

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 19th October 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	I5/00647/FUL
Site Address	Land at Thorney Leys Witney Oxfordshire
Date	7th October 2015
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Witney
Grid Reference	434074 E 208858 N
Committee Date	19th October 2015

Application Details:

Erection of 25 residential units including associated parking, new vehicular access, landscaping and informal open space.

Applicant Details:

Mr Steve Wood
Abbey House
2 Southgate Road
Potters Bar
Hertfordshire
EN6 5DU

I CONSULTATIONS

**I.1 One Voice
Consultations**

Transport

No objection subject to conditions

Key issues:

Improved bus stop/service provision.
Pedestrian crossing point required adjacent/opposite site.

Legal Agreement required to secure:

A section 106 agreement to contribute to the strategy for enhancing and improving the Carterton-Witney-Eynsham-Oxford bus route, including frequency enhancements, extended hours of operation and priority measures for buses, at a cost of £1000 per dwelling = £26,000 contribution.

A section 106 agreement to fund bus infrastructure improvements, subject to the agreement of Witney Town Council for ongoing maintenance; these to include a new bus shelter and cycle racks at the Carterton bound stop on Curbridge Road. The cost of this would be in the region of £10,000.

Conditions:

I. Parking provision must be in accordance with the current Oxfordshire County Council 'Residential Road design Guide' standards and completed prior to each associated dwelling becoming occupied. The parking spaces shall be laid out in accordance with the approved details and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site and the car parking spaces shall be retained in accordance with this condition for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety and flood prevention.

II. Prior to the first occupation of any of the dwellings approved, all of the estate roads and footpaths/footways (except for the final surfacing thereof) shall be laid, constructed, lit and drained in accordance with Oxfordshire County Council 'Conditions and specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development

III. Prior to the first use of any new footpaths, the new footpaths shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason -In the interests of highway safety and public amenity

IV. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off street drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

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

VI. Prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

Archaeology

No objection

Education

Recommendation:
No objection subject to conditions

Key issues:

£89,066 Section 106 required for necessary expansion of permanent primary school capacity in the area. Queen Emma's Primary School is the catchment school for this development.

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

Secondary infrastructure
SEN infrastructure
Legal Agreement required to secure:

Conditions:

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

Property

No objection subject to conditions

Conditions:

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

for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

I.2 WODC Head Of Housing

Having reviewed the documents submitted in support of this application, and checked the Council's housing register, I can confirm that there are sufficient households in need who would qualify for this development were it available today.

In short there are in the region of 178 households who are in priority need of housing in Witney, and of these 86 require 2 bedroom accommodation. Therefore the proposed mix of affordable housing, namely 1 x 1B Flat and 9 x 2 Bed Flats will go some way to meeting this outstanding need.

I am therefore able to support this residential application.

I.3 WODC Env Services - Engineers

At the current time the Environmental Protection team do not have objection to the application for residential, but recommend robust and strict conditions to manage the noise environment. I have read the applicant's Noise report (I requested this report).

1. British Standard (BS 8233. 2014) provides guidance in respect of indoor ambient noise levels. The recommended internal noise levels within dwellings contained in Table 4 of the standard and tabulated below must be achieved and this requirement must form a condition for this site:

Activity Location 07:00- 23:00 23:00-07:00
Resting Living room 35 dB LAeq 16 hr -
Dining room 40 dB LAeq 16 hr -
Sleeping Bedroom 35 dB LAeq 16 hr 30 dB LAeq 8 hrs

I would tend to agree with the Cole Jarman- Noise report (14/0324/R1), that through suitable building layout design, acoustic external noise levels can be achieved within gardens that meet the requirements of NPPG and guidance provided by WHO and BS 8233. To ensure this actually happens a condition is strongly recommended:

"Any development of the site for residential dwellings shall be designed and laid out such that buildings shall screen gardens behind them. Furthermore a proprietary acoustic noise barrier (of minimum height 3 m) shall be installed along the full southern site boundary and where necessary along other site boundaries, to allow for an external ambient noise level no higher than 55 dB LAeq, 16 hr at all times".

I.4 WODC - Arts

No Comment Received.

I.5 WODC Community Safety

No Comment Received.

