Building which is located within Witney Town Centre and Conservation Area.
- 5.2 Through negotiations amended plans have been received which now show the external illumination as being omitted from the fascia sign.
- 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:

Impact on the Listed Building and Conservation Area

- 5.4 Officers consider that the removal of the fascia lights has allowed the level of illumination and clutter to be reduced from the prominent façade, to a level which allows the design of the listed building to be preserved. In addition given the use of the building the advertisements proposed are considered to balance the needs of the business whilst still allowing for the lighting to sit comfortably within this part of the Conservation Area and town centre.
- 5.5 The Town Council object to the illumination of the hanging sign. The neighbouring premises in the vicinity benefit from this type of illumination and officers consider that the sign would be in keeping with the surrounding buildings and would not have an adverse impact on the character and appearance of the Listed Building or wider Conservation Area.

Highway Safety

- 5.6 County Highways have been consulted on the application and raise no objection.

Conclusion

- 5.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits and is therefore recommended for approval.

6 CONDITIONS

- 1 This consent shall operate for a period of five years from the date of this notice.
REASON: By virtue of the Advertisement regulations.
- 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.

Application Number	I5/01783/OUT
Site Address	Land West Of Brize Norton Road Minster Lovell Oxfordshire
Date	8th July 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Minster Lovell
Grid Reference	431099 E 210439 N
Committee Date	20th July 2015

Application Details:

Development of 74 dwellings and creation of new access onto Brize Norton Road

Applicant Details:

Ede Homes Ltd
C/O agent
United Kingdom

I CONSULTATIONS

- I.1 One Voice Consultations No Comment Received.
- I.2 WODC - Arts
A S106 contribution of up to £8,800 towards a temporary public art programme in the village, the exact nature of which to be determined in consultation with Minster Lovell Parish Council, for the benefit of new and existing residents for the purposes of enhancing wellbeing and social cohesion.
Details
A S106 contribution of £8,800 would be required based on £200 per unit of market housing, which is benchmarked with other authorities in Oxfordshire.
In accordance with the NPPF and the National Planning Practice Guidance, the Council can contribute to the improvement of the Cultural Wellbeing of the District by implementing such programmes. The Council plan states that public art projects which engage existing and new communities and enable them to celebrate and/or investigate local identity and/or local issues will support social development, cohesion and wellbeing.
- I.3 Wildlife Trust No Comment Received.
- I.4 WODC Building Control Manager No Comment Received.
- I.5 Ecologist The Extended Phase One Habitat Report (Lepus consulting March 15) identified the main habitats on site as semi-improved grassland, scrub

and plantation broadleaved woodland. In addition it was recorded that there was a dry ditch and an Earth bank. As the site has potential for reptiles and the house potential for bats further surveys were recommended as such Reptile survey & a detailed daytime building assessment both by Lepus consulting May 15. The daytime bat survey found no evidence and the reptile survey found low evidence of use of the site by grass snakes (found on the earth bank).

The reptile mitigation proposed is to carry out a progressive cut and then leave a 2 metre habitat boundary around the site with log piles created one every 5 meters during construction. The report does not make clear if this is proposed to be left after construction as this part of the report is titled 'Post construction monitoring'. If it is to be retained it should be shown on a plan.

The phase one habitat survey was carried out in march and identified that both birds foot trefoil and yellow rattle were recorded in the sward both these species are normally indicators of older unimproved species rich grasslands, as such a more detailed species list for the grassland of the site carried out at the optimum time of year June/July is required in order to properly assess the importance of the grassland ideally with a DAFOR scale attached for the plant species.

The submitted layout plan shows retention of a line of trees along the western boundary of the site but the Phase one habitat survey identified a much wider strip of broadleaved plantation woodland along the western boundary. This wide strip of plantation woodland will not only provide suitable habitat for nesting birds and other wildlife and should therefore be retained in the designed layout or the proposed loss sufficiently compensated for but the area of woodland will also provide a useful screening of the proposed development from the open countryside.

The inclusion of a hedgerow along the southern boundary with trees is welcomed as are the two POS and Balancing pond but it needs to be clarified as to whether this is a native species rich hedgerow and a pond with a designed wildlife edge using native trees as such this would provide an ecological enhancement.

Ecological enhancements proposed as part of this development need to be clarified and the additional information for the grassland and the reptile mitigation provided in order to properly assess this application.

Recommendation Further detail is required and a review of the submitted layout plan.

I.6 WODC Community Safety

No Comment Received.

I.7	WODC Architect	No Comment Received.
I.8	WODC Drainage Engineers	No Comment Received.
I.9	Environment Agency	No Comment Received.
I.10	WODC Env Services - Engineers	No Comment Received.
I.11	WODC Env Health - Lowlands	No comments or observations on this application from Environmental Protection
I.12	WODC Head Of Housing	No Comment Received.
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	No Comment Received.
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	<p><u>Waste Comments</u></p> <p>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.</p> <p>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</p>

order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval. Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

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

I.21 WODC Env Services - Waste Officer

No Comment Received.

I.22 Parish Council

Summary

It is noted that whilst the application contains a wide variety of supporting information in favour of the development, a number of key additional surveys and reports have not been provided but are recommended or are awaited. For example:-

- o Further information from Southern Gas as to the suitability of the existing gas main.
- o Further reptile survey is recommended (from April).
- o OCC Preliminary Flood Risk Assessment.

Utilities - The application considers that "BT's apparatus could potentially be utilised to serve the site from the Brize Norton Road." It should be noted that a high percentage of existing residents throughout the Village are unable to access Fibre Optic Broadband as the cabinets at Wenrisc Drive are fully utilised (no further connections are available) and the cabinet at Windrush Farm requires upgrading which currently has a roll-out date of July-December 2016 (but is frequently being moved back). Significant investment into the telecommunications network would therefore be required for up to date technology to be made available to new residents.

It is noted that Thames Water has "identified an inability of the existing waste water infrastructure to accommodate the needs of this application" as referred to in their consultation response to the application.

Precedent - There is grave concern that the proposed development will significantly harm and erode the historic character, form and linear design of this part of Minster Lovell. Additionally, in the event that the application is approved, it would set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of not only the Brize Norton Road, but the wider scope of the Village.

Development policy - The application should be refused as it does not fall within either category of a Strategic Developments Site (SHLAA site) (the site was considered under the most recent Local Development Framework but considered unsuitable) or Windfall development (the site is already known and considered unsuitable by WODC).

