

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 17th August 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	15/01860/FUL
Site Address	99 - 101 Burford Road Carterton Oxfordshire OX18 1AJ
Date	5th August 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427824 E 207551 N
Committee Date	17th August 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

1 CONSULTATIONS

- 1.1 Town 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:
- 3.2 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.
- 3.3 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 Carterton 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.

- 3.4 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.

Background Information

- 5.2 Members will recall that this application was presented to the July Committee where the application was deferred to enable a member site visit.
- 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 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.
- 5.5 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

- 5.6 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.
- 5.7 A number of the objections refer to the fact that the dwellings are out of keeping with the scale of properties in the vicinity.
- 5.8 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

- 5.9 A number of the objections refer to the impact of the dwelling on neighbouring amenity, specifically the increased level of overlooking, overbearing and overshadowing.
- 5.10 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.
- 5.11 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.

- 5.12 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.
- 5.13 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.
- 5.14 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

- 5.15 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

- 5.16 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	I5/01871/FUL
Site Address	80 Milestone Road Carterton Oxfordshire OX18 3RH
Date	5th August 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427544 E 206017 N
Committee Date	17th August 2015

Application Details:

Detached single storey two bed dwelling

Applicant Details:

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

1 CONSULTATIONS

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

2 REPRESENTATIONS

- 2.1 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

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 Members will recall that this application was presented to the July Committee where the application was deferred to enable a member site visit.

5.3 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).

"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".

"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..."

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

Principle

5.5 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.

5.6 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

5.7 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.

5.8 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".

5.9 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.

5.10 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

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

Residential Amenities

- 5.12 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.
- 5.13 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

- 5.14 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.

Application Number	15/01934/OUT
Site Address	Land South Of New Yatt Road North Leigh Oxfordshire
Date	5th August 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	North Leigh
Grid Reference	438228 E 213001 N
Committee Date	17th August 2015

Application Details:

Outline application for residential development of up to 76 Dwellings (means of access to be considered at this stage)

Applicant Details:

Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton Business Park
Congleton
UK CW12 1LB
United Kingdom

I CONSULTATIONS

I.1 Parish Council

North Leigh Parish Council has given lengthy consideration to the above planning application and wishes to object strongly to the application for the following reasons.

I The principle of development; Local Plan Policy

In the adopted Local Plan, North Leigh is defined as a village suitable for limited development, permitting infilling and rounding off within the existing built up areas only. This proposal does not comply with these criteria and is in contravention of LP Policy H6.

In the emerging Local Plan, policies OS2 and H2, North Leigh is classified as a village suitable for limited development which respects the village character and local distinctiveness. Additionally, to be policy compliant, any development has to be of an appropriate scale and form, a logical compliment to the existing pattern of development, and not adversely impact on the character of the settlement.

A development of this size will be extremely difficult to blend into the existing built form of the village. This proposal does not fulfill these policy requirements.

2 Landscape and setting; Local Plan Policy

The proposed development site is in open countryside at the highest point of the village; very rural in nature, giving a soft edge to the village approach at present. We consider that 76 dwellings will not form a logical compliment and will extend the built up limits into open countryside to the detriment of the rural character and visual appearance of the area. This too would contravene Policy H6 of the adopted Local Plan, Policies OS2 and H2 of the emerging Local Plan and the relevant paragraphs in the National Planning Policy Framework.

The site is in a prominent position in the wider landscapes with far reaching views from the south and west. As such, we consider that the proposed development will contravene Policies BE4, NE1 and NE3 of the adopted Local Plan and landscape policies in the emerging Local Plan. If permitted, this development would erode the rural open gap between North Leigh and New Yatt resulting in an unacceptable form of coalescence. It would also be visible from views from the AONB to the north of North Leigh.

3 Highways and Access

Providing access will result in the loss of a significant hedgerow in visual, biodiversity and rural character terms. This is contrary to Policies NE6 and NE13 of the adopted local plan and the relevant policies in the emerging Local Plan.

In highway safety terms, the access will be on a short stretch of road with multiple bends at either end and in the wider road network will result in unacceptable additional traffic through a narrow pinch point in the center of the village. From this point, vehicles will need to continue along Park Road past a busy access to the village Primary School, which is immediately opposite the village hall which contains the village library, shop, Post office and Youth center; parked cars already cause a traffic hazard at this point. Continuing along Park Road traffic meets the A4095 at the Eynsham Hall crossroads - an already dangerous junction close to the brow of a hill which has resulted in multiple accidents and accidental loss of life over a period of time. Children walking to the village school from the proposed development would need to face crossing the road on a number of occasions raising safety concerns due to speeding increased volumes of traffic.

Accessing the site in the opposite direction towards New Yatt is on to an unclassified road, already used as a 'rat run' and totally unsuitable for larger volumes of traffic.

In the wider road network the A 4095 route out of North Leigh is already heavily congested and over capacity with long delays at peak

times. This is causing real anguish for the villages of North Leigh, Freeland, Long Hanborough and Bladon on the busy section between Witney and Woodstock. In respect of the A 40 strategic route into Oxford from Witney, used by residents of the villages mentioned, this road is also over capacity at 30,000 vehicles per day, making an already intolerable situation for travellers even worse on these two main routes. Any further traffic generated can only add to the misery presently suffered by road users'.

4 Other relevant matters

North Leigh Primary School is already close to capacity for numbers of pupils; at present it can take only a very small increase in pupil numbers in its annual intake.

As the school is land locked with development on all four sides, it is questionable whether there is room to build new classrooms without encroaching onto its small playing field/recreational area. Given this situation, it is unlikely that the numbers of pupils generated by 76 new dwellings could be accommodated without breaching recreational standards, should the money be made available to build new classrooms.

Foul drainage has continuing problems in the village in terms of overflowing discharge at times with pumping stations struggling to cope with existing flows. A further increase of 10%-15% of discharge into the system would exacerbate this significantly.

Flooding - There have been localised flooding issues in the past and the sloping nature of this site will pose problems for dwellings and roads at a lower level if the site is concreted over in the form of the proposed housing development.

GP Surgeries - Local GP Surgeries in Long Hanborough and Witney are already difficult to access for appointments for residents without a delayed waiting time and this can only worsen with additional houses in their locality. Without clear evidence that money is available to increase the surgeries' ability to cope with increased demand this must be considered a real impediment to large scale development such as this'.

SHLAA - The proposed site has never been included on this list of sites suitable for consideration for development

I.2 One Voice Consultations

Transport

No objection subject to conditions and legal agreements to secure:

Section 106 contribution towards the development of bus services through North Leigh, at a rate of £1000 per additional dwelling.
Section 106 contribution of £2000 towards the cost of installing

modern bus stop pole/flag/information cases at the nearby bus stops.
Section 106 for the Travel plan monitoring fees of £1240.

Section 278 arrangement to deliver new and improved footways on the highway as detailed on drawing number 002 (Rev. A) job number C151183 as indicated in the developer's Transport Assessment and to the satisfaction of the County Council and a Section 278 agreement for access/junction proposal and amendments.

Archaeology

No objection subject to conditions

Education

£216,467.58 Section 106 developer contributions towards the expansion of North Leigh CE Primary School, by a total of 18.69 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.

Property

No objection subject to conditions and following contributions:

Library £15,082.40

Total £15,082.40

Administration & Monitoring £3,750.00

- | | | |
|-----|----------------|---|
| I.3 | WODC - Arts | A contribution towards public art of up to £15,200 towards enhancements to the public realm in the village with the purpose of celebrating the local identity and history of the village for the benefit of new and existing residents. The exact nature of any scheme would be determined in consultation with the Parish Council. |
| I.4 | Wildlife Trust | No Comment Received. |
| I.5 | Ecologist | Having looked through all the submitted documents for 14/01934/OUT. Including the Ecological Appraisal (fprc May 15) the main habitats identified are improved grassland, trees and hedgerows. All the ponds within 500m were identified and all the ponds within 300m surveyed and a HSI carried out. The site was also surveyed for Badgers but no evidence of setts were found. The most important habitats on site were the Hedgerows and trees around the boundary of the site and as such certain recommendations were made these included a 5m buffer alongside all the hedgerows as this would retain them and enable enhancements to the features. Detailed recommendations contained in section 4 of the report if followed would ensure that the main habitats identified as being the most relevant to the Conservation Target Area would be retained and the |

area enhanced.

However the detailed landscape design has not been submitted at this stage just a development framework Drawing no. 6588-L-02-G which whilst indicates the majority of the recommendations such as a SUDS drainage pond and the southern and western boundaries of the site are well buffered but it does not include the roadside northern hedgerow boundary buffer of 5m or a continuous buffer along the eastern boundary.

The pressures that all the retained boundary habitats will be under should not be ignored and so the main consideration will as per the ecology report states be the future management of these areas as to how much biodiversity benefit they are, the retention of grassland margins adjacent to the hedgerows & trees outside of house gardens will also be key to reducing the pressure but even at this stage a clear /wide buffer from the existing hedgerows and ditches the proposed development should be indicated to reduce the pressure and ensure that this buffer is included in the reserve stage detailed design.

As this site is within the Wychwoods & Evenlode Conservation target Area inclusion of other priority habitats such as Ponds & traditional orchards should be included in addition to the retained and enhanced hedgerows. The inclusion of a 15m buffer planting along the southern boundary could meet the target of lowland mixed deciduous woodland planting and this is welcomed and the traditional orchard could be incorporated into the proposed 0.34 of public open space. But in addition to the drainage pond smaller wildlife ponds should be incorporated into this area.

If a wide buffer could be shown alongside all of the existing hedgerows then the following condition would be relevant :-
Draft recommendation: No objection subject to conditions and revised layout to include buffer adjacent to all the boundary hedgerows.

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 comments to make
I.10	WODC Env Services - Engineers	No Comment Received.
I.11	WODC Env Consultation Sites	I have looked at the above referenced planning application in relation to potentially contaminated land.

From the information submitted with the application it appears that the site is an agricultural field, our records indicate that the site has remained undeveloped over time. Given the proposed residential development please consider adding a relevant condition as a precaution:

- | | | |
|------|---|---|
| I.12 | WODC Env Health - Lowlands | <p>The Council should ensure a noise condition be imposed to afford each dwelling a suitable degree of protection from road traffic noise in accordance with the appropriate Standard.</p> <p>The standard which I would refer you to for the design criteria for internal noise is BS:8233-2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'.</p> |
| I.13 | WODC Head Of Housing | No Comment Received. |
| I.14 | WODC Env Services - Landscape | No Comment Received. |
| I.15 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.16 | WODC Legal & Estates | No Comment Received. |
| I.17 | WODC Planning Policy Manager | No Comment Received. |
| I.18 | WODC - Sports | No Comment Received. |
| I.19 | WODC - Tourism | No Comment Received. |
| I.20 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| I.21 | Thames Water | <p>Waste Comments</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>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 prior to the Planning Application approval.</p> <p>Surface Water Drainage</p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water</p> |

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.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Thames Water recommends the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Supplementary Comments

The applicant is requested to contact Thames Water Developer Services at the earliest opportunity to progress a foul water impact study. To the South of the proposed development sits North Leigh Reservoir & WBS. This is a Thames Water Asset. Due to the close proximity of the proposed development to the reservoir

embankment, Thames Water will require further information on the proposed construction methods. This will need to be assessed as to determine whether or not it is likely that the banks of the reservoir will be affected by any construction activity. Ensuring the integrity of the banks is of paramount importance to Thames Water as a breach in the reservoir banks could lead to a major flooding event, and ultimately have an impact on Thames Waters ability to supply potable water to the surrounding community.

1.22 WODC Env Services - No Comment Received.
Waste Officer

2 REPRESENTATIONS

2.1 Over 250 letters have been received objecting to the application on the following grounds:

Highways

- I would be very concerned about the safety of the access in an out of the site and the excessive traffic this would create.
- As a result of the increased urbanisation of Witney and surrounding areas and the traffic pressures placed on the A4095 & A40 we have seen a dramatic increase in through traffic on our main infrastructure arteries (New Yatt Road and Park Road most notably).
- Adding additional houses will only add more pressure and congestion along these roads every morning and evening and only increase the dangers to pedestrians and cyclists in the village.
- The potential increase in road traffic as a result of this proposal will add to the already increasing use of New Yatt Road as a 'rat-run' through North Leigh.
- There are already 'pinch points' near the Mason's Arms public house and especially outside the primary school and post office/ shop, where parking causes serious problems for through traffic.
- It seems inevitable that accidents will occur as a result.
- The road is narrow, winding, poorly lit, without pavements in many places and yet has many residential access points. The slightest increase in traffic will now tip the balance towards the irresponsible.
- The huge planned development surrounding Hailey will also add to traffic congestion in North Leigh as drivers attempt to avoid the already-busy A4095 towards Oxford.
- The proposed access to the site does not give sufficient visibility for drivers entering or leaving safely.
- I know very well how dangerous the road is for pedestrians coming around the bend in the road walking from the Lane near Providence Cottage to the Primary school. I walk this route with my grand daughter and there is no pavement. It would be highly dangerous indeed to permit access for even more cars to use this road at this point into the village.
- Furthermore there is insufficient space to create a pavement or footpath that could provide for a safe pedestrian route.
- An application for just one dwelling on the next bend into the village was rejected in recent years and I understand a significant reason for that rejection came from Oxfordshire County Highways Engineer's concerns about direct access onto and off New Yatt Road.

- The number of serious incidents at the Eynsham Hall junction in the last few years alone, highlights the dangers we already face just trying to get in and out our village without adding the huge number of cars a development of this size would undoubtedly do.
- Generally, the highway system in North Leigh is not suitable for the additional volumes of traffic proposed for the development and there are prominent safety and traffic flow issues that are ignored or glossed over.
- The actual construction process of any new development in this location will also generate a lot of heavy traffic through the village's narrow roads causing noise, congestion and a risk to road users and pedestrians.

Flooding

- The increase in possibility of flooding for the surrounding properties would also be greatly increased.
- Given our location and the proposed addition of thousands of tons of tarmac and hardcore we will be at a much higher risk of flooding - given that our property and most of the others on the opposite to this site are set back from the road down a hill.
- Sadly I am aware of the fact of flooding in the area: my family has suffered as a result and, despite the many efforts made and the tremendous expense undertaken to prevent further flooding, the risk would most certainly increase if this project is given consent.
- The soil is clay of nature in this area and natural drainage is very poor making sitting water a problem as it very slowly drains away. All involved in this plan should be made aware that although it is at a very high point it could be prone to flooding in the future just as we have experience at our property.

Village Amenities

- Within the village currently we only have a small Primary school which is already at bursting point with the school having to add additional pre-fabricated buildings to accommodate the increase in numbers of children within the village.
- The village primary school does not have the capacity for a potential 50-75 children without adding extra facilities and teaching staff, unlikely in the present economic climate.
- The school uses a car park at the back of the premises which is a nightmare to manoeuvre in and out of already. You can drop children off at the main school entrance but this is also dangerous as so many cars can't park at the front. At 8.45am some mornings and 3pm afternoons this section of Park Road is very difficult.
- As well as this we only have a small post office/ store which again is consistently busy.
- It is doubtful that the local GP facilities at Long Hanborough are adequate to accommodate another 100 - 200 patients: waiting times are already overlong.
- The secondary feeder school in Witney would have to add another bus stop to its current route with a new 'estate' on the edge of North Leigh and on the New Yatt Road I fail to see where this could be put and it certainly would not be safe as there is no room.