I.6	WODC Architect	No Comment Received.
I.7	WODC Planning Policy Manager	No Comment Received.
I.8	WODC Env Services - Waste Officer	No Comment Received.
I.9	Adjacent Parish Council	The Parish Council has no comments to make on this application.
I.10	OCC Rights Of Way Field Officer	No Comment Received.
I.11	Town Council	<p>Original Submission: Witney Town Council has no objections but requests section 106 contributions</p> <p>Amended Submission : Witney Town Council are concerned with the latest version of proposals at this site. The previous proposal was a better design and more in keeping with the local amenity areas with sloping roofs instead of flat ones. The Town Council would also object to the inclusion of carports /sheds as in the short term they will fall in to disrepair.</p>
I.12	WODC Env Consultation Sites	<p>While I have no serious concerns relating to contaminated land given the proposal for residential development please consider adding the following condition to any grant of permission.</p> <p>1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority. Reason: To prevent pollution of the environment in the interests of the amenity.</p>
I.13	WODC Drainage Engineers	<p>If full planning permission is granted, could you please attach the following condition:-</p> <p>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</p>

out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

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

1.14 Town Council No Comment Received.

2 REPRESENTATIONS

2.1 Mr Mark Franklin, Mr Anthony Coy, Dr Dubber, Daphne Wright, Mrs and Miss Badnell, Mrs Candida Truby, Mrs Kyly Harper, Mr Justin Webber, Mr Forward, Mrs Bev Smart, Mrs Debbie Lock, Mrs Linda Savory, Mr Steven Harris, Mr Phillip Hinton-Smith, Mr Richard Stocking, Mrs Julie Hinton-Smith, Mrs G Sewell and Ms SM Simpson have written in respect of the application. Their comments are briefly summarised as follows:

Highways

- 2.2 As stated by OCC above, If this development generates 65 residents, that could generate approx. 50 more cars. How can OCC further state that the increase in traffic will be insignificant on Thorney Leys road!!!!
- 2.3 This development will add to the very busy thorny leys road which will come under additional pressure when Coral Springs opens. The curves on this road mean there are frequent near misses. Cycling along this road is very difficult.
- 2.4 Access to the Thorney leys road will need to be controlled through a roundabout or traffic turning right out of the site will cause accidents due to the few breaks in traffic flow.
- 2.5 With the development due to be built on Dear Park this is going to add to the already existing traffic that uses Thorney Leys road. Leading to more noise, pollution and the increase for potential accidents.
- 2.6 This additional development would be one development too many for this area.
- 2.7 The main Thorney Leys road is already heavily used. The Burwell Hall turning into/out of Thorney Leys opposite the development is a very busy junction and turning right is already hazardous.
- 2.8 The increased road safety hazards in an area containing many young children should not be overlooked.

- 2.9 I strongly object to this proposed development. The road is way over used, it is difficult to access it either; (a) School runs (b) work (c) pleasure, everyday living.
- 2.10 The road inlet does not help in a place where there has already been a fatality and a number of serious accidents.
- 2.11 The Thorney Leys road is extremely busy already, including large haulage and transport vehicles to and from Deer Park and Bromag Ind. Estates not including the increased traffic from the Coral Springs development)
- 2.12 Over the past few years there have been numerous accidents including a death!!!
- 2.13 This development will increase the traffic flow even more. Although Thorney Leys/Station Lane traffic lights have been upgraded in the last few months it still cannot cope with the amount of traffic and there are still long queues and delays.
- 2.14 The proposed development has underestimated the vehicle ownership and has not provided an adequate number of parking spaces.
- 2.15 This is nowhere near the number estimated in the application. There is no reason to assume that vehicle ownership in the proposed development would be any less. The consequence of these extra vehicles will be a) vehicles will be unable to park within the development and so will park on the approach road, causing obstructions to sightlines with a consequent increase in risk of road traffic accidents.
- 2.16 b) We will see an increase in the number of vehicles parking in the neighbouring estate roads, ie. Thorney Leys, which are already at times congested. At weekends in particular, there is an increase in the number of parked vehicles mainly relating to football teams on Thorney leys field. A lot of the participants do not part in the car park supplied at Burwell Hall but park in the streets around our estate increasing the congestion with the consequence that vehicles park on the pavements and footways, causing obstructions that are not policed!
- 2.17 Oxfordshire Local Transport Plan 2011 -2030 Tackling congestion Objective 2 states that: We will be seeking to make the most efficient use of current road space through ensuring that roads and junctions are operating as efficiently and effectively as possible and will be tackling congestion by seeking to implement a range of measures, including: traffic reduction
- 2.18 The proposed development of 26 dwellings is likely to add at up to 90 cars with only one possibility of egress onto the main Thorney Leys road, which is already very busy at peak times. Visual evidence suggests that the majority of houses on the existing Thorney Leys estate have at least 2 cars, with many rented properties having 4 cars, so the actual increase in traffic is likely to be far greater than allowed for in the application. As the probable demographic of the new development will be single or cohabiting working people, the impact on current traffic at peak times will be considerable.
- 2.19 It is hard to reconcile this with the core planning principles of the National Planning Policy Framework, to: Support the transition to a low carbon future in a changing climate;
- 2.20 Contribute to conserving and enhancing the natural environment and reducing pollution;