Social housing - It is understood that the proposed social housing will not directly benefit residents of Minster Lovell as it will not be 'ring-fenced' - it will be open to residents of West Oxfordshire and therefore of no direct advantage.

Please see Appendix B (Planning Obligation) in the event that the application is approved.

Should any application details be changed or further documentation submitted, Minster Lovell Parish Council request to be appraised and copies forwarded to us.

Whilst Minster Lovell Playing Field Trust is not in a position to comment on the merits of the planning application, the Trust wish to be considered for planning obligation S106 monies for the renewal of play equipment at St Kenelm's Hall, in the event that the application is granted. Minster Lovell Playing Field Trust is a charity that provides recreation facilities to the rear of St Kenelm's Hall, Brize Norton Road, aimed at children up to 6 years of age. The current equipment is in much need of replacement and a scheme has been obtained from Playdale Playgrounds accordingly with an approximate provision and installation cost of £20,000 (see attached). We are in the early stages of this project and any funds towards the new equipment will be much appreciated.

In the event that the application is approved, the Parish Council seeks contributions for community facilities as detailed below:-

- o A contribution is sought towards the refurbishment costs of Ripley Avenue Play Area (LEAP). The Play Area is c.14 years' old and the Parish Council is saving towards refurbished/new facilities for the area. The Ripley Avenue LEAP serves approximately 45 properties and is very well used. The safety surface continues to be repaired and along with the play equipment, has exceeded its expected life by 4 years. It is estimated that new equipment and surfacing will cost in

excess of £50,000.

o A contribution is sought towards the procurement of a new Village Burial Ground. There are c.40 usable plots left at St Kenelm's Church and the Parish Council is currently identifying a suitable parcel of land to meet demand in the coming years. Funding will be spent on purchasing land, access/car parking provision and any other associated requirements. The costs are currently unknown as the project is in its infancy.

Additional S106 recommendations for consideration:-

o Creation of west-facing slip roads at the A40/Minster Lovell junction as identified in WODC's Pre-Submission Draft Local Plan at 7.41. (For consideration/implementation by Oxfordshire County Council).

o A new Village Hall was identified as a priority in the last Village Action Plan. In the event that this application is approved, there could be many subsequent similar developments and the need to build a new hall will be required to meet the demands of a growing community. (For consideration/implementation by the Diocese of Oxford).

o Purchase of land and creation of visitors car park for St Kenelm's Church and Minster Lovell Hall. (For consideration/implementation by the Diocese of Oxford, Oxfordshire County Council & English Heritage).

o A contribution towards Minster Lovell Playgroup to address the capacity/waiting list problems in order to accommodate new children in the Village. (For consideration/implementation by Minster Lovell Playgroup)

2 REPRESENTATIONS

2.1 108 representations received as of 7/7/2015 objecting to the proposal on the following grounds:

Principle

- Similar Applications for this site have been turned down 3 times in the past.
- A development on this site has been opposed on 3 occasions in the past on various reasons, but most noticeably in all cases due to the site access off of the Brize Norton Rd being unsatisfactory.
- The development falls outside the local plan. The development is not in context with the village.
- This application sets a precedent for future development
- Feel that this proposal is purely based around the developer's financial interests, and doesn't consider the huge impact it will have on the village and the wider community.
- Site is not in the SHLAA.
- Strategic Housing Land Availability Assessment states area not suitable and not to be considered in Supply of Housing Land, development would be out of character of the predominantly linear nature of the village and would compound the piecemeal approach to the north, be poorly related to the dwelling fronting Brize Norton Road and could lead to pressure for numerous other incremental schemes.

- The proposed development would bring with it an immediate and irreversible change to this much loved area of West Oxfordshire, which is highly-valued by very many in its present form.
- The development as proposed does nothing to support our rural community, indeed it would be detrimental to it.
- Will increase size of village by 15%.
- This application clearly conflicts with NPPF and Local Plan and I would strongly urge the rejection of this application.

Traffic

- Local access through the village on Brize Norton Road, which is very narrow, and a new turning for potentially 150 cars would further damage the road.
- Large construction traffic traveling up and down this Road which could potentially cause an accident due to the narrow paths.
- The road access will be poor with sight line left being inadequate and being directly opposite another access point.
- There are already over 130 private driveways, some multiple usage, four village roads feeding traffic from estates and 16 business areas with direct access all within the one mile length of Brize Norton Road.
- Will introduce major T Junction on Brize Norton Road as only point of access.
- Brize Norton Road has become a very busy fast road. I'm frightened for myself and especially my grandchildren walking a long the narrow pathway.
- The access is dangerous to pedestrians.
- The A40 does not cope now and with 700 houses planned in Carterton and 1000 in Witney, the area does not need any extra unscheduled developments.
- Another particular safety issue is the close proximity of the public transport bus stop and school bus pick up point which already causes traffic congestion at this point at the peak times.
- Should the public transport bus timetable return to the expected ½ hourly timetable, then this congestion point will be seen troublesome more often and the increase in large buses travelling the Brize Norton Road again will become another safety issue.
- The Brize Norton Road is often heavily congested and is perilous at peak times with large vehicles often using either the limited pavement or the grass verge in order to pass.

Siting, Design and Heritage

- This development does in no way reflect, enhance and contribute to the character of this historic village.
- The scale, size and design of the development does not compliment the surrounding properties and area i.e flats.
- The development will dominate the skyline.
- It will dominate adjacent Charterist plots, particularly three storey plot 67 overlooking a Grade II Charterist Bungalow.
- I feel that this has been squeezed in to the plot so they can obtain the councils affordable housing i.e show me where there is a block of flats elsewhere in the village. This is the only way they can get affordable housing quota.
- There would appear to be little respect for the Charterville Heritage with the proposed building.

- Requires an original 'Charterville' property to be demolished for road access, which although not a listed property it would be demolishing historic origins of this charterville settlement.
- Minster Lovell is a picturesque chartist village which has houses which have been here for hundreds of years many of which are listed. The development of 74 houses, especially the town houses and flats are totally out of keeping with the villages strong historic character.
- The development will completely ruin the historic nature of the village on which other developments have had to be in keeping with.
- I am concerned with the sheer scale of the development.
- The design of the houses, including town houses and three story buildings is totally out of character of the village.
- Minster Lovell is a picturesque village close to the gateway to the Cotswolds and this development would only serve as an eyesore.
- The site has been left fallow for several years and will be a loss to biodiversity.