Visual impact

- This area is a very attractive rural area on the edge of the village and any development would destroy the rural street scene of this village.

- This is a site of natural beauty and has views across to White Horse Hill and surrounding areas, it is used by the people of the village as a recreational area by walkers and people exercising their dogs.
- The Landscape Assessment is invalidated by errors, omissions and misjudgements and by the vested interest of the organisation that commissioned the report.
- The development would extend the village into a section of unspoilt countryside.

Ecology

- We have been fortunate enough to see a great variety of birds, mammals, rodents and insects that use the fields and hedgerows opposite our house which this site will of course destroy. What will be the impact on those animals that have resided here for many years and continue to return year after year?
- The impact on the wild life would be considerable. I regularly see Barn Owls and many other bird and animal species in this area, and from my own observations, a number of Roe Deer move from the Ramsden area to land on Heath Farm.
- I think it is highly likely that there are bats roosting in those trees. Bats are under threat due to loss of habitat and I am very concerned that this development will have an adverse effect on this population and would like to know how the developers would be able to ensure that this will not be the case.
- North Leigh has a beautiful charm, surrounded as it is by fields. It is peaceful and home to all manner of wildlife. Building houses on greenfield sites will clearly not help this, nor will it help the vast amount of wildlife.

Principle

- Create yet another modern housing estate that is not wanted by any of the locals.
- The nature of this village will be changed by such a large and sudden development of housing; this is not natural evolution of a community but an increase in the village population of appx 20%.
- Villages like North Leigh need to evolve in a gradual and natural way, for the very nature and structure of the village to continue. This is an obscene mass development.
- It cannot unlock sufficient imagination to see how North Leigh's existing infrastructure can possibly support a development of this scale without a catastrophic impact on the community and its environment.
- Whilst there is a requirement for housing, development should be sympathetic to the existing fabric of the village and community. A development of this scale is not sympathetic and would destroy all that is attractive about our village.
- Gladman Properties are a company with very little morality. The whole company ethos is to scour the country looking for small plots of land. This company have no interest whatsoever in the local community, its infrastructure or the environmental impact that their proposed developments would have on the village or town that they target.
- I do not like the way these types of companies play fast and loose with planning authorities, they submit plans for developments that have no consideration for the local residents.
- Moreover, I further note that the application fails to mention the West Oxfordshire Local Plan and the objectives and principles expressed therein.
- While I object to the proposal as a local resident whose enjoyment of the local environment will be impacted by the proposal, I am more concerned by the methods of Gladman in attempting to subvert and bypass the planning process.

- North Leigh has NOT been identified as suitable for development in the forthcoming WODC Local Plan and we trust this signifies that community safety is the imperative for decision makers.
- 76 houses are too many for the village and if planning permission is granted it would cause havoc in our village.
- Gladman is presenting a generic cut and paste of other proposals.

2.2 One letter of support has been received on the following grounds:

- I've lived in North Leigh my entire life and would love to continue living here, this would not increase the number of drivers in the village only spread them further making parking less of an issue at our current house and I'm sure many others at university or those who have had to move would be delighted to have the opportunity to move back to the village.
- We have many activities and communities within the village that can only benefit from a few additional houses.
- The local post office, garden centre and pubs will benefit from the additional residents.
- The village will have a quota to fill. If not 75 then it could be 500 as they keep trying to pass in Long Hanborough!
- The teachers at the school will be able to take advantage of the affordable housing.
- Footpaths are as they were before and therefore no access is being denied.
- A new park will be added for children which I think can only be a good thing for those that don't have the land.
- The road in would be my only major concern as we'd all agree that the road is quite dangerous as it stands. This could be the perfect opportunity for it to be widened and repair it?
- I would also like to see the quota of the 50% affordable housing filled as well.

2.3 Comments from Cllr Enright

- I'm concerned that the site is the wrong side of the "pinch", or restricted bit of road near the centre of North Leigh. Access to the new houses will either be via the long winding New Yatt Road which is not suitable for other than occasional traffic, or through the pinch and on through the village or Common Road. A development of this size will generate a lot of traffic movements and the local road network is inadequate to support this. While the homes are welcome, and the 50% affordable particularly so, it cannot go ahead without addressing this issue.

3 **APPLICANT'S CASE**

3.1 The applicant have submitted several supporting documents, the most relevant are summarised below:

Planning Statement

- Gladman Developments Ltd. propose to develop land south of New Yatt Road, North Leigh for up to 76 units, with 50% affordable housing provision, open space, landscaping and access taken from New Yatt Road. This is an outline application with all matters reserved except for access.

- West Oxfordshire District Council's (WODC) development plan was adopted in 2006, with an end date of 2011 and is therefore time expired. The applicant accepts that the site's location beyond the existing settlement boundary does not conform to the adopted development plan.
- However, the weight to be attached to the policy conflict with the development plan is limited for a number of reasons.
- The housing supply and housing restraint policies of WODC Local Plan 2006 are out of date because the evidence base/national and regional policy that they were based upon is out of date and/or has been revoked. They are also out of date because they are inconsistent with the national policy imperative to boost significantly the supply of housing by identifying and planning to meet the FOAN for housing. In the absence of an appropriate and up to date policy framework to deliver the necessary housing requirements of the district (and a deficient 5 year deliverable housing supply) there is a need to release suitable greenfield sites such as this in North Leigh.
- WODC cannot demonstrate a 5 year housing land supply, as set out in section 8 of this planning statement and supported by a recent planning appeal decision. Applying paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable housing sites, invoking paragraph 14 of the framework.
- As made clear in the Courts by Lindblom J in his judgement in Bloor Homes, the NPPF sets out when the presumption in favour of sustainable development applies, this includes where a development plan is absent, silent or out of date. The Bloor judgement states:
- In the context of decision-taking paragraph 14 identifies three possible shortcomings in the development plan, any one of which would require the authority to grant planning permission unless it is clear in the light of the policies of the NPPF that the benefits of doing so would be 'significantly and demonstrably' outweighed by 'any adverse impacts', or there are specific policies in the NPPF indicating that 'development should be restricted'. The three possible shortcomings are the absence of the plan, its silence, and its relevant policies having become out of date.
- These are three distinct concepts. A development plan will be 'absent' if none has been adopted for the relevant area and the relevant period. If there is such a plan, it may be 'silent' because it lacks policy relevant to the project under consideration. And if the plan does have relevant policies these may have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason, so that they are now 'out of Date'. Absence will be a matter of fact. Silence will be either a matter of fact or a matter of construction, or both. And the question of whether relevant policies are no longer up to date will be either a matter of fact or perhaps a matter of both fact and judgment.
- There is clearly no Development Plan adopted for the 'relevant period'. It is clear the Development Plan is therefore absent and whatever the situation regarding the 5 years supply, the NPPF para. 14 presumption and weighted balance is engaged.
- WODC accept that full weight can no longer be ascribed to housing policies of the adopted Local Plan, with or without a 5 year housing land supply. A recent officers report (19th January 2015, Appendix 8) for an outline residential application at Land West of Station Road Eynsham, confirms at page 65 that:
- 'Whilst the Council is currently claiming a 5 year land supply the fact that the policies pre date the NPPF, were predicated on no green field releases and were aimed at a housing supply target substantially less than is now being sought all mean that the strategic Housing policies of the adopted local plan should no longer be accorded full weight in determining the application and the provisions of paragraph 14 of the NPPF are invoked. Thus there is a

presumption in favour of sustainable development and the principle of the development is considered acceptable unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.'

- The planning statement demonstrates accordance with all non-housing supply related policies that are up to date and consistent with the framework. It also sets out that reduced weight should be afforded to many policies within the WODC Local Plan. The proposals benefit from the presumption on favour of sustainable development via a number of routes. The application also includes a significant number of material benefits (as set out in full in section 9), which would improve the application site and the surrounding area and outweigh the impacts of the development which are limited to Landscape and Visual impact (including impact upon a PROW) and non-conformity with an out of date development plan.
- The material benefits of the scheme include:
 - i) 50% market housing to help meet the government objective of significantly boosting the supply of housing and remedying WODC 5 year housing land supply deficiency.
 - ii) 50% affordable housing in a district which has historically under provided
 - iii) Improved pedestrian links and accessibility to the existing public rights of way network
 - iv) A contribution of £6.7 million in construction spend, an additional £2.4 million of direct GVA over the build period, £700,000 in New Homes bonus, £1.88 million in gross expenditure in the District, 59 FTE jobs over the build out period and 64 indirect jobs in associated industries.
 - v) Open Space Provision and Children's Play provision for the benefit of existing and future residents.
 - vi) Net gain in biodiversity and ecology.
 - vii) Any necessary Section 106 contributions
- The proposal must be assessed against the weighted balance within paragraph 14 of the framework, regardless of the Council's stance on its 5 year housing land supply. As a result of the engagement of NPPF para.14, part 2, second bullet point, via the absence and out of date nature of the policies of the development plan, a weighted balancing scale in favour of granting permission is created, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application is accompanied by a comprehensive set of technical reports, none of which have identified any adverse impact that would significantly and demonstrably outweigh the benefits of the proposal. Accordingly it is clear that the proposals constitute sustainable development.
- Having demonstrated that the weight to be attached to the relevant Local Plan policies should be reduced, and having identified the strong accordance with national planning policies, in particular the NPPF and the matters of housing delivery, the fact that 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.

Design and Access Statement

- The overall vision for the site is to provide a distinctive and high quality place, which enhances the qualities and character of North Leigh.
- The development will create up to 76 dwellings, which would provide a choice of housing to meet the needs of the area, whilst respecting and enhancing the site's environmental and cultural assets. It will also promote the use of sustainable transport and plug into the existing public right of way network.

- Housing will be set within a robust green infrastructure. This will help to integrate development within the landscape and create a distinctive sense of place. Rather than attempt to imitate existing built development, the design is inspired by the character and detail found within North Leigh and the wider landscape setting including the Wychwood Upland to the north.
- The masterplan in this document is illustrative only and further details would be provided at reserved matters stage.

Transport assessment

- Hydrock has been instructed by Gladman Developments Ltd. to prepare a Transport Assessment relating to proposals for a residential development off New Yatt Road in North Leigh. The proposals are for the development of up to 76 residential dwellings at the site.
- Access to the site is proposed off New Yatt Road and the access junction would be constructed to adoptable standards to include footways connecting the site to the surrounding highway network.
- The proposed site access will consist of a 5.5m carriageway, 8.0m radii and 2.4m x 90m visibility splays will be provided at the access junction.
- 1.8m footways will be provided on either side of the access junction which would link into the existing footways along New Yatt Road. The existing footway along New Yatt Road is 1.2m, but this will be widened to 1.8m under these proposals, subject to the extent of the adopted highway.
- Pedestrian and cycle accesses would be provided into the site off New Yatt Road. The site is located in a sustainable location, with a range of local services and facilities available within an acceptable walking and cycling distance. The 11 and 233 buses provide regular services through the village to a variety of destinations including Oxford, Witney, Woodstock and Burford.
- It has been established that the proposed development would have a negligible impact on the local highway network in terms of development traffic volumes. The PICADY assessments show that the impact of the development on the surrounding highway network is minimal.
- The accompanying framework travel plan outlines a range of initiatives to minimise the impact of the development on the surrounding highway network.
- An analysis of the road traffic collision data illustrates that the proposed development would not exaggerate any pre-existing highway safety issues present on the local highway network.
- NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts on development are severe.' The traffic impact assessment shows that the proposed development would not have a severe impact on the highway network.
- It is therefore concluded that the development proposals are acceptable in highways and transport terms. There are no highways or transport-related reasons upon which a refusal of the planning applications for the proposals would be justified.

Flood Risk Assessment

- The site is shown on published mapping to be located within the Environment Agency's Flood Zone 1. Comparison of topographical data with the EA modelled flood level data indicates that the whole site is in Flood Zone 1 - very low risk of flooding.

- The EA, Thames Water, and Oxfordshire County Council have provided historical flooding records for areas adjacent to this site.
- The site is not at significant risk of flooding from any source.
- The finished floor levels of buildings should be set at a nominal height above the finished ground levels, which should be designed to allow for overland flow routes to cater for extreme events and drainage failures.
- Pedestrian and vehicular safe access to and from the site is achievable under all conditions via the access road off New Yatt Road.
- Potential for soakaway use for rainwater disposal is low; however this should be investigated further at the detailed design phase.
- Surface water flow will probably need to be attenuated to the Greenfield runoff rate or a rate agreed with the LLFA. There is space on the site to accommodate the necessary storage.
- Surface water arising from the site could potentially discharge into the roadside ditch running westward along New Yatt Road.
- A formal evacuation plan is not considered to be required.

Ecological Appraisal

- Development of the site is not expected to negatively impact on any statutory or non-statutory.
- Designated sites located in proximity to the site. The majority of the site comprises low value habitat of improved pasture, whilst the boundary hedgerows and associated mature trees qualify as habitat of principal importance under the NERC Act. The hedgerows are also a priority habitat within the Wychwood and Lower Evenlode conservation target area and are therefore recommended for retention as well as measures to enhance linkages to the wider landscape such as buffering and green corridor creation.
- Retention and buffering of the boundary hedgerows will maintain the commuting and foraging resources the site provides to the local bat population.
- It is considered reasonably unlikely that great crested newts will be present within the habitat on site.
- Precautionary measures have been recommended that would prevent harm to reptiles and breeding birds, should they be present.

Landscape and Visual Impact Assessment

- This assessment demonstrates that the development proposals respond positively to local landscape character and visual amenity by identifying and seeking to protect and integrate key views and landscape features as an integral part of the scheme.
- The site has a restricted Zone of Visual Influence. The site is located on the west of North Leigh Village. It lies in an area which is enclosed and screened from the surrounding landscape by existing built development to east and partially to the north. The site is also screened to the south east by woodland associated with North Leigh reservoir.
- The landscape proposals include a new area of public open space within the east and west of the site and adjacent to the southern boundary. The eastern area will include tree planting, play area and wild flower meadow. The southern area will include new tree and shrub planting and wild flower meadow and the western area will include an attenuation basin and habitat creation.

- The site is enclosed to the surrounding landscape by the village fabric and existing vegetation to the east and partially to the north and south. However, the southern boundary is considered more visually sensitive and at detailed design stage will include a sensitive planting scheme within the proposed layout to create a visual screen from public rights of way and roads further to the south.
- The scheme will use the local vernacular and existing landscape and village character to guide the form and layout of the proposals and will reflect local vernacular designs wherever possible.
- The landscape proposals include the retention of existing landscape features such as existing boundary and internal trees and hedgerows. Whilst the immediate effects on the local character are considered to be Minor Adverse with site and immediate surroundings being Moderate Adverse, within 15 years and growth of new planting within the open space, effects are considered to be Minor adverse/Negligible.
- It is considered that the proposed development of 76 dwellings is of a scale and nature which can be successfully accommodated within the local landscape without any unacceptable landscape or visual effects.