- 2.21 Road safety Objective 3 states that Oxfordshire County Council will develop an updated road safety strategy to reduce the number of road accident casualties.
- 2.22 For pedestrians coming from the proposed new development, there are currently no plans for a pedestrian walkway on that side of the road leading to the nearest crossing point. The proposed pedestrian crossing will be very close to a bend with limited visibility. The current speed limit on that section of the road is 30mph, rising to 40mph a short distance away, and is often breached.
- 2.23 This represents a significant risk to the safety of pedestrians and cyclists coming from the proposed development.
- 2.24 I do not feel enough parking spaces have been allocated and my worry is where will the overspill park ?. Thorney Leys has a huge problem with parking as it is.
- 2.25 The Thorney Leys roadway cannot take on more traffic - the improved junction is already showing signs of damage and the roadway approach is in need of resurfacing.
- 2.26 The proposed junction is too close to existing junctions and therefore will create a hazard.
- 2.27 We have conducted a local survey which suggests that the average number of vehicles per household is 3.2, many of which are commercial vans. This is nowhere near the number estimated in the application. There is no reason to assume that vehicle ownership in the proposed development would be any less. The consequence of these extra vehicles will be twofold: a) vehicles will be unable to park within the development and so will park on the approach road, causing obstructions to sightlines with a consequent increase in risk of road traffic accidents.
- 2.28 At present, there is nothing to prevent a vehicle from parking on the main highway, nor is there mention in the application of the need to provide double yellow lines to prohibit parking; b) we will see an increase in the number of vehicles parking in the neighbouring estate roads, which are already at times congested. At weekends in particular, there is an increase in the number of parked vehicles as visitors arrive, with the consequence that vehicles park on the pavements and footways, causing obstruction. Indeed, we have seen mothers with pushchairs and elderly residents being forced to walk into the road. Such pavement parking has continued unpoliced for years, and there is no reason to suppose that parking enforcement measures will be provided.

Residential Amenity

- 2.29 Will seriously damage those that live opposite the flats existing privacy – it's one thing to move into a property when you know its overlooked - a very different thing to have it imposed on you. It will be like living in a goldfish bowl.
- 2.30 The proposed 4 storey development would result in the residents being able to see into our back gardens, which have enjoyed privacy for 30 years. Reducing the building to 2 storeys would overcome that.

Design and Scale

- 2.31 This development is too cramped and the flat roofed 3 story blocks are quite out of keeping with nearby housing. They will also overlook nearby housing and dominate the area. This type of building is not what the rest of Witney has to put up with. It is not in keeping with the rest of the buildings in this country town.
- 2.32 Also the 2 1/2 storey houses are excessive for this area of Witney where most housing is 2 or 1 1/2 storey.
- 2.33 This development is not needed and will look out of place.
- 2.34 The character of this area is already experiencing substantial changes with the development of the Richmond Retirement Village, Springfield Nurseries site and eventually the West Witney development.
- 2.35 The proposed site is the one remaining green space within this populated area and provides a practical and necessary buffer zone between the Thorney Leys estate and the very busy A40 as well as being a wildlife habitat.
- 2.36 The design of the block of flats, although changed, is no better than at the time of the original submission - in that it is still completely out of step with any buildings in the vicinity, and remains a significant privacy concern given that it still overlooks our property.
- 2.37 There is over development of an already built up area, parking is a huge problem in this area. The design is not compatible with this environment. It's an over intensification of the area. This will destroy the look of the immediate area which has trees and shrubs.
- 2.38 I have seen the revised drawings and they are no better than the previous proposal.
- 2.39 The people living in Thorney Leys are desperate to have a little bit of green area left opposite what is very intensive housing estate.
- 2.40 The boulevard along the main road still remains intact because other developments such as Coral Springs are screened by very large established trees.
- 2.41 This site does not benefit from this screening as most of the cover is quite low and the proposal is to build close to main road.
- 2.42 This will be a total eye sore and will drag the area down. The development is unattractive with tall flats.
- 2.43 The people of Thorney Leys will feel let down if this plan is passed by the Council. It is visually unattractive and is destroying our environment we have to live in.
- 2.44 "Type C2" are three storey, which will overlook the existing Thorney houses on other side of the road. Coral Springs is already near completion with a further 1,000 dwellings etc. off Deer Park/Range Road. This area, Thorney Leys, is becoming very congested, need some "breathing space"; this proposal does not help in the least.

- 2.45 My main concern is the fact this development is 4 storeys high!!
- 2.46 This will be very intrusive to the houses opposite in Thorney Leys.
- 2.47 What is the reason for 4 storeys apart from a greedy developer trying to squeeze as many properties in to the smallest area possible for the most profit with no regard for neighbouring properties!!!!
- 2.48 Whilst the proposed development does not technically qualify as cramming, it nevertheless suggests that the Council is determined to use every available greenfield space for development.
- 2.49 This development will erode the local amenity, environmental quality and privacy of current residents, whilst failing to secure a satisfactory level of amenity for future residents.
- 2.50 With two bends in the road approaching I feel vision would be an issue. The road is already overloaded with many unreported accidents leaving glass and debris.