Infrastructure

- The village does not have the infrastructure to cope with this development.
- There is a 2 year waiting list for the Local Playgroup.
- The Local Village Primary School only accepts 15 children each year.
- We have no community hall, no senior school, no medical facilities, no dentist, eye or foot clinics and a public transport service that offers one bus mid morning and one mid afternoon a situation that results in even more private transport.
- The school is full. All new parents to the village would quite rightly expect their children to go to the village school.
- Employment prospects within the immediate area are extremely poor as most businesses are family run so limited outside employment with no career prospect.
- The BT box is full. There are many people in the village with Internet issues. Some not able to receive a signal at all. BT are not wanting to do anything about this. We all need the Internet.
- Electric supplies frequently fail and broadband is hit and miss for service.
- Play amenities not sufficient.

Flooding and drainage

- Flooding to existing properties in that area has been experienced at some time.
- No's 86-94 are affected and have had help from WODC with flooding in the past.
- All drains and sewers in immediate area overflow so there is nowhere for surface water to go.
- There is a flood risk on the site where rain water gathers and floods into properties along Brize Norton Road.
- Development includes a proposed balancing pond immediately to the rear and on the boundary of my property together with an associated pumping station. My property already floods yearly in times of heavy rain and therefore this development can only exacerbate the situation.
- The development of 74 houses will substantially increase such a flood risk.
- Sewerage disposal is cause for concern.
- Water pressure in the village is poor at the best of times, adding further dwellings will impact on this.

- There has always been an issue with the sewers. These would have to be upgraded.
- Working in the emergency services I am well aware of the impact of flooding on these services and the increase in demand on police and fire when flooding strikes.
- Not only can the village not sustain the possibility of increased flooding but the overstretched resources on the police and fire service is also critical.
- The drainage system, including the pumping station and rising main, will be offered to Thames Water for adoption what happens if Thames Water decline this offer.

Residential amenities

- The sites northern boundary to Ripley Avenue will cause 'loss of light' to adjacent properties that have been in existence over 20 years.
- the development is directly opposite my house, it will severely overshadow us and we will lose our privacy.
- Overshadowing and loss of light; Several of the proposed plots along the northern edge of the development will impact on the adjoining Ripley Avenue, with a significant impact on some properties on the Brize Norton Road.
- We have a very quiet neighbourhood and there will be an increase in noise, disturbance and possibly crime.
- The access will impact on 3 residential properties.

Landscape and Ecology

- Loss of an important open space in the village.
- Large mammals including deer, foxes and many breeds of birds use the space.
- Detrimental effect on wildlife. The field has been left uncut for many years and provides a habitat for many animals including a barn owl, bats and many species of insects.

3 APPLICANT'S CASE

3.1 The documents submitted in support of the application are summarised as follows:

Planning, Design and Access Statement

- The Council's housing land supply is currently below the required five years, so policies relating to the supply of housing (including policy H6 of the adopted Local Plan) are no longer up-to-date. The current deficit in housing provision and the contribution that the proposed development will make in helping to address it are strong material considerations in favour of the proposal. In accordance with paragraph 14 of the Framework, therefore, the proposed.
- Development needs to be considered favourably provided that any adverse impacts of doing so would not "significantly and demonstrably" outweigh the benefits of the proposal.
- The proposed development offers the following benefits:
- providing a good mix of 74 high quality homes in a reasonably sustainable location to help meet the objectively assessed needs for market and affordable housing identified in the Oxfordshire SHMA;
- delivering the homes immediately to help the Council make up its short-term housing deficit;
- providing 30 affordable homes;

- generating additional spending power in the local economy;
- creating jobs for a local house building company;
- securing a substantial New Homes Bonus;
- securing appropriate Section 106 contributions to improve local services and facilities.
- These benefits need to be afforded significant weight. To ensure they are delivered, the site is available for development now - there are no land;
- Ownership or infrastructure complications to delay delivery. The scheme is deliverable and will be developed without delay. The proposal, therefore, complies with paragraph 47 of the Framework.
- A good number of small greenfield sites in appropriate and sustainable locations such as this site will need to be developed to meet the substantial housing need (particularly the short-term housing need) identified in the SHMA. Within this context, the proposal complies with Policy H2 of the emerging Local Plan as it will provide new housing on the edge of Minster Lovell necessary to meet the housing needs identified in the SHMA and it is consistent with all of the "general principles" set out in paragraph 3) of Policy H2.
- The site is visually well contained and relates very well to the existing built-up area of the village. Views into and across the site are very limited from the surrounding area, so the proposal will not have a harmful impact on the local or wider landscape. The site is not subject to any environmental or other planning designations.
- Considering the Framework as a whole, giving proper weight to the substantial benefits offered by the proposed development, and given the absence of any issues which amount to an adverse impact to "significantly and demonstrably" outweigh the benefits, the planning balance has to be in favour of granting planning permission.

Transport Statement

- It has been demonstrated that appropriate access can be achieved by way of a new priority 'T' junction with Brize Norton Road, which achieves visibility to appropriate Manual for Streets standards for 85th percentile speeds recorded during a 7-day survey.
- Notwithstanding the outline nature of the application, the illustrative site layout details parking within Oxfordshire County Council's maximum parking standards, and turning space for private and refuse vehicles is provided.
- It has been demonstrated that the proposed development will generate a modest level of traffic that will have a negligible effect on the public highway network.
- The site occupies a sustainable location, where local shops, services and public transport links are within walking distance. A wider range of services are available in the nearby town of Witney which is accessible by bike, via a predominantly off-road cycle route. The application is accompanied by a Framework Travel Plan aimed at promoting sustainable travel to and from the site.
- It is concluded that the proposal will not result in a cumulative residual transport impact that would be considered 'severe' under the National Planning Policy Framework. As such, it is considered that the local Highway Authority should be able to make a positive recommendation for approval of the application.

Foul Drainage Strategy

In view of the topography of the site a pumping station will be required to pump the foul flows from the majority of the development to the public foul sewer. Subject to Thames Waters approval it may be feasible to gravitate the flow from the easterly end of the development to the

existing public sewer that crosses the site in this area. It is proposed to locate the pumping station in the South-East corner of the development, which is the lowest point of the site, and pump the flows via a rising main to one of the existing foul sewers. It is proposed to offer the drainage system, including the pumping station and rising main for adoption, which will therefore be subject to S104 Agreement with Thames Water.