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
 EH1NEW Landscape character
 H1NEW Amount and distribution of housing
 H2 General residential development standards
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H4NEW Type and mix of new homes
 H6 Medium-sized villages
 NE1 Safeguarding the Countryside
 NE13 Biodiversity Conservation
 NE3 Local Landscape Character
 NE6 Retention of Trees, Woodlands and Hedgerows
 OS2NEW Locating development in the right places
 OS5NEW Supporting infrastructure
 TLC8 Public Rights of Way
 TLC8 Public Rights of Way

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 beyond the Western periphery of the village. It is an Outline application which seeks to establish the principle of the development along with the details of the means of access. Illustrative plans accompanying the application show an access being taken from the New Yatt Road leading to a series of cul de sacs. Two areas of open space are shown along with some additional strategic planting along the southern boundary.

- 5.2 A footpath runs along part of the eastern boundary and then across the site to where it joins a second footpath that runs along the southern boundary. The site has a considerable slope on it where it rises from the road towards the south as well as from the west to the east. A small number of low key low rise existing residential properties front the site across the road and across a small access track in the NE corner of the site. Trees in the vicinity of these latter dwellings are subject to a TPO.
- 5.3 The relevant plans will be displayed as part of the officer presentation to Committee.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 North Leigh is a settlement where Policy H6 of the adopted Local Plan applies and which permits new dwellings where they would constitute infilling, rounding off within the existing built up area and the conversion of appropriate existing buildings. The proposals do not constitute infilling or rounding off within the settlement and as such the scheme is contrary to policy H6. However Members will be aware that H6 was framed when there was a much lower housing target and as such that greenfield release of land was not required. The uplift in the housing supply required means that the strategic housing policies of the adopted Local Plan are now being applied more flexibly in line with the provisions of the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development and in light of the policies of the emerging Local Plan.
- 5.6 In this regard policies OS2 and H2 are key as they deal with the scale and distribution of all new development, including housing, throughout the main service centres, rural service centres and villages within the District.
- 5.7 North Leigh is classified as a village which is suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of the community (Policy OS2 of emerging Local Plan) New dwellings will be permitted in North Leigh on undeveloped land within or adjoining the built up area where the proposed development is necessary to meet identified housing needs and is consistent with the general principles of Policy H2 of the emerging Local Plan.
- 5.8 Given the policy context outlined above the principle of directing some new residential development to North Leigh is accepted. However, for any new residential development to be policy compliant it should inter alia be of an appropriate scale, form a logical compliment to the existing pattern of development and not adversely affect the character of the settlement. As with the adopted plan (which whilst it remains the development plan is increasingly being superseded by the emerging plan which has recently been passed to the Inspectorate) the emerging local plan does not yet carry full legal weight as it has not yet been through all its relevant statutory processes - albeit that it is anticipated that it will be examined in the Autumn.
- 5.9 The applicants assert that the District does not have a five year land supply and nor does it have a development plan (see applicants case section) and that as such the provisions of paragraph 14 of the NPPF are triggered such that there is a presumption in favour of development unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed

against the policies of the NPPF taken as a whole. Your Officers would not accept this contention.

- 5.10 Firstly whilst the strategic housing policies are no longer considered to carry full weight they do still carry some weight. The District is claiming a 5 year land supply using the methodology it considers appropriate and whilst this is questioned by developers (and indeed by objectors who consider it is too high) the fact is that until such time as the Local Plan Inspector has determined the appropriate level of housing required there is no better or more reliable way to "demonstrate" one way or another what the exact requirement is. What is clear however, irrespective of the exact numbers, is that the levels of housing supply in the District have substantially increased such that the requirement of the NPPF to "boost significantly the supply of housing" has been acted upon. Furthermore the policies of the adopted plan were saved and as such it is not considered that there is no development plan in place. Finally, and perhaps more importantly in terms of the consequences of the development, your officers consider that even in the event that the arguments advanced above were not persuasive, the adverse consequences of the development are considered to be significant and demonstrable such that the presumption in favour would still not lead to a favourable recommendation. These consequences are outlined in more detail in the remainder of this report.

Impact of the proposal on the Landscape and setting of North Leigh

- 5.11 The site to which the enquiry relates is an irregularly shaped agricultural field on the north western edge of North Leigh, south of New Yatt Road. The site is very rural in nature and rather than representing a transition between the settlement and open countryside, the site as a result of the screening, road alignment and topography itself reads as open countryside and contributes greatly to the rural setting of North Leigh. In this regard the redevelopment of the land for 75 houses does not form a logical compliment to an existing pattern of development but rather significantly extends the built up limits of the village into the open countryside beyond to the detriment of the rural character and appearance of the wider area and the more immediate setting of the village.
- 5.12 It is considered that this site is sensitive to development as it is also prominent in the wider landscape, particularly in views from the south around the A4095 and from the west at New Yatt. Essentially the site is a skyline/hilltop location, which is presumably why despite much expansion of the village over the years it has never been considered suitable for development. In light of these factors it is considered that the proposal for large scale residential development in this location is at odds with Policies BE4, NE1 and NE3 of the adopted Local Plan OS2 and H2 of the emerging Local Plan and relevant paragraphs of the NPPF.
- 5.13 In addition to the above there are concerns that the development of the site as proposed will result in an unacceptable visual coalescence of New Yatt with North Leigh. Further, the impact on the AONB also needs to be considered. Although the site is located outside of the AONB there is potential for impacts on views from the AONB to the north. Even with additional screening to seek to mitigate impacts on the AONB the development of the site will, as a result of its topography, present a 'wall' of interlocking development when viewed from the north/the AONB which is considered contrary to Policy NE4 of the adopted Local Plan and relevant policies and paragraphs of the emerging Local Plan and the NPPF to conserve and enhance the landscape and scenic beauty of the AONB.

Highways

- 5.14 Site access is to be provided to the west of the existing field access to the north of the site from New Yatt Road. Many respondents query the sagacity of this in terms of the safety of the access position, the need to remove hedgerow to create the access and vision splays, the requirement for children to cross the roads on many occasions to access the village school (or alternatively use unlit and unsupervised rural footpaths) the additional pressure on the pinch point/chicane, additional traffic on the rural road towards Witney etc. However OCC in their capacity as Highway Authority do not consider that there is a road safety issue and as such are not recommending refusal on those grounds. In the absence of advice from the Highway Authority regarding the inadequacy of the access arrangements in terms of highway safety and convenience it is recommended that a refusal reason based on these concerns is not advanced as it may prove difficult to sustain at appeal.
- 5.15 What perhaps the measures to ensure safer access and pedestrian arrangements do give rise to though is an increasingly urban approach to the village with the housing being more open to view and a diminution of the rural character of the currently very attractive approach. The fact that the access does not integrate with the existing village road network with its peripheral nature adding to the sense that the site is bolted onto/back onto rather than integrated with the host settlement only serves to emphasise its separateness and incongruous nature adding weight to the above mentioned concerns about the visual impact on the village and wider area. In urbanising the rural character and appearance of the area it adds weight to the above policy concerns regarding landscape impact and incongruity and itself is not in compliance with Policies NE6 and NE13 of the adopted local Plan and relevant policies of the emerging Local Plan and paragraphs of the NPPF.

Neighbour amenity

- 5.16 Whilst there are a number of properties that currently enjoy an open and unobstructed view across the site it is also clear that it would be possible to build the development on the application site whilst ensuring that the usual privacy distances were provided and that no undue overlooking or overshadowing would occur. As such it is not considered that there is a neighbour amenity issue.

Village Amenities

- 5.17 The impact on the village in terms of school capacity, rates of growth, ability to access services etc has been cited as a concern of local residents. However the applicant has offered to make contributions towards mitigating any impacts where these have been quantified and justified and there have been no objections eg from the NHS or OCC as education authority that the local services are unable to cope. As such this is not in principle considered to justify a refusal reason albeit that in the absence of a signed 106 agreement there is a need to raise a refusal reason to ensure that in the event of an appeal the necessary mitigation measures are properly debated and facilitated.

Footpath impact

- 5.18 The development would substantially urbanise the setting of the two footpaths that pass through/adjacent to the site. This adds weight to the concerns about the impact on the rural character of the countryside at this point because those routes are currently well used,

overwhelmingly rural in character and with some extensive and very attractive views which would be severely limited and compromised were the development to proceed. This would be contrary to policy NE1 and TLC 8 of the Adopted Plan EH3 of the Emerging Plan and the provisions of the NPPF.

Sewage Infrastructure and flooding

- 5.19 A number of concerns have been raised regarding the potential for surface water flooding and the ability of the sewerage network to cope. With regards to the former concerns OCC are now charged with assessing flood risk and neither they nor the EA or our own Engineers have raised objections on flooding grounds. In the absence of a technical objection it is not recommended that a refusal reason be raised in that regard.
- 5.20 As to the sewerage position TW have advised that further surveys and works are required before the development can be occupied. It is possible to address this matter through a Grampian style condition and so again this would not be a refusal reason. However the lack of certainty as to the timing and cost of such works with potential impacts upon viability clearly throw some doubt on the ability of the applicants to ensure that the necessary works can/will be provided and as such undermine their assertions regarding the deliverability of the site within the 5 year land supply period.

Ecology

- 5.21 Concerns have been raised regarding the ecological potential of the site. However our ecologist considers that with appropriate conditions the ecological value of the site can be protected/enhanced and as such this aspect is considered acceptable.

Benefits of the proposal

- 5.22 The applicants agent has set out in detail the physical and financial benefits of the scheme and these are reported as part of the applicants case section. However in the main these are considered to represent mitigation of the impact of the development or are such as would arise from any such development wherever it was to take place and do not in your officers opinion outweigh the specific harms that a development on this sensitive site would cause.

Conclusion

- 5.24 The applicants have proposed a development that they seek to justify by a particular interpretation of the application of the NPPF that is not accepted by your officers. They accept that the site will have adverse landscape impacts but consider that the benefits of the scheme outweigh these concerns when the mitigating planting has established. Again your officers would not agree.
- 5.25 It is considered that the site is very sensitive in terms of its rural character, the role it plays in the setting of the village, the role it plays as part of the gap between North Leigh and New Yatt, the adverse consequences of development on the approach to the village and views from the AONB to the North, the A4095 from the south, wider views from the intervening countryside and the adverse impact on the attractive and well used footpath network adjoining and passing through the site. These are considered to represent significant and demonstrable harms that outweigh the benefits of the scheme and justify refusal.

- 5.26 Additionally, in the absence of a signed I06 agreement the necessary contributions towards affordable housing, arts, libraries, education etc are not secured and this represents a further reason for refusal - albeit one that can be overcome.
- 5.27 Having weighed all material considerations your officers recommend refusal on the following grounds:

6 REASONS FOR REFUSAL

- 1 That by reason of the sensitive location of the site on a skyline ridge and rising land, the role it plays in the setting of the village, the role it plays as part of the gap between North Leigh and New Yatt, the adverse consequences of development on views from the AONB to the North, the adverse consequences on views from the A4095 from the south and wider views from the intervening countryside, the urbanising impact of the traffic safety measures and the adverse impact on the attractive and well used footpath network adjoining and passing through the site, the scheme is considered to cause significant and demonstrable harms that outweigh the benefits of the scheme and as such is considered contrary to policies H4, H6, H2, BE2, NE1, BE4, TLC8 and NE3 of the Adopted Local Plan, policies OS1, OS2, OS4, H2, EH1 and EH3 of the Emerging Local Plan and the provisions of the NPPF.
- 2 In the absence of an agreed mitigation package it has not been demonstrated that the adverse impacts of the development will be fully and properly addressed and as such the scheme is contrary to policies BE1 of the Adopted Local Plan and OS5 of the Emerging Local Plan and the provisions of the NPPF.

Application Number	I5/01968/OUT
Site Address	Land South Of Burford Road And East Of Downs Road Witney Oxfordshire
Date	5th August 2015
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Crawley
Grid Reference	433170 E 210562 N
Committee Date	17th August 2015

Application Details:

Outline application for up to 51 First Time Buyer and/or Shared Equity dwellings (means of access only)

Applicant Details:

Witney Developments Ltd
Queen Anne House
Bridge Road
Bagshot
Surrey
GU19 5AT

I CONSULTATIONS

- | | | |
|-----|-------------------------|--|
| I.1 | One Voice Consultations | Transport - No objection subject to conditions

Archaeology - No objection

Property - No objection subject to condition |
| I.2 | Adjacent Parish Council | Curbridge and Lew - The Parish Council has no objection to this development. We would, however, like to put our hand up for any developer funding (principally for traffic calming measures in Curbridge) that might be available, having been thwarted on other occasions, as you know. |
| I.3 | WODC - Arts | We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site |
| I.4 | Wildlife Trust | No Comment Received. |
| I.5 | Ecologist | No objection subject to a condition and review of layout to include a green infrastructure/additional landscaping to act as a buffer to the retained boundary habitats |
| I.6 | WODC Community Safety | No Comment Received. |

I.7	WODC Architect	No Comment Received.
I.8	Environment Agency	No Comment Received.
I.9	WODC Env Services - Engineers	<p>The intrusive investigation and report were completed in 2008 and site conditions may have changed since this time. While the report goes some way towards conceptualising the site in relation to potential contamination the works completed to date are considered to be insufficient. The report considers the commercial use of the site, the proposed development is for residential, a more sensitive land use that requires further consideration. The report also states that the area in the south-west of the site was inaccessible at the time of the investigation, and has been used for the storage of old vehicles, scrap metal etc.</p> <p>As further investigation is required please consider adding conditions to any grant of permission.</p>
I.10	WODC Env Services - Car Parking	No Comment Received.
I.11	WODC Env Health - Lowlands	No Comment Received.
I.12	WODC Head Of Housing	No Comment Received.
I.13	WODC Landscape And Forestry Officer	No Comment Received.
I.14	Natural England	Natural England has no comments to make regarding this application.
I.15	WODC Planning Policy Manager	No Comment Received.
I.16	WODC - Sports	No Comment Received.
I.17	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.17	Thames Water	<p>Waste Comments</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 a following 'Grampian Style' condition imposed.</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of</p>

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.

Water Comments

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services for further information.

1.18 Town Council

Witney Town Council supports this development but would like to ensure the appearance is in keeping with the Witney Street Scene (Cotswold look).

With regard to possible contributions, WTC would like to request 2 bus shelters for the increased use on Burford Road plus £2000 per property built towards the Witney Town Council Sports Facilities Improvement Fund. The Witney ATC and Cadets are also seeking to move to a purpose built building on Edington Square in Deer Park - as the development off Downs Road is in a former aeronautical area and the road near it is named after a former flight lieutenant from Witney, it would be fitting if the developer could build this community facility. WTC also welcomes the concerns and comments from the Developer supporting improvements for pedestrian and cycle improvement routes from the site towards the town centre and with the likely future catchment zone for primary _ secondary education. Additionally WTC requests that funding be allocated to provide a safe pedestrian and cycle route to the new primary and likely secondary schools on the North Curbridge development.