Need

- 2.51 I understand the need for housing but this is not an appropriate site. Yes, houses could be built on the site but do we as a community want WODC residents to live between two busy roads, experience poor air quality, constant noise disturbance and daily travel disruption? The future social and health implications should be taken into consideration when dealing with the location of new homes.
- 2.52 The development of this site can only be detrimental to the residents and infrastructure of this area of Witney.
- 2.53 This is not a good place for housing and there has been far more suitable locations identified in the plan. Parking places are inadequate even in the amended plan and the increase in traffic is unacceptable.
- 2.54 WODC are in the process of approving a 1000 home development the other side of Deer Park Road. 500 yards from this proposed site, therefore this development is NOT required!!!!
- 2.55 The proposed development does not address an identified need for housing in the local area. Paragraphs 5.15 and 5.16 of the document 'Witney Planning Issues Need for Housing' make it clear that current plans to meet housing needs in West Oxfordshire already exceed the guidelines set out in the National Planning Policy Framework, with 5.6 years of planned housing supply.

Ecology

- 2.56 The local ecology would still be significantly impacted, with increased noise, light, and vehicle pollution.
- 2.57 Finally the effect on wild life has been catastrophic and sad with rabbits, hedgehogs, fox forced to retreat from Coral Springs to the sanctuary of the last bit of green (the proposed site). There has already been one human fatality and numerous accidents. I have picked up so many dead cats

from this road and want children to be safe and to learn about wildlife not from finding animals dead on the road.

- 2.58 I would like to object to this application on the grounds that the development will destroy the landscape and natural ecology of this narrow area of green land between the Thorney Leys estate and the A40 dual carriageway.
- 2.59 The road adjacent to Thorney Leys used to be an attractive tree lined boulevard with some grassy hills.
- 2.60 There was wildlife like owls, foxes, toads, rabbits etc. I myself have worked with the woodland trust to plant daffodils on the hills opposite Burwell playing field.
- 2.61 We are now seeing this systematically destroyed by development. The development at Coral Springs of old people residence has being an absolute nightmare with facilities being interrupted, drains being blocked, footpaths shut, rubble being left on the roads, roads disruption and wildlife carnage. The legacy will be tall buildings double siding the road and making the feel of the estate even more intensive but at least there was some screening by established trees. We were more or less promised that Coral Springs would be the end of development on that side of the road. Imagine how we now feel as residents to find out more is planned.

Other

- 2.62 I think it highly inappropriate to be consulting on Section 106 payments from the developer when there is clearly a depth of feeling against this development.
- 2.63 Developers have already applied for planning permission for this piece of land:
- 2.64 Document 'Land off Thorney Leys, Witney: Planning Statement, February 2015'. The section Planning History 2.8 states that the original application for planning permission was rejected on the following grounds:
- 2.65 The proposals involve the development of a key open space that in its undeveloped state contributes in a positive way to the visual amenity of the locality. This is considered to be contrary to Policies BE1, BE3 and BE4 of the adopted Local Plan and BE2 and BE4 of the emerging Local Plan 2011.
- 2.66 A subsequent appeal (Ref: APP/D3125/A/06/2031535) was dismissed on 3rd October 2007, stating that: In summary, it seems to me that although, in the future, the character of Thorney Leys Road might change through the development of the Coral Springs site, the proposal on the appeal site, in isolation, would be harmful to the existing character and appearance of the area.
- 2.67 The document '2014 Air Quality Progress Report for WEST OXFORDSHIRE DISTRICT COUNCIL' focuses on West Oxfordshire District Councils commitment to improve air quality in the Bridge Street and Mill Street areas of Witney. Traffic congestion in the centre of Witney has already led to an increase in both commuter and commercial traffic along the main Thorney Leys road. Whilst there are no measures of air quality available for this area, it is reasonable to assume that any further traffic generated by the proposed new development in addition to the potential traffic from the Coral Springs development - will contribute to a deterioration in air quality around the existing residential developments.

- 2.68 Paragraph 14 of the planning application wrongly states that the land is not currently vacant.
- 2.69 Whilst the land is clearly under private ownership and surrounded by a perimeter fence, there is no building, business or agricultural use which might render the property 'occupied'. This is therefore a potentially misleading statement in the planning application.
- 2.70 Noise levels from the A40 for those who would live on the new development if it was approved.
- 2.71 Witney would lose another green space.
- 2.72 The habitat has already been destroyed adjacent to this proposed plot and I for one think that the barrier between the new build elderly residential plot and the a40 is one worth keeping. Leave it alone please!
- 2.73 Light and noise pollution will increase. We would have to put up with noise construction vehicles and dust.
- 2.74 I don't see that putting up a barrier will stop all of the noise from the A40.