Extended Phase I Survey

- This report is an Extended Phase I Habitat Survey of land at land rear of 80 Brize Norton Road, Minster Lovell. It has been prepared to inform a planning application for a potential development of a residential dwelling at the Site. Recommendations have been made based on the habitats and target notes recorded during the survey.
- Based on the grassland habitat and south facing banks with debris at the Site, further reptile surveys are recommended. These can be undertaken from April.
- The roof void of the residential dwelling has the potential to support bats. A detailed daytime building assessment should be undertaken in order to look for presence of and/or signs of bats.

Reptile Survey

- A two-stage cut of vegetation should be undertaken for the mitigation of presence of reptiles on the Site.
- Using a strimmer, scrub, bramble or tussocky grassland at the Site should be cut down to a height no lower than ten centimetres tall. Within 24 hours of the first cut, the vegetation should be cut again to ensure that the grass and scrub length is no longer suitable to support reptile populations.
- The two-stage cut should ensure that all scrub, long grassland and potential reptile habitat is cut short. The habitat should remain short until development begins and not left to grow to a height above ten centimetres, else the process will need to be started again.
- Any vegetation trimmings should be removed from the Site and not left overnight. Such piles of vegetation may provide refugia for reptiles. The two-stage cut should be undertaken between the months of October and February, as this will not coincide with the reptile breeding season. Any habitat management outside of these months will result in an increased possibility of harming juvenile reptiles. Any variation on timetable should first be discussed with the Ecological Clerk of Works.
- The earth banks present at the Site provide ideal basking and hibernating habitat for reptiles. It is recommended that these are removed between March and October when reptiles are not in hibernation. The banks should be removed prior to construction works and under the supervision of an experienced Ecological Clerk of Works.
- Following the two-stage cut, the main area of the Site (excluding the habitat buffer) will no longer provide suitable habitat for reptiles.
- Providing the habitat has been cut as recommended in sections, the construction works may take place at any time of year.
- Post-construction monitoring
- Whilst the development is under construction, a habitat buffer should be produced for reptiles. This will consist of a one to two metre strip of grassland around the perimeter of the Site.

- The buffer strip will consist of longer grassland which can be left for use by reptiles. Artificial refugia such as log and debris piles should also be distributed around the buffer at a concentration of one per five metres.

Bat Survey

- The bat building assessment of four buildings at 80 Brize Norton Road, Minster Lovell found that all had low suitability to support bats.
- An internal and external inspection found no bat droppings in any building.
- No further survey work for bats is necessary at the Site.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE8 Development affecting the Setting of a Listed Building
 EH2NEW Biodiversity
 EH3NEW Public realm and green infrastructure
 EH7NEW Historic Environment
 H11 Affordable housing on allocated and previously unidentified sites
 H1NEW Amount and distribution of housing
 H2 General residential development standards
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H6 Medium-sized villages
 NE13 Biodiversity Conservation
 OS4NEW High quality design
 OS5NEW Supporting infrastructure
 TLC7 Provision for Public Art
 WIT4NE Witney sub-area Strategy

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a site located to the West of the main road leading up through Minster Lovell at a point where the village is characterised by liner development. The site seeks consent to demolish an existing chalet bungalow and create a new relocated access to the site and then develop it in depth for 74 units. The application is in outline but the principle and means of access are non reserved matters. The application has been accompanied by illustrative plans which show an extended cul de sac of mostly terraced units. Parking is largely shown as being provided in parking courts. Two areas of open space are illustrated along with the retention of tree/hedge buffers to the West, South and Eastern boundaries.
- 5.2 The site has been the subject of development pressure over the years. Of most relevance are the following applications:

Application no. W87/1458

An outline application for 59 dwellings. Refused and dismissed on appeal in 1987/88. The reasons for refusal related to policy objections to the principle of developing the site, highway safety issues at the new access off Brize Norton Road, and inadequate foul and surface water drainage facilities in the locality.

Application no. W88/0291

An outline application for 56 dwellings, a community centre and car park. Refused in 1988. The reasons for refusal related to policy objections to the principle of developing the site, and highway safety issues at the new access off Brize Norton Road.

Application no. 97/898

An outline application for 143 dwellings on the current site and additional land to the south. Refused in 1997. The reasons for refusal related to policy objections to the principle of developing the site, the proposal would result in car commuting, it would harm the rural character of the village, and it would harm the setting of adjacent listed buildings (i.e. the Chartist bungalows along Brize Norton Road).

5.3 The site has also been considered for development in successive local plans. In regard to the currently adopted plan the Inspector recommended that the site not be included for development as "it would not form a natural extension to the development to the north. Rather I consider that it would appear as another incremental addition compounding the unsatisfactory piecemeal approach rightly criticised by my predecessor. The developments of any of the other sites in isolation would be even more unsatisfactory in that they would appear as blocks of built development poorly related to the properties fronting the road and the fields either side. Peppering Brize Norton Road with accesses to serve each plot would add to the disjointed feel and do nothing for the streetscene"

5.4 In respect of the recent SHLAA the findings were that whilst the site is available and achievable, it is not considered suitable for development for the following reason:

"Development would be out of character of the predominantly linear nature of the village and would compound the piecemeal approach to the north, be poorly related to the dwellings fronting Brize Norton Road and could lead to pressure for numerous other incremental schemes."

5.5 Additionally there have been a series of appeal decisions related to land along this western fringe of the village. Relevant extracts from two of these are cited below:

"At the Hearing my attention was drawn by the Council and the appellant to other appeal decisions. I have considered these, particularly in respect of the Inspector's reasoning on the issue of rounding off. First of all, in relation to the site immediately to the north of the appeal site (APP/D3125/A/01/ 1076494), which has led to the development of Charter Court, I note that the Inspector considered that the proposal was acceptable in part, because it was a redevelopment of previously developed land with extensive outbuildings in retail use, rather than amount to rounding off of surrounding development. If significant weight was now given to the presence of the development at Charter Court to establish more rounding off, in my view, it would lead to pressure for a form of creep of development on adjacent sites by reference to the precedent created. I also consider that there are other similar sites within the village, as

discussed at the Hearing, where the issue of precedent would arise and which would, in total, harm the historic linear pattern of the settlement".

5.6 In a further decision the Inspector commented:

"Minster Lovell is a predominantly residential village with dwellings and other buildings arranged in a linear development pattern either side of Brize Norton Road, reflecting its historic Chartist origins. No.138 is characteristic of the wider area in that it comprises a detached one and a half storey dwelling set back from the road on a generous plot and well-separated from neighbouring properties.