2 REPRESENTATIONS

2.1 One letter of support received, summarised as follows:

Interested in buying a property on this development. We need more affordable housing to be built.

3 APPLICANT'S CASE

- 3.1 Members have separately had a full package of supporting information from the agent and as such this summary only covers the key Planning Statement conclusion to help set the remainder of the report in context

Planning Statement

- 3.2 The application for outline planning permission seeks consent for a development scheme that is sustainable, by way of its location, effective in terms of providing locally needed homes of mixed type, for those seeking first time buyer homes at an affordable price, and in a manner that is contextual in form and layout. The NPPF and the emerging West Oxfordshire Local Plan 2011-2031, have at their heart, a key aspiration for the delivery of housing that meets local needs. In this case, the proposals can go some way to meeting a key need for local Witney households, in the first instance, who have a working income, but are in need of initial help up onto the property ladder.
- 3.3 Given the merits of the scheme, as outlined in this statement, it is considered reasonable that the local planning authority should consider the application favourably.
- 3.4 An ecology report, a geo tech report and a contamination report have also been submitted and along with the full planning statement are all available to view online or upon request to the case officer.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

NE13 Biodiversity Conservation

H2 General residential development standards

H7 Service centres

H11 Affordable housing on allocated and previously unidentified sites

E6 Change of Use of Existing Employment Sites

OS2NEW Locating development in the right places

OS4NEW High quality design

H2 General residential development standards

H3 Range and type of residential accommodation

E1NEW Land for employment

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to a site located at the junction of Burford Road with Downs Road that benefits from consent for commercial/industrial development. Under that consent the car auction site has been developed out as has the new building for Jason Hydrolics. This application seeks consent to develop the unused portion of the site for residential use comprising starter homes. Apart from the newly constructed commercial/industrial buildings the land comprising the SE boundary of the site is made up of general industrial uses, as is the undeveloped portion of the western boundary. A small enclave of 3 houses sits at the junction/traffic lights and the

northern boundary abuts the Burford Road with the Windrush valley and AONB lying off to the north.

- 5.2 The proposal is in outline with the means of access to be determined at this stage. This is to be taken off the existing industrial estate access road shared with the car auction. Illustrative plans show a mix of 3 and 2 storey units of predominantly terraced form with the majority of parking in parking courts.
- 5.3 Officers will make reference to the illustrative plans as part of the presentation to Committee and it is understood that Members have been separately contacted by the developer with a detailed package of supporting information which they may also wish to review

Background Information

- 5.4 The site secured consent for B1 B2 and B8 purposes under application ref 07/ 0454. This was approved in 2011 as the legal agreement securing contributions towards the Downs Road junction from the additional commercial traffic generated was not originally entered into by the owner. Subsequently the car auction and Jason Hydroliic building have been approved and developed on site.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 The site lies outside of the areas allocated for housing development in the local plan. It has consent for employment use. Policy E6 of the adopted plan and E1 of the emerging plan seek in general terms to retain employment sites in employment use. This is in recognition of the need to retain the employment base of the District to ensure that it does not become a dormitory area for Oxford and that additional commuting is not forced onto the already congested A40 and A4095 to access the main centres of employment in the County from the rural hinterland. In that regard the applicants assertion that developing the site will "help hard working first time buyers" may prove counter productive in that it would deprive the town of one of its largest remaining undeveloped industrial opportunities. It is argued that the site gained consent in 2007 and has lain vacant and that as such it is essentially unused and available. This is somewhat disingenuous in that the 106 agreement was not signed until 2011 due to the financial crisis and since that time two of the plots have been sold and developed. Additionally, with the forthcoming opening of the new junction from Downs Road direct to the A 40 it is anticipated that the site will prove even more desirable to commercial operators. Your officers consider that development of the site would be contrary to policies E6 and E1.
- 5.7 To set against this is the announcement by Government that it wishes to see developers build starter homes. These are not affordable houses but are sold at a 20% discount for the first 5 years following construction whereupon they revert to open market. In order to encourage such schemes the Government state that builders who develop commercial and industrial land that is either unusable or surplus for the new starter homes will not have to make any affordable housing offer but must offer a 20% discount to market price to those under 40 who are first time buyers. Clearly this intent runs counter to the Councils aim to retain its economic prosperity/employment base. The site is clearly not unusable for commercial use in that parts of

it have been developed as such in the recent past. Officers would also argue that it has not been demonstrated that the site is surplus given the ongoing expressions of interest in developing in the District and the likely attraction of the site to commercial operators- particularly once the new junction has opened. It is however clearly a factor that needs to be weighed in the balance of assessing the merits of the application.

Siting, Design and Form

- 5.8 The layout of the development is essentially an extended cul de sac based on the existing industrial road access. Whilst the scheme is illustrative, in order to achieve the numbers proposed it is highly likely that a development of broadly the form detailed on the illustrative plans would be needed and as such it has been accorded some weight in assessing the merits of the application. In and of itself the scheme is considered broadly acceptable, albeit with a somewhat excessive use of parking courts which tend not to be used and lead to problems of on street parking. What is more problematic is the impact of the scheme as proposed in context.
- 5.9 Members will recall that much of the residential skyline development along the Burford Road at this point is of bungalows or low slung two storey units. three storey units are only encountered much closer to the town centre and your officers have concerns regarding the incongruous impact such high/intense built forms would have on the approach to the town along the Burford Road and also on the prominent skyline ridge when viewed from the north. Similarly the design and density is much more akin to that on the denser parts of Madely Park or Marriotts Walk than this urban fringe location. Having such a dense urban form sitting away from the main centre of the town and sat amongst one of the main industrial complexes of the town would also not appear as a logical compliment to the existing pattern or grain of development but would appear illogical and incongruous.
- 5.10 The density is also such that in order to accommodate the units and associated parking and access ways the scheme sits beyond the building line and very tight to the very important hedgerow that comprises the northern boundary of the site and helps at present to screen the industrial complex beyond. Pressure to thin or remove that hedge would substantially open up the site to view and compound fears about the impact of the scheme on the wider landscape. Equally the main approach to the scheme is through the industrial estate and one side of the main street is formed by the palisade fence providing security for the car auction site. This will comprise a very unsatisfactory built form and outlook for the occupiers of the houses fronting onto that security fence.

Highway

- 5.11 The County Council in its capacity as Highway Authority has raised no objections to the scheme in highway safety terms albeit it has expressed reservations regarding the relatively unsustainable location away from the main facilities of the town and the likelihood of children playing in the residential cul de sac coming into conflict with the HGV and other traffic accessing the car auction site. Thus whilst there is not a highway based refusal reason the impact on the residential amenities of the occupiers and the incongruity of the location for housing development is a recurring factor.

Residential Amenities

- 5.12 The adjoining businesses are classed as B2 uses. These are by definition uses that cannot be carried out in a residential area without detriment to that area by way of noise, dust, grit, smell smoke etc. Thus were this application approved it is highly likely that the residences would suffer a poor standard of amenity. The applicants noise assessment indicates that most noise is generated by road traffic but members will be well aware of the impacts arising in terms of smell etc from existing uses in the vicinity and the fact remains that the sites enjoy consent for unneighbourly uses irrespective of how they are currently operating. There is the prospect that incoming residents could have legitimate concerns about lawful business operations and that this would lead either to them living in unsatisfactory conditions or to pressure being brought to bear to redevelop or relocate the "offending" uses to the further detriment of the employment base of the area.
- 5.13 When added to the likely noise and disturbance of the activities associated with the car auction which trades into the evening and the concern for any children getting mixed amongst the traffic serving the car auction your officers do not consider that the site represents an appropriate place to provide for the housing needs of the area- particularly when there are other preferable sites that have been allocated or that are coming forward to meet that need without the above stated consequences for employment levels or residential amenity.

Planning benefits

- 5.14 The applicants are citing the delivery of the starter homes as a key planning benefit and clearly this is a positive factor - albeit that there will be no affordable housing provision and the benefit would only last for 5 years and not in perpetuity. New Homes Bonus would apply. Equally there would normally be contributions towards education etc although the NPPG advises that "It also encourages local planning authorities not to seek section 106 affordable housing and tariff-style contributions that would otherwise apply". However in that the adjoining school is at capacity it is not considered appropriate were consent to be granted that these requests be set aside. Curbridge Parish Council and Witney TC have also sought contributions but these have not been fully quantified or justified and the impact of the contributions on the ability of the developer to provide the necessary discount is not yet known, as is whether the absence of any such contributions would lead to the respective Councils not supporting the scheme. In the absence of a signed 106 it is necessary to raise the lack of clarity as to the necessary mitigation package as a refusal reason such that it can be properly resolved in the event of an appeal.

Other matters

- 5.15 There are no ecological reasons why the site should not be developed and mitigation can be addressed by condition. Issues have been raised regarding contamination of the land which has had a number of unauthorised uses on it in recent years with the potential for contamination. This could be addressed by imposing a suitable Grampian style condition albeit as advised above this may add to the costs and reduce the viability of the scheme. Thames Water themselves require a Grampian style condition imposed requiring a full investigation and remedial works to be undertaken to the sewer network. Again this adds to cost and potentially impacts upon viability and additionally raises questions as to timing and the extent to which this scheme would add to the 5 year land supply if it were precluded by sewerage infrastructure issues. The impact on the residential amenity of the adjoining occupiers of the residential properties adjoining the site is capable of being properly addressed at reserved matters stage.

Conclusion

- 5.16 The site seeks to deliver against a new provision that the Government has introduced to use unviable or underused employment sites for a form of discounted housing. However your officers do not consider that the site is not capable or desirable for use for employment purposes and were it to be lost to housing when there are many other housing sites currently proposed and allocated have concerns that it would undermine the employment base of the town, detract from the attractiveness of the town as an opportunity site for business and add to commuting pressures to Oxford. The scheme itself would in your officers opinion appear incongruous on the approach to the town and detract from the low key rural aspect of the site as it abuts the countryside to the north. The residential environment created would be of a poor quality with some danger to children from the interaction with commercial vehicles and those using the car auction site and by reason of the location adjoining what are by definition non conforming B2 unneighbourly uses. There are planning benefits that weigh in favour of the scheme but these are more than outweighed by the above mentioned planning harms. Refusal is therefore recommended.

6 REASONS FOR REFUSAL

- 1 That by reason of the location density and scale of the development it would appear as an incongruous and illogical addition to the housing stock of the town and detract from the pleasant approach to the town and the visual amenity of the countryside to the north. This is contrary to policies BE2, H2, and H7 of the adopted plan, OS2 OS4 and H2 of the emerging plan and the provisions of the NPPF.
- 2 By reason of the poor quality of residential environment in close proximity to trading unneighbourly uses with their attendant disturbance and danger the location is considered to offer an unacceptably low standard of residential amenity detrimental to the residential amenity of the occupiers of the proposed units and contrary to policies BE2 and BE19 of the adopted plan, EH6 of the emerging plan and the provisions of the NPPF.
- 3 By reason of the loss of a viable and attractive employment site and likely pressure from incoming occupiers to limit the impact on their amenity arising from adjoining trading businesses the proposal is considered damaging to the employment base and attractiveness of the town to business and would further more give rise to additional out commuting from the district to centres of work adding to the existing levels of congestion on the routes to Oxford. As such the proposal is contrary to policy E6 of the adopted plan, policies OS2 E1 and T1 of the emerging plan and the provisions of the NPPF.
- 4 In the absence of an agreed legal agreement the adverse impacts of the scheme have not been fully and properly mitigated and as such the scheme is contrary to policy BE1 of the adopted plan, OS5 of the emerging plan and the provisions of the NPPF.

Application Number	I5/02023/HHD
Site Address	119 Spareacre Lane Eynsham Witney Oxfordshire OX29 4NN
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Eynsham
Grid Reference	442846 E 209900 N
Committee Date	17th August 2015

Application Details:

Conversion of garage and erection of single storey front extension.

Applicant Details:

Mr Anthony Barrett
119 Spareacre Lane
Eynsham
Witney
Oxfordshire
OX29 4NN

1 CONSULTATIONS

- 1.1 Parish Council No objections.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
- No objection subject to
- G36 parking as plan

2 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

3 PLANNING ASSESSMENT

- 3.1 The application is to be heard before the Committee as the agent acting on behalf of the application is a member of WODC staff. The proposed works are to help accommodate a disabled occupant.

Background Information

- 3.2 The application site is located within a mature residential area of Eynsham. The site is not located within a Conservation Area and the host dwelling is unlisted. The proposal is for the conversion of the existing attached garage, and a single storey front extension to the garage.
- 3.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 3.4 Officers consider that the principle of the garage conversion is acceptable subject to there being sufficient on site parking provision to serve the enlarged dwelling. In terms of the extension, officers consider that this is also acceptable subject to the residential amenities of the adjoining properties are not adversely affected in terms of loss of light issues.

Siting, Design and Form

- 3.5 The garage conversion works include a change from a flat roof to a modest pitched roof. The garage door will be replaced with a window to the front, and a high level obscure window and a door are proposed to the rear elevation. The existing side front door will be relocated to the front elevation of the extension. Officers consider that the design of the extension and the new pitched roof will not adversely affect the visual amenity and appearance of the streetscene or the host dwelling.

Highway

- 3.6 In terms of the loss of parking spaces, the agent has submitted a parking plan as part of the application. OCC Highways have no objection subject to a condition to the proposal. Your officers have included the condition as part of the recommendation.

Residential Amenities

- 3.7 Due to the existing garage being set away from the adjoining property, officers consider that the proposals will not adversely affect the residential amenities of the neighbouring properties in terms of loss of light or overbearing issues.

Conclusion

- 3.8 Taking all of the above issues into consideration, officers consider that the proposals are acceptable. Suggested conditions have been included in the report.

4 CONDITIONS

- I The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 3 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 4 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	15/02049/FUL
Site Address	51 Colwell Drive Witney Oxfordshire OX28 5NJ
Date	5th August 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Witney
Grid Reference	434885 E 208860 N
Committee Date	17th August 2015

Application Details:

Erection of one bedroom semi-detached dwelling. Erection of single storey rear extension to existing dwelling.

Applicant Details:

Mr Neil Mallon
51 Colwell Drive
Witney
Oxfordshire
OX28 5NJ
United Kingdom

I CONSULTATIONS

- I.1 WODC Env Health - Lowlands No Comment Received.
- I.2 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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water

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

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

- I.3 OCC Highways Drwg no colwell/05 shows the width of parking area fronting the dwellings to be 7.5m. whilst 7.5m will accommodate 3 parking spaces (5 x 2.5m) there is inadequate width, as submitted, for pedestrian access to the dwellings. This will result in one vehicle parked on the adjacent carriageway which in this location adjacent to the bend is regarded as hazardous and detrimental to the safety and convenience of highway users.

Refuse

- I.4 Town Council No objection.

2 REPRESENTATIONS

- 2.1 No letters of representation have been received.