3 APPLICANT'S CASE

- 3.1 As part of this application, Barton Willmore LLP have produced this Planning Statement which supplements the application in addition to the following supporting plans and documents:

Design and Access Statement, prepared by NC Architects Limited;
Access Statement, prepared by Odyssey Markides Ecology Report, prepared by ACD Ecology;
Flood Risk Assessment & Drainage Strategy, prepared by Cole Easdon;
Tree Report, Arboricultural Impact Assessment & Method Statement, prepared by ACD Arboriculture;
Noise Survey Report, prepared by Cole Jarman; and
Sustainability Assessment, prepared by Environmental Economics.

- 3.2 The executive summary of the ecological report submitted with the application advises as follows:

- The site comprises of a parcel of land site bordered by the A40 to the south, Thorney Leys Road to the north and east and a field to the west with development work for a residential home being carried out. Plans are being drawn up to re-develop the site for a residential scheme.
- A Phase I Habitat survey was carried out and the habitats on site comprise of ditches, scrub, ruderal vegetation, scattered trees and improved grassland.
- No further survey work is recommended. The site has limited opportunities to support protected species; however it does have the potential to support breeding birds, and GCN terrestrial habitats around the boundaries of the site.

- Habitat recommendations include sensitive vegetation clearance under the supervision of an ecologist and it is recommended that exclusion fencing is installed around the perimeter of the site, leaving a buffer corridor of 2m around the site boundary and a 3m buffer from the eastern boundary ditch.
- Plans involve the retention of a green space within the southern area of the site. Recommendations for this area include wildlife pond creation, scrub management and wildlife beneficial planting. Trees should be incorporated along the southern boundary to enhance commuting routes for wildlife.
- Management of this area should be focussed on encouraging wildlife to the area, in addition to public enjoyment.
- Implementing the recommendations will ensure that there are no significant impacts upon protected species and that the proposals will be in conformity with relevant legislation and policy.

3.3 The FRA concludes as follows:

- The site is located within Flood Zone I and is considered to be at low risk of flooding from rivers or sea. The site is at low risk of flooding from groundwater.
- The NPPF guidance classifies the proposed 'residential' use as 'more vulnerable' and considers suitable within Flood Zone I.
- Limited possibility remains of overland flow and sewer overflows entering the development via site entrance from Thorney Leys. Accordingly, Precautionary measures as follows should be considered:
- The new entrance is to be designed to fall towards Thorney Leys to prevent sewer overflows and overland runoff from entering the site;
- Raised finished floor levels; and provision of adequate gullies or interceptor drains at low points and property entrances.
- Such measures would also help to mitigate against residual flood risks associated with extreme events and drainage blockages scenarios.
- Assessment of Flood Risk Arising from Surface Water Discharge from the Proposed Development.
- The application site (1.0ha) comprises an undeveloped grass field, with 1:100 year runoff of 13.7l/s.
- The proposed development with 0.36ha of hard areas can potentially increase surface water runoff from the site. However, the development will include adequate control measures to ensure that surface water runoff and flood risks are not increased as a result of the development.

- Surface water runoff from the developed site will be disposed of using attenuation based SuDS (storage basin) with controlled discharge into the Colwell Brook or alternatively into TWU sewer. Flow will be controlled to 5l/s using a Hydrobrake or similar flow control device.
- Onsite storage will be designed to cater for the 1:100 year + 30% event. Accordingly, 170m³ of storage will be required on site.
- Accordingly, the proposed drainage strategy for the site will ensure that the development does not increase post developed runoff, and does not exacerbate flooding in the local area.

3.4 Residual Flood Risk

Should the proposed drainage system block/fail or under extreme events of flooding exceeding the design standard, floodwaters would follow the onsite roadways towards the open space provided within the southern extent of the site, and finally into the Colwell Brook. No properties would be affected.

3.5 Conclusions

We can therefore conclude that the development proposal can be suitably accommodated without increasing flood risks within the site or the locality. The development proposal meets with the requirements set by the NPPF and the EA and should be considered acceptable in terms of drainage and flood risk grounds.