5.7 While Charter Court is a much larger building than the development proposed in this case, its position and orientation are not reflective of the general development pattern already described. With regard to its influence on any further development in the vicinity, I agree with the Inspector's view in the previous appeal. He noted that relying on the existence of Charter Court to establish further 'rounding off' would 'lead to pressure for a form of creep of development on adjacent sites by reference to the precedent created'.

For all these reasons, I conclude that the proposed development in this case would cause unacceptable harm to the existing development pattern in Minster Lovell. As such it is contrary to the following policies in the Local Plan: BE2 which, amongst other standards, requires development to respect the existing pattern and character of the surrounding area; H2, which includes the requirement for residential development not to set an undesirable precedent; and H6, which concerns the circumstances in which new dwellings will be permitted in medium-sized villages, including Minster Lovell.

Despite the Inspector's finding in the previous appeal that the proposal would not be visually imposing on the public realm, I consider that the two proposals are not directly comparable in this regard. Views of the rear garden are particularly prominent from the large gap between Nos. 138 and 140 and the proposed dwelling would be further forward within the garden of No.138 and on a larger footprint than any of the single dwellings previously proposed. Together with the detached garage, new driveway and boundary fence, the proposal would have an urbanising effect on the currently open character of the site and surrounds and would appear incongruous in views from the road frontage.

Accordingly, I conclude that unacceptable harm in addition to that already identified would be caused by the proposal with regard to its effect on the character and appearance of the appeal site and surrounding area. It is therefore contrary to Policy BE2 of the Local Plan, as described above, and to Policy H2, which, amongst other standards, requires that residential development should not erode the character and appearance of the surrounding area.

With regard to the National Planning Policy Framework, the appellant asserts that the Local Plan is no longer up-to-date in terms of paragraph 214 of the Framework and refers to the presumption in favour of sustainable development in this context. However, despite it being adopted in 2006, because a Local Plan rather than Development Plan Document is involved in this case, paragraph 215 of the Framework is relevant. This states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Given their focus on ensuring appropriately designed development that respects the existing local character and context, I consider that the relevant policies relied upon in this case are not at odds with the new Framework. Therefore, whilst the policies in the Framework have been considered, in light of the facts in this case, they do not alter my overall conclusion."

5.8 In your officers opinion the body of appeal findings and the concern about development in depth, its adverse impact on the character of the settlement and the adverse precedent that could be set all remain relevant issues, albeit that the NPPF was not a relevant consideration in all but the more recent decisions.

5.9 The site is not within a Conservation Area or the Cotswolds AONB.

5.10 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

5.11 Minster Lovell is one of the more sustainable settlements in the District, being sited on a good bus route between the two largest settlements and with a good range of local services and facilities. It is identified as a Medium sized village in the adopted plan suitable for rounding off and in the emerging plan it is identified as a village where development within or adjoining the built up area to meet housing need can be permitted subject to a series of criteria aimed at reducing the harms arising from such development. Whilst the development does not meet the tests of rounding off and, as identified later in this report is considered to fail a number of the harm criteria, further residential development is not considered in principle to be contrary to policy. Approx 400 units will be required to come forward by way of windfall developments to meet the housing needs of the Witney Sub area and this site could contribute to that allowance.

5.12 The applicant's agent is asserting that the District cannot demonstrate a 5 year land supply and that, in accordance with the provisions of the NPPF, planning permission should therefore be granted unless there are significant and demonstrable harms. The detailed workings behind that assessment are set out in full in the Planning Statement that accompanied the application and that may be viewed on line. He also asserts that the existing adopted plan is out of date and that the emerging plan is only of limited weight in assessing the merits of the application such that the presumption in favour of sustainable development set out in the NPPF applies. In that regard officers accept that the adopted plan can no longer be given full weight (albeit that it retains some relevance as the adopted plan where it retains conformity with the NPPF). Similarly the emerging plan does not yet have full weight - albeit that its status is increasing substantially as it nears its examination.

5.13 As to the 5 year supply issue Members will be aware that in the absence of an agreed housing target it is impossible for any party to demonstrate one way or another whether the current supply of housing provides a five year supply, with developers asserting that the Council is below the required amount and others asserting that the housing figure that the Council is working towards is itself too high and that as such there is a more than adequate 5 year and beyond supply. The Council's published position is that it can claim a 5 year housing land supply and in that regard Officers would advise that the full weight of paragraphs 14 and 49 of the NPPF are not invoked. Even were that not the case it is considered that there are substantial and demonstrable harms that would preclude permission being granted. Additionally, given the

request from TW for a full survey of the sewer network and for the developer to fund any ameliorative measures there must also be a degree of uncertainty as to whether the costs and implications of that request are fully known and the consequent inherent delays or impacts on viability clearly have the potential to affect deliverability within the 5 year period.

- 5.14 Taking all the above into account your officers conclude that whilst the principle of allowing some further development in the settlement is not precluded, there is no compulsion to do so as a result of a deficiency in housing supply and in that there are significant harms, as explored in more detail below, this means that the scheme as submitted is considered unacceptable on its merits.

Design and Impact on Heritage Assets

- 5.15 Members will be aware that Minster Lovell is one of a very limited number of Chartist settlements nationally and that as such its layout and origins are of considerable historic interest. Many of the original Chartist bungalows are listed in their own right (including 6 such buildings in the extensions to the linear form of development on either side of the road south of the site) and the low density agricultural origins are evident in the plot spacing and overall settlement pattern.
- 5.16 Whilst some areas of the village have been heavily compromised by inappropriate development in depth last century, the village at this point still evidences much of its original character with a strong building line, a linear single plot depth, detached low rise units with buildings in spacious plots and a feeling of openness beyond the frontage plots. The illustrative scheme appears to have had little regard to this historic context. It features development in depth, buildings over 2 storey height, extensive use of terraced forms which are almost entirely absent from the historic village, large parking courts where the backs and fronts of the units are ambiguous, no obvious references to the original Chartist architecture etc.
- 5.17 The architectural form is considered poor in any context but in a context where the prevailing built form and history offers an opportunity to create a development of considerable local interest it is considered that the applicants have failed to pay sufficient heed to the advice at paragraph 58 of the NPPF to establish a strong sense of place and respond to local character. Rather it is considered that a development of the nature proposed would loom over the frontage buildings, appearing more in the nature of a suburban housing estate than the prevailing "village" characteristic that emanates from the Chartist nature of the host settlement at this point and that this form of development, as found by previous Inspectors, "would have an urbanising effect on the currently open character of the site and surrounds and would appear incongruous in views from the road frontage."
- 5.18 Furthermore it is considered that in developing this site, where the illustrative layout appears to have been designed to pick up additional land to the south, there is a very real fear of precedent where the cumulative adverse impacts would wholly undermine and compromise the residual Chartist character and the setting of the listed Chartist buildings. These concerns are considered to represent significant and demonstrable harms that weigh heavily against the development.