3 APPLICANT'S CASE

No design and access or supporting information was provided as part of the application submission. Notwithstanding this, the applicant has been in touch with officers to show that in practice three cars can be parked to the front of the property.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
H2NEW Delivery of new homes
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
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 a part single storey part two storey side extension to form a separate dwelling as well as a single storey extension to the main house.
- 5.2 The area features a range of properties with a similar appearance which over time have been extended in a number of different ways.
- 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 Policy H7 of the WOLP 2011 states that new dwellings will be permitted in Group C settlements in circumstances of infilling or rounding off. 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.
- 5.5 Witney 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

- 5.6 The two storey extension will replace the existing garage. The front of the extension will be set back from the front of the main house and the ridge height will be stepped down. The single storey element will feature a lean-to roof and will follow a continuous depth across the rear of the property.
- 5.7 There are examples of this type of extension in the area and officers are of the opinion that the extension would form a visually appropriate with the main house and would not have an adverse impact on the street scene.

Residential Amenities

- 5.8 The two storey extension would be located next to the garage of no. 53 Colwell Drive. The extension would extend past the rear of the main dwelling at two storey level but will be separated by the neighbouring garage. The separation is considered to allow an acceptable level of amenity with regards to its overbearing impact. In addition no. 53 is to the East of the application site which should allow the property to receive sufficient sunlight. No windows are proposed in the side elevation and no comments of objection have been received by neighbouring properties.
- 5.9 The single storey element will run along the entire width of the building and will be located against the boundary the property shares with no. 49. The single storey extension is considered to have a modest depth and will be partially screened with the fence and trellis. Therefore the single storey extension is not considered to have an adverse impact on neighbouring amenity.

- 5.10 The size of the proposed dwelling is very modest. Officers had concerns regarding its size but it was considered that, given that new properties of this nature have been found to be acceptable in the area, and the property would provide sufficient outside amenity space, on balance the amenity of the future residents is considered acceptable.

Highway

- 5.11 The application proposes two parking spaces to the front of the main dwelling and a single parking space to serve the new dwelling.
- 5.12 Oxfordshire County Council Highways has been consulted on the application and object to the application.
- 5.13 The proposed parking arrangement does not conform to parking standards, and because of this the parking arrangement shown would not accommodate sufficient pedestrian access to the dwellings.
- 5.14 Due to the inadequate parking area, the proposal would result in vehicles using the carriageway for parking. The application site is located on a bend and the potential for indiscriminate parking in this location is considered hazardous and detrimental to the safety and convenience of highway users.
- 5.15 Given the above, officers are of the opinion that the proposal would be unacceptable on highway grounds.

Conclusion

- 5.16 In light of the above, your officers are of the opinion that the proposal is contrary to policy and should be refused.

6 REASON FOR REFUSAL

- I The erection of a new dwelling in this location would result in a dwelling that would be substandard in terms of parking provision leading to parking on the adjacent carriageway, which in this location adjacent to the bend is regarded as hazardous and detrimental to the safety and convenience of highway users. The proposal is therefore contrary to Policy BE3 of the West Oxfordshire Local Plan 2011 and Policy T4 of the Emerging Local Plan 2031.

Application Number	I5/02057/FUL
Site Address	The Butchers Arms 104 Corn Street Witney Oxfordshire OX28 6BU
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435220 E 209647 N
Committee Date	17th August 2015

Application Details:

Use of first floor as separate flat with new independent access to upper floor with external stair and rooftop walkway. Removal of rendered section of side boundary wall and reinstatement of stonework together with creation of new opening for pedestrian access to the rear. Infill extension to form store room.

Applicant Details:

Mr Andrew Cooper
Avenue 3
Station Lane
Witney
OX28 4BP
United Kingdom

I CONSULTATIONS

- 1.1 Town Council Witney Town Council objects to this application as there was no community right to buy issued on this former Public House. There will also be an increased need for parking in an already crowded area of Corn Street.
Witney Town Council are also concerned that no mention of the change of use of the ground floor from public house to offices have been made, yet are clearly shown on the drawings which the committee noted that it appears one such office has no natural daylight.
- 1.2 OCC Highways No Comment Received.
- 1.3 WODC Architect No objections

2 REPRESENTATIONS

- 2.1 One email received from Mr Hales of 110 Corn Street regarding concerns of article 19 on the proposed plan which the developers have put no to the question, 'Are there any trees or hedges on the site_' Photographs show a tree on site.

3 APPLICANT'S CASE

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

- This design statement is prepared and submitted to accompany both applications. The ground floor tenancy is to be occupied by a family run mortgage broker business, whilst the existing upper storey flat and new detached dwelling will be made available for private rent or sale.
- The building is currently vacant and ceased its previous use in early 2015. From December 2013, the building was in use as a restaurant with living accommodation above and rear function room. Immediately prior to this the building was in use as a public house in the ownership of Enterprise Inns. The Butchers Arms was a free-house until around 10 years ago when it was known as the sports pub in Witney with pool tables and dart boards.
- At present the building is serviceable but in poor repair and decorative order internally.
- The design and layout is very much based on removing and making good past modern extensions and restoring the buildings in a sympathetic manner with consideration to their new uses. Separating the ground floor tenancy from the upper floor accommodation provides the key challenge. An external stair and walkway to the flat roof area is proposed giving access to a new door in place of an existing dormer window. This provides an ideal solution as a modern section of brickwork to the lower section of the dormer window will be replaced with the door and no structural or fabric changes will be required to the building.
- It has already been established thorough permitted development and in discussion with the Local Planning Authority that the change of use of the restaurant from A3 (restaurant/ cafe) to A2 (financial/ professional services) is acceptable and a planning application is not required. A listed building consent application is however required for the proposed changes to the building fabric. These changes are detailed on the submitted drawings.
- The 1980's flat roof link building is to be removed in order to divide the two properties. This link currently creates two small external spaces to either side which are unusable. As an extension to the rear building and in order to make it function as a new dwelling, a small modern extension is proposed to provide a utility room and WC.
- Where precious windows have been blocked up, these will be reinstated. No new windows openings are proposed save for adjusting a window to a pair of full height french windows. In this particular case the window opening would not appear to be original in any case.
- The applicant retains ownership of the carriageway, Cooper Mews, therefore complications regarding access and the installation of services and utilities are avoided.
- The submitted proposal presents a sensible and well balanced proposition for future mixed use of these Listed Buildings. The design is conceived, not cause any demonstrable harm to neighbours nor surrounding area and bring about aesthetic and environmental improvements. For these reasons and those set out in this submission support is sought for the proposal.
- The access arrangements are to remain broadly the same as existing and are set out as follows:
 - Tenancy - Corn Street public entry door as existing. New rear access to include refuse and bicycle storage area.
 - First Floor Flat - New entry from rear of property via Cooper Mews residential drive.
 - New dwelling - Vehicular and pedestrian access via Cooper Mews residential drive to include 2 off-street parking spaces.

- The applicant retains ownership of the carriageway, Cooper Mews, therefore complications regarding access and the installation of services and utilities are avoided.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 H2 General residential development standards
 BE7 Alterations and Extensions to Listed Buildings
 OS4NEW High quality design
 EH7NEW Historic Environment
 T1NEW Sustainable transport
 H2NEW Delivery of new homes
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application site is located within Witney's Conservation Area and the existing building is a Grade II Listed Building.

Background Information

- 5.2 The application is to be heard before the Committee as the Town Council have objected to the proposals. In terms of the comments made, the previous use was an A3 (Restaurant) not a public house. As such the community right to buy issue is not relevant.
- 5.3 Planning permission is not required for the change of use from A3 to A2.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 The application seeks consent for the use of the first floor of the public house as a separate flat with a separate access and various alterations. A Listed Building application (15/02058/LBC) is to be considered with this application.
- 5.6 The proposal to allow the flat above to be used for separate occupation is considered compliant with relevant housing policies of the adopted West Oxfordshire Local Plan and the NPPF, given its location.

Siting, Design and Form

- 5.7 The majority of the changes are internal which the Listed Building application refers. However, also proposed in the original plans, is the erection of a new external stair and walkway along the flat roofed part of the building.

Highway

- 5.8 No comments have been received from OCC Highways at the time of writing. However given that this is a town centre location, officers do not consider that objections would arise. Officers will update Members when a formal response is received.

Residential Amenities

- 5.9 Officers were concerned that this may result in overlooking issues due to its close proximity to the barn to the rear, which is proposed to be converted to a dwelling. The applications referring to this site are also on the agenda for consideration by Members. The reference numbers are 15/02059/FUL and 15/02060/LBC.
- 5.10 Officers have spoken to the agent who has confirmed that the stairs can be relocated. This has meant that the stairs are in close proximity to the neighbouring property at No 108, however a metal barrier is proposed to help screen the neighbouring property. Full details of this element are being requested as part of the suggested conditions.

Conclusion

- 5.11 Overall, given that the changes mainly relate to modern fabric, officers consider that the historical fabric of the Listed Building will not be compromised. The residential amenities of adjacent properties are not considered to be unduly affected by the proposals. The full list of suggested conditions will be included within the additional representations report, once amended plans have been received.

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 carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 3 August 2015.
REASON: The application details have been amended by the submission of revised details.
- 3 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.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of the metal/glass guard and new entrance door to the first floor flat 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 prevent overlooking to the adjoining property.

Application Number	I5/02058/LBC
Site Address	The Butchers Arms 104 Corn Street Witney Oxfordshire OX28 6BU
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435220 E 209647 N
Committee Date	17th August 2015

Application Details:

Use of first floor as separate flat. Demolition of flat roof link element. Creation of independent access to upper floor flat with external stair and rooftop walkway. Removal and replacement of existing internal lobby. New suspended fire rated and sound insulated ceiling. Removal and making good of front facade extract vents. Removal of rendered section of side boundary wall and reinstatement of stonework together with creation of new opening for pedestrian access to the rear. Infill extension to form store.

Applicant Details:

Mr Andrew Cooper
Avenue 3
Station Lane
Witney
OX28 4BP
United Kingdom

I CONSULTATIONS

- 1.1 WODC Architect No objection
- 1.2 Town Council Witney Town Council objects to this application as there was no community right to buy issued on this former Public House. The committee are also very concerned that many internal alterations have already taken place prior to any possible planning approval that may affect the listing of the building such as removal of internal walls and lintels, and possibly the removal of an original staircase from the first to second floors.

2 REPRESENTATIONS

- 2.1 One email received from Mrs Maureen Marchbank of 108 Corn Street. Comments summarised as:

“I am the owner of the property to the left of The Butcher's Arms. I am pleased to learn that the site is to be developed and improved, providing both business and residential accommodation. My comments are related to the exterior of the developments. There are two very large trees which are not mentioned in the proposals. One is a fir tree and one is a laurel.

They are both taller than the proposed barn conversion and not in keeping with the integrity of the area. They also overhang my garden and are very close to a dry stone boundary wall. I would ask that the planning department look at these trees and recommend their safe removal. Could it also be made clear who has responsibility for the dry stone wall which divides my property from The Butcher's Arms? The wall is to the left of The Butcher's Arms and to the right of my property. I note that the land on the Butcher's Arms site is lower than my garden, hence the wall's base sits lower on that side. I support the proposals, but would ask that the planning department considers my comments.”

3 APPLICANT'S CASE

A Design and Access Statement has been submitted with the applications, and has been summarised as:

- The main guiding principle is to safeguard the listed building whilst finding an appropriate long term use. A minimal and sensitive approach to include the removal of parts of modern extensions and fixings will seek to enhance the building in its setting.
- The building is currently vacant and ceased its previous use in early 2015. From December 2013, the building was in use as a restaurant with living accommodation above and rear function room. Immediately prior to this the building was in use as a public house in the ownership of Enterprise Inns. The Butchers Arms was a free-house until around 10 years ago when it was known as the sports pub in Witney with pool tables and dart boards.
- At present the building is serviceable but in poor repair and decorative order internally.
- The design and layout is very much based on removing and making good past modern extensions and restoring the buildings in a sympathetic manner with consideration to their new uses.
- Separating the ground floor tenancy from the upper floor accommodation provides the key challenge. An external stair and walkway to the flat roof area is proposed giving access to a new door in place of an existing dormer window. This provides an ideal solution as a modern section of brickwork to the lower section of the dormer window will be replaced with the door and no structural or fabric changes will be required to the building.
- It has already been established thorough permitted development and in discussion with the Local Planning Authority that the change of use of the restaurant from A3 (restaurant/ cafe) to A2 (financial/ professional services) is acceptable and a planning application is not required. A listed building consent application is however required for the proposed changes to the building fabric. These changes are detailed on the submitted drawings.
- The 1980's flat roof link building is to be removed in order to divide the two properties. This link currently creates two small external spaces to either side which are unusable. As an extension to the rear building and in order to make it function as a new dwelling, a small modern extension is proposed to provide a utility room and WC.
- Where precious windows have been blocked up, these will be reinstated. No new windows openings are proposed save for adjusting a window to a pair of full height french windows. In this particular case the window opening would not appear to be original in any case.
- The access arrangements are to remain broadly the same as existing and are set out as follows:
 - Tenancy - Corn Street public entry door as existing. New rear access to include refuse and bicycle storage area.
 - First Floor Flat - New entry from rear of property via Cooper Mews residential drive.
 - New dwelling - Vehicular and pedestrian access via Cooper Mews residential drive to include 2 off-street parking spaces.

- The applicant retains ownership of the carriageway, Cooper Mews, therefore complications regarding access and the installation of services and utilities are avoided.
- The submitted proposal presents a sensible and well balanced proposition for future mixed use of these Listed Buildings. The design is conceived, not to cause any demonstrable harm to neighbours nor surrounding area and bring about aesthetic and environmental improvements. For these reasons and those set out in this submission support is sought for the proposal.

4 PLANNING POLICIES

BE7 Alterations and Extensions to Listed Buildings

EH7NEW Historic Environment

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 Town Council has objected to the applications.

Background Information

- 5.2 The existing building is a Grade II Listed Building and located within the Conservation Area. The majority of the works are internal, although a proposed external staircase has been relocated to give the flat above a separate entrance point. This element has been discussed under the planning application reference I5/02057/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 Officers consider that the alterations to the listed buildings are acceptable subject to the exact detailing. Pre-application discussions took place on site where the modern and historic fabric was clearly identified and an inspection took place at that stage.

Siting, Design and Form

- 5.5 Offices consider that the removal of elements are acceptable given that they are of modern fabric and not of historical importance. The external staircase is considered acceptable as is the new walk way across the flat roof area. Together with the removal of the modern extensions, officers are of the view that the integrity and historical character of the Listed Building will be retained. The visual appearance of the Conservation Area will also improve with the proposed works.

Conclusion

- 5.6 In view of the above comments, officers consider that the proposals do not adversely affect any historic fabric and as such complies with Policy BE7 of the West Oxfordshire Local Plan 2011 and the relevant paragraphs of the NPPF.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 3 August 2015.
REASON: The application details have been amended by the submission of revised details.
- 3 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.
- 4 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building.
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building.