3.6 The Planning Statement concludes as follows:

- The NPPF is clear in stating that there will be a presumption in favour of sustainable development from an economic, social and environmental perspective.
- The Proposed Development has been designed with the NPPF in mind in addition to the documents which form the Development Plan for WODC. Specifically in relation to the latter, the Applicant is aware of the designation of the site as an AOS/SLA through West Oxfordshire's Local Plan 2011, although it is worth noting that the AOS/SLA designation has not been brought forward into the emerging Local Plan. On this basis particular consideration has been made to ensure that the layout of the proposal maintains the function of the AOS/SLA running around the southern and western edge of Witney.
- This Proposed Development includes providing a significant area of publically accessible informal open space to south of the proposed residential units, designed to enhance the ecological opportunities of the site including the addition of a balancing pond and additional tree planting. Furthermore this open space will be publically accessible for all proposed and existing residents which will enhance the amenity value of the site.
- The Proposed Development provides 25 residential units providing a mix of dwellings types and sizes in addition to providing affordable housing. These dwellings will be developed to a high standard of design to ensure that they integrate with the surrounding locality.

- The proposed new housing is considered to be within a sustainable location, with a number of existing and proposed employment opportunities and access to services within a 2km radius of the site. The site also has good access to existing non-car related modes of transport, in addition the design features of the Proposed Development also encourages sustainable travel.
- In conclusion the Applicant strongly considers that this Proposed Development on Land off Thorney Leys, Witney is a sustainable development in line with the NPPF by providing enhanced amenity opportunities for both existing and proposed residents in addition to providing a mix of dwellings to the advantage of the town and the surrounding area.

3.7 Planning History

- An application (WODC Ref: 05/2099/P/OP) for the erection of buildings to be used for business, general industrial and storage or distribution use on Land off Thorney Leys, Witney was validated by WODC on 24th November 2006. The application (submitted on behalf of Abbey Developments Ltd) was refused, with the decision issued on 24th January 2006, for the following reason:
 - The proposals involve the development of a key open space that in its undeveloped state contributes in a positive way to the visual amenity of the locality. This is considered to be contrary to Policies BE1, BE3 and BE4 of the adopted Local Plan and BE2 and BE4 of the emerging Local Plan 2011.
 - It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal is adequately served by both pedestrians and vehicular accesses. As such the proposals are contrary to Policy BE4 of the adopted Local Plan and BE3 of the emerging Local Plan 2011.
 - The proximity of residential properties to B2 and B8 uses is likely to give rise to unacceptable levels of nuisance contrary to Policies BE2 and BE18 of the West Oxfordshire Local Plan 2011.
 - The Applicant subsequently appealed the decision. The appeal (Ref: APP/D3125/A/06/2031535) was dismissed on 3rd October 2007 with the Inspector concluding:
 - In summary, it seems to me that although, in the future, the character of Thorney Leys Road might change through the development of the Coral Springs site, the proposal on the appeal site, in isolation, would be harmful to the existing character and appearance of the area. Until the impact of any development at Coral Springs has been properly assessed and quantified, I find no reason to set aside the presumption against the development of the appeal site found in Local Plan policy BE4 and its inclusion within the AOS/SLA.
 - An application (Ref: 12/1037/P/FP) for the erection of a retirement community comprising of sixty care bedrooms, forty six care suites and seventy nine care apartments, on land to the west of the site, known as 'Coral Springs', was granted planning permission on 17th September 2012 and is currently under construction.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE13 Archaeological Assessments
NE3 Local Landscape Character
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
H2 General residential development standards
H3 Range and type of residential accommodation
H11 Affordable housing on allocated and previously unidentified sites
T3 Public Transport Infrastructure
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS5NEW Supporting infrastructure
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
EH6NEW Environmental protection
WIT4NE Witney sub-area Strategy
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 This application is supported by a number of documents including a Planning Statement, a Design and Access Statement, an Ecology Report and a Flood Risk Assessment. A very brief summary of these documents is provided in the body of this report. The detailed statements can be accessed on the Council's website.

Background Information

5.2 This application was deferred from the September Sub Committee for a site visit which is due to take place prior to the October meeting. At the September meeting Members raised various concerns in respect of the application which included the following matters:

- Inadequate parking which will lead to parking on Thorney Leys;
- No 'on plot' parking;
- No front gardens;
- Dangerous access;
- The design of 'Landmark' building;
- Crossing for pedestrians dangerous;
- Attenuation basin potentially dangerous with public access.

5.3 In response to these matters raised by Members at the September meeting the applicant has submitted amended drawings and the following comments:

1. "Inadequate parking which will lead to parking on Thorney Leys". The parking numbers provided are in fact above the minimum standard for Oxfordshire County Council. All units have a minimum of 2 allocated spaces with the 4 bed units having effectively 3 spaces with the drive and garage configuration. There is also an additional 2 adopted visitor spaces in a layby at the site entrance. I have attached a parking schedule which gives a plot by plot breakdown. More detail of the cycle parking has been provided with garden sheds shown to the houses without garages and dedicated cycle stores for the flats and maisonettes.
2. "No on plot parking". All the house parking is on plot except plots 1 & 2 which have their allocated parking directly behind within the parking court but also have the visitor layby directly to the frontage. The HA flats and the Maisonettes have convenient parking within the parking courts.
3. "No front gardens". All the houses have front gardens, however we have made some minor adjustments to the layout to improve the front garden depth (minimum of 2m) particularly to plots 1 & 2 and 12-15. The garage to plot 16 has been amended to an enhanced single garage to accommodate this. Railings have also been added to define the front gardens of the key plots to the site entrance (plots 1-2, 13-14 and 24-25). Enclosure and definition of the other front gardens can be achieved with the detailed soft landscape design as part of the detailed external works which we assume will be carried out under approval of conditions.
4. "Dangerous access". A detailed Access Statement was provided with the planning application which demonstrated that the access onto Thorney Leys road can be achieved in a safe and appropriate manner with visibility splays achievable within the confines of the site boundary or within land maintained by the local highway network. The Highway Authority, following consultation during the application process, have raised no objection.
5. "Design of 'Landmark' building unacceptable". As you know, we have made some effort to provide a design for this key building that was acceptable to the authority and understand that, as officers, you are now happy with the latest design which has reduced the impact of the wings by reducing the size of third storey to 1 bed units and setting them back from the main façade. We have provided a CGI of this building in its setting which hopefully demonstrates that this building will fit well within its environment.
6. "Crossing for pedestrians dangerous". Footpath connectivity has been considered in some detail in the submitted Access Statement. The proposed continuation of the off-site footpath to the opposite side of Thorney Lees has been show on the site plans, as has the controlled pedestrian crossing proposed as part of the adjoining development. The site provides a pedestrian link to this crossing in the north corner of the site and any potential crossing points further south have good visibility.
7. "Attenuation basin potentially dangerous with public access". The basin is provided for surface water control, as on the adjoining development (any many other developments) and shouldn't provide any safety concerns. It is designed for a 1:100 + 30% year storm event where it would fill to a maximum depth of 0.8m with a minimum of 0.5m of freeboard and a 1:3 side slope and a lesser depth at smaller storm events. The basin would empty after a

few hours of storm and would remain dry for most of the time although it can be designed ecologically with a very shallow pool and wet bottom in conjunction with the detailed soft landscape scheme.

- 5.4 This application as amended proposes the erection of 25 residential units , public open space , landscaping and an acoustic fence on land off Thorney Leys, Witney.10 of the units are a mix of affordable housing and will go some way to meeting local housing needs.
- 5.5 The site forms part of an area of Area of Amenity Open Space/Structural Landscape Area within the West Oxfordshire Local Plan 2011. This designation has not been carried forward in the emerging Local Plan.
- 5.6 This site was considered through the SHLAA (published 2014) and the conclusion made that it is not suitable for development because it is 'an important area of green space, providing a setting for the town and a buffer to the A40.
- 5.7 There is a planning history of refusal on the site for a commercial use of the land which was dismissed at appeal in 2006 on the grounds that the development of the appeal site **in isolation** would be harmful to the existing character and appearance of the area. Since that appeal decision the land to the west of the site is being developed for a retirement community consisting of sixty care bedrooms, 46 care suites and 79 care apartments. The context of the site has therefore changed significantly since the 2006 appeal decision.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Siting, Design and form
 - Highways
 - Impact on Open Space/Trees, Landscaping and Ecology
 - Drainage
 - Residential Amenity
 - Affordable Housing and I06 Contributions
- Principle
- 5.9 Under the adopted policies of the West Oxfordshire Local Plan 2011 the relevant housing policy for Witney (H7) limits residential development within the town to infilling, rounding off and site specifically allocated for residential development within the plan. In this regard the development proposal appears at first glance as non-compliant with the adopted housing policies for the District.
- 5.10 However, members will be aware that whilst the adopted housing policies for the District remain extant, they were adopted against an expectation that there was a lower housing need and that greenfield sites would not be required to meet that need. As such adopted housing policies are not being given full weight albeit that they act as a useful proxy for those settlements where housing can be more sustainably located.

- 5.11 The greenfield application site falls within the Witney Sub-Area Strategy as defined in the emerging Local Plan, 2031 where the focus of new housing will be in Witney. Proposals for development in this sub - area should be consistent with a strategy which includes delivery of around 3,700 new homes focused on Witney to include affordable housing and homes designed to meet a range of different needs. The emerging policies allow for residential development within the town subject to a series of environmental criteria. The emerging plan is now with the Inspector but its policies have yet to be fully tested and as such they can similarly not be given full weight.
- 5.12 At the current time the Council is claiming a 5 year land supply against its methodology for assessing the housing needs of the District. Whilst this is queried by both developers and those against development as being either too low or too high respectively, in the absence of a defined target being set through the local plan process there is no more reliable or less criticised means to assess the need and supply.
- 5.13 Taking all the above into account and having regard to the general sustainability objectives of the NPPF, your officers consider that there is no 'in principle' objection to allowing this site to be redeveloped for housing at this time subject to there being no objection on environmental grounds and subject to the provision of both an adequate level of affordable housing and 106 contributions.