Highway

- 5.19 At the time of agenda preparation the views of OCC have yet to be received. Previous applications have featured a highways refusal reason but in the absence of the advice of the County Council as Highway Authority it is not possible to comment on this aspect of the development. A verbal update will be given at the meeting.

Residential Amenities

- 5.20 The scheme is seeking consent for 74 units but the exact layout of the houses and the position of windows etc would be dealt with at reserved matters stage. The scheme is however at a higher density than either the frontage development or that on the adjoining housing development to the north. Some of the privacy distances are right down at the lower end of usual norms when one might have expected a greater degree of separation given the very high standards of outlook currently enjoyed by those properties and where a less dense development might have offered the opportunity to create a more neighbourly scheme. However, in that these matters are potentially capable of being overcome at reserved matters stage they are not considered to represent a refusal reason in their own right - albeit that they do add weight to the other concerns outlined above.

Benefits/heads of Terms

- 5.21 The applicants cite the sustainable location, the spending power of an additional 74 units, the construction jobs and New Homes bonus as gains associated with the development. They also indicate that the scheme would not generate undue traffic, that flood risk will not be worsened, that an additional sewage pumping station will be provided, that the site has only limited landscape impact and no ecological constraints and that the site will meet housing need. They also indicate that they will meet appropriate I06 requests.
- 5.22 In response to these benefits your officers would comment that the benefits are such as would be expected with any development as appropriate mitigation and that the 40% contribution towards affordable housing is again policy compliant. It is not considered that there are any particular benefits that would materially offset the harms identified earlier in the report such as would justify a recommendation for approval. Members will note that the Parish Council has requested contributions in the event that approval is given and it is likely that when OCC respond they will similarly be seeking contributions as has the Arts officer. As it stands and in the absence of an agreed I06 package (and in that the application is recommended for refusal) a further refusal reason is recommended regarding the lack of an agreed I06 to ensure that this matter is properly picked up in any subsequent appeal.

Flooding and ecology

- 5.23 Members will note that these matters have been raised in public responses but that the technical bodies responsible for such matters have not yet commented. Separately the Councils ecology consultant has raised concerns regarding the lack of updated surveys and the lack of any ongoing mitigation in the submitted illustrative scheme. Further information is being sought as to whether this represents a further refusal reason. A verbal update will need to be given regarding both these aspects at the meeting.

Conclusion

5.24 This site has been considered unacceptable for residential development on a series of occasions and the harms identified continue to apply notwithstanding that there is now a different policy context. The significant and demonstrable harms in terms of the harm to the character of the settlement, the poor quality of the scheme and the lack of an agreed I06 package, compounded to some extent with concerns regarding the potential impact on neighbours leads officers to recommend refusal. Once further responses have been received, particularly from OCC there may be additional issues regarding capacity of village facilities and adequacy of the highway access. However their views are not known and as such a verbal update regarding these matters will be given at the meeting.

5.25 The application is recommended for refusal.

6 REASONS FOR REFUSAL

Refusal reasons to be drafted pending receipt of comments from OCC but based upon:

Impact on streetscene and character of settlement
Lack of agreed I06 package
Precedent
Ecology?
Education capacity?
Highways?

Application Number	15/01860/FUL
Site Address	99 - 101 Burford Road Carterton Oxfordshire OX18 1AJ
Date	8th July 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427824 E 207551 N
Committee Date	20th July 2015

Application Details:

Erection of two chalet bungalows with associated landscaping and access.

Applicant Details:

Mr & Mrs SA & MA Wilson
99-101 Burford Road
Carterton
Oxfordshire
OX18 1AJ
United Kingdom

I CONSULTATIONS

- 1.1 Parish Council COUNCIL had no observations to make on this application.
- 1.2 OCC Highways No objection subject to conditions

2 REPRESENTATIONS

- 2.1 Nine letters of objection and one letter of comment have been received from neighbouring properties. Full versions of the objections can be found on the website. To summarise the comments refer to:

- The increased level of overlooking.
- Proposed chalet bungalows over-looking single storey bungalows so not within keeping of existing homes and surroundings.
- The red line boundary shown on the proposed site plan drawing no. C8593.15.50 shows the boundary encroaching onto my property in the front garden to enclose the hedge; this is incorrect.
- The proposed 2 storey dwelling to plot 1 is located immediately adjacent to the rear boundary of my property, which would overshadow my property and cause loss of daylight/sunlight to my garden.
- The boundary fencing proposed would create loss of daylight to my habitable rooms.
- The proposed access road to the new dwellings is open to the public, which would present an increased security risk to my property along this boundary.

- The new dwellings only provide a distance between their habitable rooms (plot 1 to plot 2) of around 12-15m. Is this acceptable?
- I do not object to the principle of residential development to this plot, but object to the current design and layout.
- The parking arrangement will result in having people parking on the main road or neighbouring streets causing possible congestion either way.
- I do not have an issue with a single storey dwelling(s) but when 3 sides to the proposed homes are all bungalows which have ridge heights considerably lower than the plans submitted. They will not be within keeping of the existing area.
- The boundary line on the drawings to 10 and 8 is inaccurate, check the land registry for the correct boundary.
- The drawings do not show the conservatory at 10 Cotswold Way which places the property well within the 21m separation.
- The 21m separation diagram shows a "favourable" position of the 21m quadrant. Move the starting point of the quadrant to the centre line of the property and the 21m separation is contravened.
- Plot 2 clearly has direct line of sight into the bedrooms of 8 and 10 Cotswold Way which both have bedrooms at the rear of the property.
- The properties are described as Chalet Bungalows which is clearly another misrepresentation to support planning. Check the height of the wall plate and roofline and these are clearly Houses not chalet bungalows.
- The addition of the north facing second floor window on plot 2 is particularly worrying. This is an amendment from the original plans which only had velux windows on this elevation. This window should revert to a velux or the plans be revised.
- While these two chalet bungalows don't affect me in this instance. We would hope that in any future, the council will look on this with great care, I do speak as my bungalow was certainly over shadowed by extensions on my Wilson house.
- I see that as long as they are chalet bungalows without windows so they don't overlook.
- The properties are not chalet they are two storey properties.
- 21m has not been achieved as the conservatory has been missed off no 10 Cotswold Close
- I will lose privacy in the back garden and rear windows.
- The Wilsons back garden makes up some of the site.