Application Number	I5/02059/FUL
Site Address	The Butchers Arms 104 Corn Street Witney Oxfordshire OX28 6BU
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435220 E 209647 N
Committee Date	17th August 2015

Application Details:

Sub-division and change of use of existing rear building from Commercial (A2 use) to Residential (C3 use) with associated internal and external alterations to create a 3 bedroom dwelling to include provision of 2 car parking spaces. Erection of single storey extension to form utility and WC.

Applicant Details:

Mr Andrew Cooper
Avenue 3
Station Lane
Witney
OX28 4BP
United Kingdom

I CONSULTATIONS

- | | | |
|-----|-------------------------------|---|
| I.1 | Town Council | Witney Town Council objects to this application as there was no community right to buy issued on this former PH. The committee would also like to observe that the buildings use is not A2 and to their knowledge never has been. |
| I.2 | OCC Highways | No objection subject to
- G36 parking as plan |
| I.3 | WODC Architect | The proposed conversion of the barn uses all the existing openings, with no new ones, and whilst it seems very unlikely that the existing openings are all original, at least there would be no more compromising of the original fabric and so I think that this is a supportable strategy. There would also be a flat-roofed extension, of modest size and of clean, modern form, tucked unobtrusively into a corner. Whilst extensions in this context are usually anathema, I think that removal of the current sizeable linking extension (under a separate application), more than justifies this proposed extension. |
| I.4 | WODC Building Control Manager | Comments relating to whether escape routes have been compromised to the front. |

2 REPRESENTATIONS

2.1 Two letters have been received.

2.2 Mrs Marchbank of 108 Corn Street Witney

“I am the owner of the property to the left of The Butcher's Arms. I am pleased to learn that the site is to be developed and improved, providing both business and residential accommodation. My comments are related to the exterior of the developments. There are two very large trees which are not mentioned in the proposals. One is a fir tree and one is a Laurel. They are both taller than the proposed barn conversion and not in keeping with the integrity of the area. They also overhang my garden and are very close to a dry stone boundary wall. I would ask that the planning department look at these trees and recommend their safe removal. Could it also be made clear who has responsibility for the dry stone wall which divides my property from The Butcher's Arms? The wall is to the left of The Butcher's Arms and to the right of my property. I note that the land on the Butcher's Arms site is lower than my garden, hence the wall's base sits lower on that side. I support the proposals, but would ask that the planning department considers my comments.”

2.3 Mr Hales of 110 Corn Street

“Photographs regarding our concerns of article 19 on the proposed plan which the developers have put no to the question. Are there any trees or hedges on the site.”

3 APPLICANT'S CASE

- This design statement is prepared and submitted to accompany both applications. The ground floor tenancy is to be occupied by a family run mortgage broker business, whilst the existing upper storey flat and new detached dwelling will be made available for private rent or sale.
- The building is currently vacant and ceased its previous use in early 2015. From December 2013, the building was in use as a restaurant with living accommodation above and rear function room. Immediately prior to this the building was in use as a public house in the ownership of Enterprise Inns. The Butchers Arms was a free-house until around 10 years ago when it was known as the sports pub in Witney with pool tables and dart boards.
- At present the building is serviceable but in poor repair and decorative order internally.
- It has already been established thorough permitted development and in discussion with the Local Planning Authority that the change of use of the restaurant from A3 (restaurant/cafe) to A2 (financial/ professional services) is acceptable and a planning application is not required. A listed building consent application is however required for the proposed changes to the building fabric. These changes are detailed on the submitted drawings.
- The 1980's flat roof link building is to be removed in order to divide the two properties. This link currently creates two small external spaces to either side which are unusable. As an extension to the rear building and in order to make it function as a new dwelling, a small modern extension is proposed to provide a utility room and WC.
- Where precious windows have been blocked up, these will be reinstated. No new windows openings are proposed save for adjusting a window to a pair of full height french windows. In this particular case the window opening would not appear to be original in any case.
- The access arrangements are to remain broadly the same as existing and are set out as follows:

- Tenancy - Corn Street public entry door as existing. New rear access to include refuse and bicycle storage area.
- First Floor Flat - New entry from rear of property via Cooper Mews residential drive.
- New dwelling - Vehicular and pedestrian access via Cooper Mews residential drive to include 2 off-street parking spaces.
- The applicant retains ownership of the carriageway, Cooper Mews, therefore complications regarding access and the installation of services and utilities are avoided.
- The submitted proposal presents a sensible and well balanced proposition for future mixed use of these Listed Buildings. The design is conceived, not to cause any demonstrable harm to neighbours nor surrounding area and bring about aesthetic and environmental improvements. For these reasons and those set out in this submission support is sought for the proposal.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

H2 General residential development standards

OS4NEW High quality design

EH7NEW Historic Environment

H2NEW Delivery of new homes

T1NEW Sustainable transport

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 Town Council has objected to the proposal.

Background Information

- 5.2 The application site is the barn to the rear of the former public house, The Butchers Arms. Currently the barn is attached to the main building by various modern extensions. The proposal is to remove these to enable the barn to be converted to a separate dwelling. A small extension is proposed and car parking on site is included on the submitted plans.
- 5.3 An associated Listed Building application (15/02060/LBC) is to be viewed alongside this application.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 The change of use from A3 to use class A2 does not require planning permission and as such the community asset issue that the Town Council state does not apply in this case.

- 5.6 Officers consider that the principle of the change of use of the barn is appropriate in this location. The barn is structurally sound and has been used in conjunction with the former public house use. The barn has existing openings which will be reused with the addition of two roof lights. A small garden area is also proposed.

Siting, Design and Form

- 5.7 The detailing of the new windows is considered acceptable and sympathetic to the Listed Building and the Conservation Area. The corrugated roof sheeting is now proposed to be replaced natural blue slates, after officers had concerns with the original proposed roof materials which were to be fibre cement roof slates. A small extension is proposed which will not be intrusive within the streetscene or the wider Conservation Area. In this location, with the existing inappropriate link extensions being removed, officers consider that the extension is acceptable.

Highway

- 5.8 OCC Highways has no objection to the proposal, subject to condition.

Residential Amenities

- 5.9 Two rear bedrooms windows are proposed to the first floor of the building. Officers consider that due to the distance, no adverse overlooking issues will result to the properties at Coopers Mews. The distance between the barn and the properties fronting onto Corn Street is also considered to be acceptable.
- 5.10 The comments regarding the trees are being discussed with the agent, and a full verbal update will be given at the meeting.

Conclusion

- 5.11 Officers consider that given the existing poor state of the building, the change of use to a dwelling would be beneficial to the listed building and will improve the overall appearance of the visual amenity of the Conservation Area. Officers will update Members regarding the trees on site at the meeting.

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 carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 3 August 2015.
REASON: The application details have been amended by the submission of revised details.
- 3 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.

- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in any of the elevation(s) of the building.
REASON: To safeguard privacy in the adjacent properties.
- 8 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

Application Number	I5/02060/LBC
Site Address	The Butchers Arms 104 Corn Street Witney Oxfordshire OX28 6BU
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney
Grid Reference	435220 E 209647 N
Committee Date	17th August 2015

Application Details:

Sub-division and change of use of existing rear building from Commercial (A2 use) to Residential (C3 use) with associated internal and external alterations to create a 3 bedroom dwelling to include provision of 2 car parking spaces. Erection of single storey extension to form utility room and wc.

Applicant Details:

Mr Andrew Cooper
Avenue 3
Station Lane
Witney
OX28 4BP
United Kingdom

I CONSULTATIONS

- 1.1 WODC Architect The proposed conversion of the barn uses all the existing openings, with no new ones, and whilst it seems very unlikely that the existing openings are all original, at least there would be no more compromising of the original fabric and so I think that this is a supportable strategy. There would also be a flat-roofed extension, of modest size and of clean, modern form, tucked unobtrusively into a corner. Whilst extensions in this context are usually anathema, I think that removal of the current sizeable linking extension (under a separate application), more than justifies this proposed extension.
- 1.2 Town Council Witney Town Council objects to this application as there was no community right to buy issued on this former Public House. The committee are very concerned that considerable works including demolition have taken place on a listed building prior to submitting a planning application and continuing before the application has been heard and that a survey of the listed aspects has not been carried out and included with the application.

2 REPRESENTATIONS

- 2.1 Derek Hales of 110 Corn Street, Witney

- With reference to my telephone conversation with your department today, I am emailing my concerns with item number 19 on the planning form.
- Question are there trees or hedges on the proposed development. Applicants answer no. This is incorrect, please see attached photo.
- We as local residents are concerned about extra cars being parked on Corn Street as there is already a shortage and restricted parking.

3 APPLICANT'S CASE

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

- This design statement is prepared and submitted to accompany both applications. The ground floor tenancy is to be occupied by a family run mortgage broker business, whilst the existing upper storey flat and new detached dwelling will be made available for private rent or sale.
- The building is currently vacant and ceased its previous use in early 2015. From December 2013, the building was in use as a restaurant with living accommodation above and rear function room. Immediately prior to this the building was in use as a public house in the ownership of Enterprise Inns. The Butchers Arms was a free-house until around 10 years ago when it was known as the sports pub in Witney with pool tables and dart boards.
- At present the building is serviceable but in poor repair and decorative order internally.
- It has already been established thorough permitted development and in discussion with the Local Planning Authority that the change of use of the restaurant from A3 (restaurant/ cafe) to A2 (financial/ professional services) is acceptable and a planning application is not required. A listed building consent application is however required for the proposed changes to the building fabric. These changes are detailed on the submitted drawings.
- The 1980's flat roof link building is to be removed in order to divide the two properties. This link currently creates two small external spaces to either side which are unusable. As an extension to the rear building and in order to make it function as a new dwelling, a small modern extension is proposed to provide a utility room and WC.
- Where precious windows have been blocked up, these will be reinstated. No new windows openings are proposed save for adjusting a window to a pair of full height french windows. In this particular case the window opening would not appear to be original in any case.
- The access arrangements are to remain broadly the same as existing and are set out as follows:
 - Tenancy - Corn Street public entry door as existing. New rear access to include refuse and bicycle storage area.
 - First Floor Flat - New entry from rear of property via Cooper Mews residential drive.
 - New dwelling - Vehicular and pedestrian access via Cooper Mews residential drive to include 2 off-street parking spaces.
- The applicant retains ownership of the carriageway, Cooper Mews, therefore complications regarding access and the installation of services and utilities are avoided.
- The submitted proposal presents a sensible and well balanced proposition for future mixed use of these Listed Buildings. The design is conceived, not to cause any demonstrable harm to neighbours nor surrounding area and bring about aesthetic and environmental improvements. For these reasons and those set out in this submission support is sought for the proposal.

4 PLANNING POLICIES

BE7 Alterations and Extensions to Listed Buildings
EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

- 5.1 The application site is the barn to the rear of the former public house, The Butchers Arms. Currently the barn is attached to the main building by various modern extensions. The proposal is to remove these to enable the barn to be converted to a separate dwelling. A small extension is proposed and car parking on site is included on the submitted plans.
- 5.2 An associated Planning application (15/02059/FUL) is to be viewed alongside this application.

Background Information

- 5.3 Pre-application discussions have taken place as part of a site visit, where much of the buildings to the rear were identified as being modern fabric structures and not part of the original listed building. Works taking place on site are at the applicant's risk.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 The change of use from A3 to Use Class A2 does not require planning permission and as such the community asset listing issue that the Town Council raise is not relevant in this case.
- 5.6 Officers consider that the principle of the change of use of the barn is appropriate in this location. The barn is structurally sound and has been used in conjunction with the former public house use. The barn has existing openings which will be reused with the addition of two roof lights. A small garden area is also proposed.

Siting, Design and Form

- 5.7 The detailing of the new windows is considered acceptable and sympathetic to the Listed Building and the Conservation Area. The corrugated roof sheeting is now proposed to be replaced natural blue slates, after officers had concerns with the original proposed roof materials which were to be fibre cement roof slates. A small extension is proposed which will not be intrusive within the streetscene or the wider Conservation Area. In this location, with the existing inappropriate link extensions being removed, officers consider that the extension is acceptable.

Conclusion

- 5.8 Officers consider that given the existing poor state of the building, the change of use to a dwelling would be beneficial to the listed building and will improve the overall appearance of the

visual amenity of the Conservation Area. Officers will update Members regarding the trees on site at the meeting.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 3 August 2015.
REASON: The application details have been amended by the submission of revised details.
- 3 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.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details (including details of roof lights) with elevations of each assembly at min 1:20 scale, with sections of each component at min 1:5 scale 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.
- 8 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building.
- 9 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building.

Application Number	15/02165/HHD
Site Address	Fishers Bridge Cottage Buckland Road Bampton Oxfordshire OX18 2AA
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Bampton
Grid Reference	431973 E 202910 N
Committee Date	17th August 2015

Application Details:

Two storey & single storey extension and detached car port

Applicant Details:

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

I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection
- I.2 WODC Architect No Comment Received.
- I.3 Environment Agency No Comment Received.
- I.4 WODC Env Services - Engineers This is a re-application for the development, which was previously withdrawn under 15/00201/HHD following the Lowlands Planning Committee's vote to refuse the application, due to concerns about flooding from both WODC and local residents.

The EA have been consulted, and have not objected to the proposals, offering only Flood Risk Standing Advice, to mitigate the flood risk to the development if it goes ahead. Both the submitted EA pro-forma for Householder and other minor extensions and Planning Statement indicate that details of flood resilience and resistance techniques are being provided as part of the FRA, but they do not accompany the submission. The flood protection measures, to cover the whole cottage and not just the extension, would have to be approved in advance by WODC.

The pond would provide compensation for the volume of water displaced by the extension during fluvial flooding, but would need to be designed as a dry pond for normal rainfall events. It should be lined to prevent loss of storage volume from rising groundwater.

The drainage strategy plan shows a gravel containment system for the parking area with roof water feeding into it via diffuser boxes. There is a detail shown for a modular grass reinforcement system, but the detail for the diffuser boxes shows permeable block paving? Presumably block paving is not actually being proposed?

It would reduce the volume of water entering the sub-base and remove the need for pipework etc. if the roof water was collected by water butts.

As conditioned, soakage tests will need to be carried out to determine the infiltration rate of the soil. At the same time, groundwater measurements will need to be taken relative to the proposed pond levels to ensure an effective design.

In addition, the applicant will need to keep the drainage ditch that runs along their western site boundary clear of obstructions under their riparian responsibility, which they are already aware of.

As stated above, the EA, who are responsible for specifying the limits of the floodzones, have raised no objections to the development within Floodzone 3. As long as all of our comments are taken on board and further information provided, we consider that the proposals will address measures to mitigate flood risk to both the applicant's and surrounding properties.

If full planning permission is granted, could you please attach the following condition:-

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part I Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part I Clause 9 (1))

- | | | |
|-----|-------------------------------|----------------------|
| 1.5 | WODC Building Control Manager | No Comment Received. |
| 1.6 | Parish Council | No objection |

2 REPRESENTATIONS

2.1 10 letters of objection have been received. The issues have been briefly summarised as:

- Serious concerns regarding the effect the work will have on our property due to the increased risk of flooding caused by building work and extensions being carried out.
- Any further building work can only increase the risk to our property and surrounding property's and also goes against the National Planning Policy Framework 103 and the West Oxon Local EH5 plan that also agrees no further development within Flood Zone 3.
- We have further concerns over the extended risk of problems with the sewage and drainage system that already has major problems and at full capacity and has caused flood damage to our property on many occasions adding extra to this system will only make problem worse in future.
- We also have concerns of the long term effect on the banks of the brook that flows along side the property as any damage or obstruction to this will again increase the flood risk of surrounding property's.
- We are also concerned that the entrance to the proposed site is situated on a private lane that only we have legal right of vehicle access to and will not agree to any further use to our access, this will cause a major issue in future and also exits direct on to a public footpath.
- It may set a precedent for building on an area that floods which may lead to Gladmans building on the Aston Road which could then greatly increase the flood risk to our

property on the Buckland Road which flooded very badly in 2007. Fishers Bridge Cottage is on the flood plain (Flood Zone 3) and if West Oxfordshire did grant permission this it would breach the principle of 'no build on FZ3' and signal to land speculators that they may well succeed with such applications.

- Whilst the subject property is in obvious need of renovation, in my opinion any further structural increase in the size of the footprint should be resisted because of the likely adverse impact of flood risk to neighbouring properties. The emotional impact of flooding on a family is immense.
- Authority Policies are there for a reason and I would request the decision makers to respect them. If members of the Planning Committee have never experienced flooding, I would further request that they talk to people that have been flooded and understand the consequences of making a wrong decision. I would urge the Planning Committee to reject the proposed structural development.
- No site survey or site specific flood modelling has been submitted, and in the absence of this no credence can be given to either the drainage strategy or the assertions included in the planning statement. Given the high water table in this area at times of high rainfall it is certain the compensation pond will fill from the water table below, negating its value.
- The applicant has failed to provide evidence that the exception test could be passed and indeed it would not pass as the sustainability benefits to the community do not outweigh the flood risk.
- For this revised application there is a technical drawing by Infrastruct and a 'planning statement' which is un-dated and un-attributed which refers to a 'notional' flood compensation pond but acknowledges that no topographical survey or site-specific modelling has been carried out. In the absence of such modelling and survey it is not possible to give any credence to the drainage strategy or the assertions included in the 'planning statement'. Given the historically high water table in this area of Bampton it is inevitable that at times of high rainfall the 'compensation pond' will fill from the water table below, negating its value as 'compensation' for the 30% increase in the footprint on this site.
- The plans indicate that the footpath/public right of way running alongside the property will be used for vehicular access. This footpath is heavily used by walkers and would be adversely affected.
- I would like to make it clear that often the fact that the Environment Agency has made 'no comment' is seen as they have no objection BUT they make 'no comment' as their 'Flood Risk Standing Advice' applies to this site and should be fully understood before a planning decision is made. As stated by the WODC Engineers in March 2015 an exception test is required by the government's planning guidance which has NOT been completed by the applicant. In fact the application includes a technical drawing and an anonymous planning statement describing a 'notional pond', without stating any measurements, that could be totally inadequate when considering the increase in the size of the buildings, this of course would inevitably increase the flood risk to my home and many others in the area.

2.2 3 letters of support have been received. The comments have been briefly summarised as:

- We are immediate neighbours of Buckland Road, Shillbrook Cottage and would like to totally support this application. This extension would improve an otherwise tired looking cottage and be an asset to its surroundings and ours. We hope that it will be started as soon as possible.
- The property is clearly in need of serious attention therefore the proposed improvements will enhance the general aspect and appearance of the old building. Someone living in the property will be an asset to this part of Buckland Road.

- Since 2007, I have been chairman of the Flood Prevention Working Group(WG) which is a forum for 5 villages (ASTON/BAMPTON/CLANFIELD/BRIZE NORTON/BLACK BOURTON). I brief the Bampton PC on flood matters and I served for 16 years on their Council (8yrs as chairman).
- I have been asked by Mr Lee Dingwell (Owner of Fishers Bridge Cottage) for my opinion on his application for a small kitchen/diner extension. I understand that both the EA and Bampton Parish Council have supported this application. If successful, the changes would have only minimal effect on flooding in the immediate area. You will recall that in 2007, the WG together with the Chief Engineer WODC, Mr Laurence King, put considerable pressure on the EA to desilt and selectively dredge the Shillbrook river for the first time in some 30yrs. The river now moves huge quantities of flood water downstream to the Great Brook and onwards to the Thames. Several other flood prevention measures in Bampton have helped considerably since 2007 to reduce the danger to dwellings in Buckland Rd. I am well aware of the shortage of affordable dwellings in Bampton for young families such as Mr Dingwalls. I therefore fully support Mr Dingwalls application. I trust that you will also support it and approve as necessary.

2.3 All comments are available to view in full on the website or via officers.

3 APPLICANT'S CASE

A planning statement has been submitted with the application. It has been summarised as:

- This application is a resubmission following the withdrawal of applications 14/0929/P/FP in August 2014 and 15/00201/HHD in March 2015.
- Application 15/00201/HHD was withdrawn following the Lowlands Planning Committee meeting on 16th March 2015 which voted to refuse the application regarding concerns about flooding.
- Following this a flood/s.w strategy plan has been prepared by a consultant civil engineer. Their proposal is included with this application. In addition to the notes on the drawing they commented the amended drainage strategy drawing 15-1806-01-P02 now shows the 'notional' flood compensation pond.
- Given that there is not a topographic survey available it is not possible to undertake an accurate level for level compensation, however, given the minimal impact this development will have on flood volume the provision of the compensation pond would appear to be more than adequate to ensure volume is not lost.
- It is also important to note that throughout the previous application the Environment Agency have at no point raised any objections.
- We feel that the issue of flooding has been dealt with in a wholly inappropriate manor in the previous applications for this proposal. Recent similar applications within flood zone 3 in Bampton have had to provide nothing more than the Environment Agency's standard Flood Risk Assessment form.
- This proposal now includes a surface water drainage strategy prepared by a qualified civil engineer which addresses the previous concerns. The proposal will not impact on flooding elsewhere and includes suitable measures to mitigate the effect of flooding within Fishers Bridge Cottage.
- It is suggested on this basis that the proposal is acceptable and should be recommended for approval.

4 PLANNING POLICIES

EH6NEW Environmental protection

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

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

5 PLANNING ASSESSMENT

- 5.1 The application is to be heard before the Committee as the previous application, although discussed at the meeting was withdrawn before the refused decision could be issued.

Background Information

- 5.2 The planning history of the site:-

- A previous planning application was withdrawn from the planning system due to concerns regarding the proposed extensions. The planning application reference is 14/0929/P/FP.
- The previous application's reference number that was heard before the March Committee is 15/00201/HHD.

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

Principle

- 5.4 The existing property is a detached two storey cottage adjacent to Fishers Bridge at Buckland Road in Bampton. The property is located within Bampton's Conservation Area and adjacent to a public footpath. The property is also within Flood Zone 3. Officers consider that the principle of some form of development is acceptable within Conservation Areas and Flood Zone 3 subject to the design, scale and a detailed FRA including flood protection measures as development under minor development can be permitted.
- 5.5 Although the Environment Agency was consulted as part of the planning process, officers have not yet received a response. However with such householder applications the EA would refer the LPA to their standing advice to mitigate the flood risk to the development if permitted. It is ultimately the local planning authority that needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere, and as such WODC Engineers were also consulted on the application.
- 5.6 The previous application had requested detailed modelling of the site due to the site being within Floodzone 3, and to whether it would be in areas 3a or 3b.
- 5.7 Having had pre-application discussions regarding the flood risk issues, WODC Engineers are now not objecting to the application. The Engineers have spoken to the EA and they confirmed that, as the application was just a minor development, they did not differentiate between Flood zones 3a and 3b. Their flood Risk standing advice that applied in this case only requires that

measures are put in place to prevent the property in question from flooding, which the applicant is proposing. In addition, the applicant is proposing the pond to compensate for the water displaced by the extension, as well as other measures to reduce the flood risk. As S104 of the NPPF states that minor developments are not subject to sequential or exception tests (in either of zones 3a or 3b) the applicants only need to meet the requirements of the FRA, which they should once their full submission is approved.

Siting, Design and Form

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

Highway

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

Residential Amenities

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

Conclusion

- 5.11 Given the Environment Agency's and your engineers' comments, officers consider that the proposals are acceptable in terms of floodrisk subject to conditions which officers have suggested as part of the report. In terms of the comments regarding other development within the Flood Zone, officers have to assess each application on its own merits. This application is a householder application and in view of the consultees comments, officers consider that the proposals are acceptable.

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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.

- 3 The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 5 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

NOTE TO APPLICANT

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part I Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part I Clause 9 (1)).

Application Number	I5/02221/FUL
Site Address	Rosebank Care Home High Street Bampton Oxfordshire OX18 2JR
Date	5th August 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Bampton
Grid Reference	431755 E 203190 N
Committee Date	17th August 2015

Application Details:

Alterations and erection of single and two storey extensions

Applicant Details:

Mr & Mrs Roberts
c/o agent
United Kingdom

I CONSULTATIONS

- I.1 Parish Council NO OBJECTION to the extension, but we must point out the following inaccuracies on the form:
- 1) The form states there are 0 existing employees and no proposed new employees.
 - 2) There is a large tree in the parking area that is not shown on the plan.
 - 3) The 12 parking spaces are existing and fully used, and are not new.
 - 4) 9 additional rooms will increase parking requirements
- I.2 WODC Architect As before, there are great concerns about the expanse of two-storied building that would be created here a sizeable block running along much of the side lane, and all very visible from High Street. This is already a sizeable group, and the cumulative effect would be too much, in my view, giving an even more uncharacteristic, obtrusive and overly-dominant form. As previously advised, I suggest that the extension is cut back by a bay, and set back to the rear line of the existing extension.
- I.3 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to G36 parking as plan

2 REPRESENTATIONS

2.1 One letter has been received at the time of writing from Harry Atkinson of Ampney Lodge.

“My wife and I live in Ampney Lodge, next door to Rosebank, and strongly object to the proposal which had been rejected by the WODC in an earlier form in 2014. My house is Grade 2 Listed and is in a Conservation Area.”

2.2 One letter received from Vivian and Louise Robinson of Oak House. Comments summarised as:

- It will constitute an adverse urbanisation of this part of the Conservation Area
- We do not believe that this can be mitigated by having an element of two storey towards the bottom end of the site.
- We are entirely sympathetic to the fact that part of the object of this exercise is to provide improved facilities for the residents of a Care Home. However this had to be balanced against the important principle that any risk of adverse urbanisation of a Conservation Area should be avoided in the interests of the whole community.
- We profoundly disagree with the assertion made by the applicants that any harm will be marginal.
- If the concept of Conservation Area is to have any meaning and relevance in a planning context, this kind of infilling, however laudable the aim, must be discouraged.

3 APPLICANT'S CASE

A supporting letter has been submitted with the application. It has been summarised as:

- This is a revised submission following a refusal of an application for alterations and erection of single and two storey extensions submitted in 2014 and considered under reference 14/1010/P/FP.
- That application was refused due to:-
- The proposed extension to the north, by reason of its size, design, loss of planting and the remodelling of the stone walled enclosure was considered harmful to the Conservation Area;
- The two storey design and siting in close proximity to the private amenity area serving 'caribu' was considered to be unacceptably overbear and overshadow the private garden area to that property and result in loss of privacy due to the siting of a fire escape.
- The following statement discusses how the revised design has addressed the issues set out within the reason for refusal.
- I do not intend to go into detail in relation to the planning policy framework. It is accepted that proposals should be determined in accordance with the Development Plan. However, there is no question that the principle of the proposals is not acceptable subject to the normal physical planning
- Assessments in relation to character, relationship with adjoining properties, highway safety and any other material considerations. It is also a given that the provision of additional community facilities in the form of nursing home bed spaces should be welcomed and is acceptable in principle.

- The above point is supported within the reason for refusal which does not object on matters of principle but rather on matters of a physical planning nature as a consequence of detailed design matters.
- The refused scheme included a two storey building visually separated from the main element of the existing by way of a single storey link with a glazed pitch roof. The two storey element included a two storey gable and two storey elevation adjacent the access lane and adjacent the adjoining property to the north referred to as 'Karibu'.
- The reason for refusal related only to the two storey extension element to the north which abuts the access lane and adjoining properties. All other elements of the proposals were thus deemed to be acceptable.
- The current proposal retains all of those elements which were considered to be acceptable and removes the 2 storey extension to the north adjacent to the boundary with Karibu. In so doing, the reasons for refusal are immediately addressed.
- The existing situation is of the main original part of the property situated on the south west corner presenting onto the High Street. To the rear is a two storey extension which then gives way to a single storey extension under a dual pitch roof. These latter elements are behind a high boundary wall.
- The current proposals are to remove the roof of the single storey element and to add a further floor with a hipped roof but recessed behind a parapet and recessed behind the existing two storey element. The eaves height will be the same as the existing two storey extension. The ridge height is however lower. The west facing elevation is recessed and this along with the lower ridge height introduces a degree of subserviency.
- The matters at issue are whether or not this revised proposal is appropriate to the character or appearance of the Conservation Area. Appropriateness to character revolves around a visual assessment of the proposals. While reference to terms such as scale and mass are helpful in describing the visual impact the actual assessment is simply one of a visual nature. That is to say, an assessment in relation to where the proposals will be viewed and whether this impact of the additional built form is appropriate and acceptable in those views.
- The proposals will not be discernible from the main public realm. The single storey elements will not be visible from outside the site. The two storey extended element will be barely discernible, if at all from the main public realm which is the High Street. Even if visible the distances from the High Street, the recess, the lower height, the position behind the wall and the surrounding vegetation will result in the additional built form having a very small role to play in the overall contribution to the character of the vista or the character of the area generally.
- As one travels down the lane towards the northern elements of the site the proposal will become more apparent. The lane is however characterised by a degree of enclosure from the stone walls and existing built form. The proposals will not add a feature which is alien or out of place but will simply be a logical continuation of the existing. The set back behind the boundary wall and parapet, the lower ridge height and the boundary vegetation ensure that while the built form may be visible it is of limited visual impact.
- The design, scale and form of the proposal are all appropriate to the context of the host property and the surrounding area. The question simply for the Council is whether or not the additional presence of built form of itself is acceptable. That is to say the consideration of scale is a relative matter. A proposal can only be considered to be harmful by virtue of scale if it does not respect the scale of prevailing development. Clearly the proposed two storey addition is of lesser scale relative to the adjoining built form. Clearly it references and is of the scale in terms of height to eaves, mass, length and depth to other elements of

the same built grouping. It would be simply untenable to suggest that the proposal was of inappropriate scale.