3 APPLICANT'S CASE

3.1 The application was accompanied by a detailed design and access statement which can be viewed in full on the website. The conclusion states:

- The contents of this Design and Access Statement are designed to convey the design approach which has been taken in relation to the indicative masterplan of the site. It is considered that this document not only provides a policy context for residential development, but also robustly analyses local and national policy against the layout and design solutions which have been proposed. It is clear therefore that sustainability has been at the forefront of consideration throughout the preparation of this planning application, subsequently every decision taken in relation to the design and layout can be justified against policy and the correspondence conducted with relevant council officers.
- One of the main principles driving this scheme is to provide a sensitive and sustainable redevelopment of a now redundant rear site, to provide a more aesthetic environment for

residents within the immediate vicinity, whilst providing for the housing needs of the wider community. With this in mind the scale of development has been derived primarily with housing need in mind, but also to replicate the built form within this area of Carterton. Moreover, as has been demonstrated with this Design and Access statement, an in depth character analysis has been conducted to ensure that it is understood what is required of this development, in terms of materials, built form and ultimately design. Urban design and Architectural principles have therefore been employed to ensure that the built form of the proposal relates and reflects that of neighbouring developments.

- As mentioned, there are precedent examples of this type of 'buck land' development happening elsewhere in Carterton, often of a much larger scale.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
OS4NEW High quality design
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks permission for the erection of 2 dwellings. The application site currently comprises a builder's yard which is located to the rear of the main dwelling no. 99-101 Burford Road. Burford Road features a variety of both bungalow and two storey dwellings.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.3 Policy H7 of the WOLP 2011 states that new dwellings will be permitted in Group C settlements in circumstances of infilling or rounding off. Officers do not consider that the proposals could be defined as infilling or rounding off for the purposes of policy H7. The NPPF states that development proposals should be approved unless there are any adverse impacts in doing so that would outweigh any benefits of the scheme.
- 5.4 Carterton is one of the Districts most sustainable settlements where new dwellings are acceptable subject to compliance with other relevant planning policies.

Siting, Design and Form

- 5.5 The dwellings would be located on the site of a builders yard. The pattern of development in this part of Burford Road is varied with a mixture of both bungalows and two storey dwellings.

The properties would be located to the rear of the main house; views of the dwellings will be visible from both Burford Road and Cotswold Way.

- 5.6 A number of the objections refer to the fact that the dwellings are out of keeping with the scale of properties in the vicinity.
- 5.7 Officers have concerns regarding the scale and height of the properties given their back land position and visibility within the public realm. Cotswold Way features simple, low level bungalows which have retained their modest appearance. The increased height of the proposed dwellings would be seen from both Burford Road and Cotswold Way and their prominence within the Cotswold Way street scene would be read as an incongruous addition, especially when viewed against the modest size of the bungalows. Whilst officers acknowledge that there is a mix of dwellings within the vicinity, the combination of the proposed dwellings height, back land position and visibility from Cotswold Way, are not considered to form a logical addition to the pattern of development in this part of Burford Road.

Residential Amenities

- 5.8 A number of the objections refer to the impact of the dwelling on neighbouring amenity, specifically the increased level of overlooking, overbearing and overshadowing.
- 5.9 Plot 1 is shown to breach the 21m guidance but is shown not to feature any windows at first floor level in the rear elevation and so is not considered to give rise to unacceptable levels of overlooking. In addition as the properties located within Rowan Close are two storey, the overbearing impact of the property is reduced. The other properties such as the caretakers house located in the college grounds, the main house (99-101 Burford Road) and no 98 Burford Road are considered to be well distanced, given their back to side relationship with the new dwellings, in addition the position of the proposed dwellings would mostly feature views of the gable ends minimising the dwellings impact on the outlook from the properties. The proposed dwellings are not considered to be unacceptably impacted by the development.
- 5.10 The proposed dwellings have been positioned to achieve the 21m separation distance between neighbouring properties located in Cotswold Way in order to ensure that there is no unacceptable overlooking. Whilst officers acknowledge the fact that the 21m has been achieved in places, it is clear from the objections that some of the properties located down Cotswold Way consist of conservatories which would be affected by the proposed window, which would increase the level of perceived overlooking. The proposed heights of the new dwellings when viewed against the height of the bungalows located along Cotswold Way are also considered to impact the amenity of the properties. The proposed dwellings would be positioned in a back to back position with the properties located down Cotswold Way. This position would mean that the massing created by the entire width and height of the property would be visible from the properties located along Cotswold Way, impacting the outlook from the properties as well as creating an overbearing impact.
- 5.11 Officers therefore consider that given the combination of the height of the dwellings specifically plot 2, and its position to the rear of the properties located down Cotswold Way, the proposal would have an unacceptable impact on neighbouring amenity.

- 5.12 Other matters have been raised such as the proposed boundary treatment. A boundary wall or fence can be erected to the height of 2m without the need for planning permission so it is not considered that a boundary of this height would be unacceptable.
- 5.13 A number of the objections also refer to boundary lines; boundary issues are not a planning consideration and therefore have not been considered as part of the application.

Highways

- 5.14 A number of the objections refer to the layout of the parking arrangement. County Highways have been consulted on the application and raise no objection to the proposal subject to conditions.

Conclusion

- 5.15 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits and therefore should be refused.

6 REASONS FOR REFUSAL

- 1 By reason of the combined scale and position, the proposed dwellings will appear as incongruous addition to the site which will appear visually intrusive within the street scene to the detriment of the visual character and appearance of the area. The proposal is thereby considered contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and Policies OS2, OS4 and H2 of the emerging West Oxfordshire Local Plan.
- 2 By reason of its two storey design and siting in close proximity to the boundary the property shares with the properties located at Cotswold Way, the proposed development is considered to unacceptably overbear and increase the level of perceived overlooking, to the detriment of the residential amenity of the occupiers. As such, the proposal is considered contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan and Policies OS2, OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031.