- It is of course accepted that the proposal does add to the mass and volume of the existing building group.
- The point being simply that the design and scale of the proposals is entirely appropriate to the existing. The only question therefore is whether the additional presence of built form of itself is acceptable.
- The actual presence of the built form has no consequences in terms other than simply the fact that it is there. The previous reason for refusal for example, refers to the loss of features and the size and design of the proposals in the particular position where it was sited. In this instance there are no loss of features and no provision of two storey accommodation beyond the existing footprint. The size is significantly reduced in relation to the previous refused schemes. The separation of any built form from Karibu to the north ensures there is no close or competing relationship with that property in character terms. The semi-rural character of the area will be retained in views of the site up the lane from either direction.
- There is no actual harm or otherwise as a consequence of the first floor extension. The actual physical presence of the built form in itself is not sufficient reason to refuse if there are no harmful consequences. There are no such symptoms of harm and the additional built form must be accepted as being appropriate in physical planning terms.
- The applicants did take some pre-application advice in respect of the proposals. The response stated that the elevation was 'extremely prominent' within the Conservation Area and there was too much development. The suggestion was to recess further and to shorten the extent of the second floor extension. There is no discussion of what specific harm was being caused just a comment that there was 'an awful lot of development'.
- The applicants do not consider the elevation to be extremely prominent. The main prominent elements within the Conservation Area are the principal facades within the main public realm. The rear of this building is very much in a secondary location and screened from views. It is not unusual to see extensions and utilitarian scale outbuildings to the rear of principal buildings within historic areas. As set out above there is no actual harmful impact of the proposals and indeed the only impact is as a consequence of presence of additional built form. I have critically examined the proposals and cannot conceive of any actual harm as a consequence of their presence. To me, the result of that analysis is simply that the proposals are acceptable.
- To reduce the extension any further would impact upon viability of the provision. It must be borne in mind that nursing homes are valuable community resources and opportunities to enhance and provide additional facilities do not often present. Even if there is considered to be harm, it will be marginal and when weighed against the public benefits, is not unacceptable. The planning balance supports the proposals.
- The second reason for refusal relates to the living conditions of the adjoining property to the north referenced as 'Karibu'. The property presents a two storey gable with no fenestration to the common boundary. To the east of this gable is a single storey extension which is not shown on the block or location plans. The extensions are visible in photographs including aerial photographs.
- The previous reason for refusal related to an overbearing impact and loss of sunlight. The current proposal is now of a size and separated by such a distance that there are no possibilities of overshadowing or overbearing or dominating affects. There is no need to discuss this element any further because a simple and normal objective analysis is sufficient to demonstrate that there is no harm simply due to the position of the patio relative to the proposed two storey extension.

- There were no other matters raised within the reason for refusal. The previous reason for refusal is therefore addressed and planning permission can reasonably be granted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

T1 Traffic Generation

EH7NEW Historic Environment

BE8 Development affecting the Setting of a Listed Building

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

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

5 PLANNING ASSESSMENT

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

Background Information

- 5.2 This application is a resubmission after a previous application (14/1010/P/FP) was refused under delegated authority. That application also proposed the erection of single and two storey extensions to the existing care home. The refusal reasons state:-

“The proposed extension to the north which abuts the access lane and parking area serving the Nursing Home and dwellings to the rear, by reason of its size, design, loss of planting and the remodelling of the stone walled enclosure fails to pay special attention to the desirability of preserving or enhancing the semi rural character and appearance of this part of the Bampton Conservation Area. As such, the development is considered contrary to policy BE5 of the West Oxfordshire Local Plan, relevant paragraphs of Chapter 12 of the NPPF and S72 of the 'Planning (Listed Buildings and Conservation Areas) Act 1990.

By reason of its two storey design and siting to the south in close proximity to the private amenity area serving 'Karibu', the proposed development is considered to unacceptably overbear and overshadow the private garden area to the detriment of the residential amenity of the occupiers. In addition by reason of the design and the positioning of the fire escape staircase directly adjacent to the boundary with 'Karibu' the proposal results in an unacceptable level of perceived/actual overlooking of the private amenity area serving 'Karibu'. As such, the proposal is considered contrary to policy BE2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.”

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

Principle

- 5.4 The application site is a prominent building which is currently used as a Care Home within the Bampton Conservation Area. Since the refused application, pre-application discussions have taken place. However officers are of the opinion that although the proposals have reduced in scale, there are still issues regarding its design and its impact to the host building. The pre-application advice has not been followed.

Siting, Design and Form

- 5.5 Rosebank fronts onto High Street and has a parking area to the side, along with an access road to the properties to the rear.
- 5.6 The application site is unlisted but is located within the Bampton Conservation Area.
- 5.7 The building itself has had various extensions in the past. Currently, a two storey and single storey wing exists to the rear adjacent to the access track serving development behind the nursing home. The proposal is to extend the existing two storey rear wing by just over 14m which, the main section of which sits over the existing single storey element and have a single storey rear extension along the side of the two storey extension.
- 5.8 When compared with the refused application the proposed two storey element has been reduced in length and width and the plans now propose a hipped roof as opposed to a gable end.
- 5.9 Modifications to the existing two storey and single storey extensions are also proposed adjacent to the boundary with Ampney Lodge, a Listed Building.
- 5.10 Whilst officers note that there have been reductions in terms of the scale and changes to the design of the extension, there are still concerns. The scale and massing along the western boundary of the site will still be extensive and will not be seen clearly as a secondary element to the host building. As the site is highly visible within the wider context of the Conservation Area, officers consider that the proposal will not enhance or preserve the visual character and appearance of the Conservation Area. The proposed hipped roof is not a common feature within this area, and as such, officers consider that the design will appear as an incongruous feature within the Conservation Area and to the host building.

Highway

- 5.11 A plan has been submitted showing the parking spaces, and OCC Highways have not objected to the scheme.

Residential Amenities

- 5.12 Since the previous refusal, the scale of the extension has been reduced so that it now sits further away from the neighbouring property at Karibu. The end elevation is now proposed to be blank, without any new openings. Officers consider that the changes address refusal reason 2.

- 5.13 Officers note the concerns raised by the occupiers of Ampney Lodge, however the proposed extensions adjacent to their boundary, are the same as previously proposed, to which officers consider that there would be no loss of residential amenity to this property. Officers have visited this property.

Conclusion

- 5.14 Officers note that care homes are important community facilities for the elderly population and there is an increase generally for their need. The pre-application advice given in respect of this submission was to reduce the extension by one bay, to set it back further from the front face of the existing single storey wing and to have a gable end detail, in order to ensure that the extension appears secondary and subservient to the host building. In response to this advice the supporting letter submitted with the application states that to reduce the extension any further would impact upon viability of the provision. No evidence however has been submitted with the application to evidence this assertion.
- 5.15 In light of the above whilst officers consider that in principle some form of extensions are likely to be acceptable, this proposal, which is prominent within the Conservation Area is considered unacceptable in terms of its design and scale which officers consider results in an uncharacteristic, obtrusive and overly dominant form which has an adversely urbanising impact on the low key semi rural setting of this part of the Conservation Area. As such the proposal is considered contrary to policy BE5 of the West Oxfordshire Local Plan, OS4 of the Emerging Local Plan, the relevant paragraphs of Chapter 12 of the NPPF and S72 of the 'Planning (Listed Buildings and Conservation Areas) Act 1990.

6 REASON FOR REFUSAL

- I The proposed two storey extension to the north, which abuts the access lane and parking area serving the Care Home and dwellings to the rear, by reason of its size and design would result in an uncharacteristic, obtrusive and dominant form which fails to pay special attention to the desirability of preserving or enhancing the semi-rural character and appearance of this part of Bampton's Conservation Area. The proposal is therefore considered to be contrary to Policies BE2 and BE5 of the adopted West Oxfordshire Local Plan, and Policies OS4 and EH7 of the Draft Local Plan, the relevant paragraphs of the NPPF, the West Oxfordshire Design Guide and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Application Number	I5/02517/FUL
Site Address	Land South Of Garston Court Burford Road Brize Norton Oxfordshire
Date	5th August 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Brize Norton
Grid Reference	429858 E 208016 N
Committee Date	17th August 2015

Application Details:

Erection of new dwelling

Applicant Details:

Mr Garry Griffin
The Cottage
Burford Road
Brize Norton
Carterton
Oxfordshire
OX18 3NL

I CONSULTATIONS

I.1 Parish Council

In the view of the Parish Council the application addresses the planning Inspector's concerns that were raised with the refusal of previous applications for this site.

The visual impact is negligible when compared to the 700 homes approved on the open wold opposite but the council would like a condition that all walls of the walled garden are maintained to at least their present height - reason to safeguard the character and appearance of the area.

A shallow slope pitched roof would be preferred as the proposed flat roof is out of character with other properties in the village.

The proposed construction materials for the development shall be in keeping with the local area and shall be submitted to the local Planning Authority for approval prior to that start of any construction works on site. Reason - To safeguard the character and appearance of the area.

Other than these observations and comments the Parish Council would support this Planning Application.

- | | | |
|-----|------------------------------|---|
| 1.2 | OCC Highways | The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to
- G36 parking as plan |
| 1.3 | WODC Planning Policy Manager | No Comment Received. |
| 1.4 | WODC Env Health - Lowlands | With regard to this application I have no objection to raise, but I do have the following comments to make for the information of the applicant.
- The open plan design for the lounge/kitchen may contribute to long term damp and condensation problems due to moisture production during cooking. Care should be given to the design and location of extract ventilation to the cooking area to reduce this possibility.
- Similarly attention should be given to the design and location of the extract ventilation to the bathrooms to reduce the likelihood of damp and condensation problems, as the bathrooms are internal. |
| 1.5 | WODC Architect | No Comment Received. |

2 REPRESENTATIONS

- 2.1 No letters of representation have been received.

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
- 3.2 This build would be in accord with the new Draft Local Plan which is underpinned by a presumption in favour of sustainable development, and therefore we believe that approval of planning is appropriate. This we believe is also true when considering the NPPF. In accordance with national policy, isolated new homes in the countryside will be avoided. The Draft Local Plan also says that growth should not be placed exclusively in Carterton and Witney and therefore there is a case for some growth in the local villages, which would enhance them. Indeed the plans states that some development will be supported in the villages, as long as it respects the village character and local distinctiveness and would help maintain the vitality of the local community, which indeed this proposal does. It states that in small villages, hamlets and open countryside, new development will be limited to that which is appropriate for a rural location and which respects the village character and the local distinctiveness and would help to maintain the vitality of our community.
- 3.3 We believe that this new proposal overcomes the matters raised by the Appeal Inspector and the overall approval for this unique application should be permitted

4 PLANNING POLICIES

H2 General residential development standards

H5 Villages

BE2 General Development Standards

BE8 Development affecting the Setting of a Listed Building

BE3 Provision for Movement and Parking

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks permission for the construction of a single storey dwelling. The development is proposed on land which is detached from, but which has historically used as garden by two nearby listed properties.

Background Information

- 5.2 The site has been subject to a number of planning applications. In the most recent decision, in which the application was refused and was upheld at appeal, the inspector concluded that:

"The development would be sustainable in terms of its access to services and facilities. However, I have also found that there would be material harm to the character and appearance of the area and the setting of Rookery Farmhouse, a listed building. This identified harm would significantly and demonstrably outweigh the modest contribution the development would make to the housing supply and any benefits it would have in terms of supporting services and facilities within the village. As such, it would not constitute sustainable development and it therefore follows that the proposal cannot rely upon the presumption in favour of sustainable development set out in the framework".

Planning History

85/1448- Residential development (outline) Refused.

86/041 - Erect one dwelling- refused and refusal upheld at appeal.

90/1814 - Erection of single storey dwelling and garage refused.

92/ 1814 - Erection of a single storey dwelling and garage refused.

14/0284/P/FP - Construction of new dwelling with detached double garage & store. Refused and upheld at appeal.

- 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 In 2014 an application for a new dwelling in this location was refused by the LPA and upheld at appeal. In addressing the issue of the principle of development and sustainability of the site the inspector concluded that:

"Having regard to the evidence before me and my own observations during my visit, I do not consider the appeal site to be isolated. Occupiers of the proposed dwelling would have relatively good access to basic services and facilities in the village. A wider range of other services and facilities would be available only a short bus journey or car trip away. In my assessment, therefore, the proposal would not result in an unsustainable pattern of development and there would be no conflict with paragraph 55 of the framework of the social dimension of sustainability".

- 5.5 Therefore given the inspectors decision, officers are of the opinion that the principle of development on the application site may be acceptable subject to compliance with the other policies within the framework.

Siting, Design and Form

- 5.6 The scale and height of the dwelling has been reduced in order to seek to address the inspectors concerns relating to the impact of a dwelling on the open views and the adjacent listed building.
- 5.7 Officers are of the opinion that in reducing the scale of the building the design has been compromised creating a contrived design which is out of keeping with the development in the area.
- 5.8 The dwelling will feature a flat roof with three roof lights. The design is uncharacteristic for the district with its large expanse of flat roof and the proposed fenestration detailing. Views of the top of the building and the roof lights will be visible from views around the site, and will be viewed against the setting of the adjacent listed buildings as well as the open countryside.
- 5.9 The Parish Council have also raised concerns regarding the design specifically the roof and its uncharacteristic design.
- 5.10 Paragraph 61 and 64 of the NPPF relates to requiring good design and integrating new development in the natural, built and historic environment. Officers are of the opinion that although only the top of the building may be visible, the overall design should still be considered given its setting adjacent to the listed building and open rural views.
- 5.11 The design fails to relate visually to the application site or the wider setting, and would by reason of the views of the expansive flat roof form an incongruous addition to the street scene which would fail to preserve or enhance the setting of the listed buildings and integrate successfully in to the rural setting.

Highway

- 5.12 County Highways have been consulted on the application and raise no objection subject to a condition.

Residential Amenities

- 5.13 The dwelling would feature a low roof, given the boundary treatment and the distance from neighbouring properties, the application is not considered to have an adverse impact on neighbouring amenity.
- 5.14 With regard to the amenity of any future occupiers of the proposed dwelling, officers have amenity concerns.
- 5.15 The dwelling would feature three bedrooms. The contrived low level design has created an arrangement in which the bedrooms and their windows would be located in close proximity to the boundary wall. This arrangement with the high boundary walls and gated entrance would create a poor level of outlook afforded to the property to the detriment of the amenity of any future occupiers and is therefore considered unacceptable.

Conclusion

- 5.16 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.

6 REASONS FOR REFUSAL

- 1 The proposed dwelling which would be visible from the public domain is considered to be an unsympathetic incongruous form of development which fails to respect the character of the site and surrounding area, and which will appear as intrusive urbanising features to the detriment of the open rural character and adjacent listed buildings contrary to policies BE2, BE8 and H2 of the adopted West Oxfordshire Local Plan, policies OS1, OS4 and EH7 of the emerging West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant design paragraphs of National Planning Policy Framework.
- 2 By reason of the contrived design of the proposed dwelling and its relationship with the existing stone boundary walls surrounding the site, the proposal would create a poor level of amenity for future occupiers, by way of the close proximity of windows serving the living spaces within the dwelling to the walled enclosures. As such, the proposal is considered contrary to policies H7 and BE2 of the adopted West Oxfordshire Local Plan and policies OS1, OS2, OS4 of the emerging West Oxfordshire Local Plan.