Application Number	15/01871/FUL
Site Address	80 Milestone Road Carterton Oxfordshire OX18 3RH
Date	8th July 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Carterton Parish Council
Grid Reference	427544 E 206017 N
Committee Date	20th July 2015

Application Details:

Detached single storey two bed dwelling

Applicant Details:

Mr K HORAN
80 Milestone Road
Carterton
Oxfordshire
OX18 3RH
United Kingdom

I CONSULTATIONS

- | | | |
|-----|-------------------------------|---|
| 1.1 | OCC Highways | No objection subject to conditions |
| 1.2 | WODC Env Health -
Lowlands | No Comment Received. |
| 1.3 | Parish Council | COUNCIL does not like garden grabbing but had no further observations to make |

2 REPRESENTATIONS

One letter of objection has been received from Mrs Allen from 4 Corbett Road. Mrs Allen objects to the new dwelling as it would result in vehicles passing up and down at the end of their garden, increase noise, lack of privacy and disturbance from occupants. The development would also see a loss of green space and would impact the ecology of the site.

3 APPLICANT'S CASE

- 3.1 The design and access statement submitted with the application advises as follows in a precised form:
- In order to minimise the impact on the street scene and neighbours the proposed dwelling is single storey with a ridge height of 4.5m. Bearing in mind that a 4m high outbuilding could be constructed in this location as permitted development (provided it was a min of 2m

from the boundary) it is difficult to see how the proposal could be viewed as having an adverse impact on the street scene or being overbearing on neighbours.

- The proposed accommodation provides a comfortable 2-bed dwelling with a good-sized private rear garden. The garden for no.80 remains generous.
- Vehicular access is via a private driveway that passes the gable of no.80 following removal of the existing flat-roofed garage. There are adequate turning facilities within the site for both no.80 and the proposed dwelling.
- This application is being submitted despite the negative pre-app response from a WODC Planning Officer. The reasons for this are set out below:-
 - i) The proposal does respect the existing scale, pattern and character of the immediate surrounding area;
 - ii) the impact on neighbouring properties would be minimal. The proposal is single storey and in excess of 20m from nos.4 & 6 Corbett Road and no.80 Milestone Road;
 - iii) Vehicular movements to the rear of adjacent properties occurs in numerous locations along Milestone Road, and also in the recent approved scheme at 47 Black Bourton Road where the driveway serves 2 properties, not one as with this proposal;
 - iv) Comparisons with the appeal dismissal for the site to the rear of no.78 cannot reasonably be drawn due to the varying nature of the proposals i.e bungalow vs 2-storey, one property as opposed to 2, and no.80 is in effect the end property with plot sizes of adjacent properties being much smaller;
 - v) the recently approved proposal at no.47 Black Bourton Road is larger in scale and in an area with a very similar character to this proposed site.
- In summary, it is argued that the benefits of the proposal outweigh the negative impact and that it is worthy of approval, providing a much-needed low-cost unit of accommodation.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks permission to erect a single storey dwelling to the rear of 80 Milestone Road. Milestone Road features a variety of properties. The application site features a bungalow set within a generous plot. The site is located in close proximity to the Corbett Road junction. The direct neighbouring bungalows to the East of the site features similarly sized plots whilst the density of the properties located to the West and North along Corbett Road are much higher.

Background Information

- 5.2 In 2013 an application for two new dwellings in the garden of 78 Milestone Road was submitted. The application was refused by the LPA and later dismissed at appeal. In considering the application the inspector stated (in a precised form).
- 5.3 "On balance, I do not consider that the proposed development would sympathetically complement the form of development within the immediate vicinity of the appeal site. Consequently, I conclude that the proposed development would materially harm the character and appearance of the area".
- 5.4 "In relation to the Councils argument that to grant planning permission for the appeal proposal would set a precedent for similar developments, I consider that this a realistic concern in respect of the bungalows either side of 78 Milestone Road as these are also set in relatively generous plots".. Should similar development take place, I consider that the cumulative effect would exacerbate the harm I have identified above..."
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 Policy H7 of the WOLP 2011 states that new dwellings will be permitted in Group C settlements in circumstances of infilling or rounding off. Officers do not consider that the proposals could be defined as infilling or rounding off for the purposes of policy H7. The NPPF states that development proposals should be approved unless there are any adverse impacts in doing so that would outweigh any benefits of the scheme.
- 5.7 Carterton is one of the Districts most sustainable settlements where new dwellings are acceptable subject to compliance with other relevant planning policies.

Siting, Design and Form

- 5.8 The proposed bungalow would feature a footprint which would be larger than that of the main dwelling. Although Milestone Road features an eclectic mix of housing with the density changing in different parts of the road, the immediate character comprises bungalows in spacious plots.
- 5.9 An inspector has already stated that development of this type, on this part of Milestone Road would "materially harm the character and appearance of the area".
- 5.10 A dwelling located in this back land position would fail to form a logical relationship with the pattern of development in the vicinity and would instead read as an incongruous form of development, which would set an undesirable precedent for this area of Milestone Road.
- 5.11 In addition officers are of the opinion that as there has been no material change to this part of Milestone Road or to planning policy since the inspector's decision was made regarding the next door plot. Therefore there are no new considerations which would suggest that a scheme of this type is now acceptable.

Highways

- 5.12 County Highways have raised no objection to the development subject to conditions.

Residential Amenities

- 5.13 An objection has been received from a neighbouring property with regard to the increased noise, lack of privacy and increased movements. The size of the application site allows the proposed bungalow to be sufficiently separated from the neighbouring properties so not to be overbearing or give rise to unacceptable level of overlooking, in addition the site is screened by a close boarded fence.
- 5.14 Officers are of the opinion that although there will be additional disturbances from an addition property to the rear, given that the property only features two bedrooms and benefits from sufficient circulation space around the property, the increased movements created by the dwelling would not have an unacceptable impact on neighbouring properties.

Conclusion

- 5.15 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits and therefore should be refused.

6 REASON FOR REFUSAL

- I The siting of the proposed dwelling does not represent a logical compliment to the existing pattern of development, and will adversely affect the generally low density character and appearance of this part of Milestone Road. If allowed the development could set a precedent for other similar sites where in equity it would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area. The proposal is contrary to policies BE2, H2 and H7 of the West Oxfordshire Local Plan 2011 and policies OS2, and H2 of the Emerging West Oxfordshire Local Plan 2031.