Siting, Design and Form

- 5.14 The amended plans deliver a housing scheme which your officers consider is appropriate for the context of the site in terms of the scale, design, layout and materials of the dwellings proposed. The three storey 'landmark' building is of a similar design to the care home recently constructed at the 'Buttercross Works', albeit of a smaller scale and less high.

Highway

- 5.15 Members will note from the consultation response from OCC that notwithstanding the issues raised in the representations received, the Highways Authority has no objection to the proposals for the site subject to conditions and a 106 Agreement.
- 5.16 The conditions relate to off street parking provision, estate roads being constructed prior to first occupation, footpath construction, drainage works, the provision of a Construction Traffic Management Plan and the access being constructed prior to first occupation.
- 5.17 The 106 Agreement requires a financial contribution towards the strategy for enhancing and improvement of the Carterton- Witney-Eynsham-Oxford bus route and to fund bus infrastructure improvements in respect of the provision of a new bus shelter and cycle racks at the Carterton bound stop on the Curbridge Road.

Impact on open space / trees, landscaping and ecology

- 5.18 Witney is the main service centre in West Oxfordshire and has long been the focus of new development in the District. With a wide range of services and facilities, the town is our most sustainable settlement and, in both our adopted Local Plan and emerging Plan, continues to be the location for strategic development. Being a sustainable settlement does not, however, mean that building on any area of land in the town constitutes sustainable development. In this regard

a careful assessment is needed as to whether the proposal represents a sustainable development opportunity in terms of evaluating the role of this area as green open space.

- 5.19 The proposed layout for the site has been designed so as to maintain an area of public open space to the south of the residential units. This will ensure that the AOS/SLA is maintained and continues to form a buffer along the southern edge of Witney by integrating with the area of open space that has been provided as part of the Coral Springs development to the west. This area of informal open space has been designed to improve the amenity value of the area by ensuring that it is publically accessible and incorporating features such as an attenuation basin and tree planting to make it an attractive space with improved ecological value.
- 5.20 In light of the above and that the context of the site has changed following the grant of planning permission for the substantial retirement development to the west of the site and additionally that in policy terms the AOS/SLA designation of the site has not been carried over to the emerging local plan, officers are of the opinion that the loss of part of this green open space to residential development is not so demonstrably harmful to the visual character and appearance of this part of the town such as to justify a reason for refusal.

Drainage/ Noise/Contamination

- 5.21 These issues have been addressed through technical assessments submitted with the planning application and your technical officers have raised no objections on the above grounds subject to conditions.

Residential Amenities

- 5.22 In terms of impact on residential amenity there three issues to consider which are as follows:

Impact of the proposed residential units on each other

- 5.23 The proposed layout has been designed to ensure that there is no unacceptable overbearing or overlooking relationships between the dwellings and three storey flats.

Impact of the proposed residential units on existing occupiers in Thorney Leys

- 5.24 Whilst a number of existing occupiers of properties at Thorney Leys which have back gardens fronting on to the site have raised concerns about the impact of the three storey block on their residential amenity, the distances between the windows serving the first and second floors of this building and the rear elevations and gardens serving those existing dwellings are such that a refusal on the grounds of unacceptable levels of overlooking cannot be substantiated in your officers opinion.

Impact of noise and disturbance from the A40 on future occupiers

- 5.25 As part of the proposals an acoustic barrier is proposed that surrounds the site. Your environmental health officer has confirmed that such an acoustic barrier will be adequate to protect the amenity of the future occupiers.

Affordable Housing and 106 contributions

- 5.26 The applicants are proposing that 10 of the 25 dwellings are affordable housing units. This accords with the requirements of the affordable housing policy (H3) of the emerging Local Plan.
- 5.27 In terms of 106 contributions requested by the County Council and Witney Town Council, the applicant has confirmed that he is willing to make financial contributions broadly along the lines requested.

Conclusion

- 5.28 In light of the above officers are recommending that the application be approved subject to conditions and a legal agreement to cover financial contributions and provision of 10 units as affordable housing.
- 5.29 The Conditions that are considered appropriate in respect of this application relate to the following:

Amended Plans

Materials;

Those requested by OCC in respect of access, road, footpath construction and a Construction Traffic Management Plan;

Drainage;

Landscaping;

Retention of POS;

Construction of acoustic barrier prior to first occupation;

Contamination

Mitigation works in respect of ecology.

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 plans accompanying the application as modified by the applicants agents E-Mails dated 29/9/2015 and accompanying plan(s).
REASON: The application has 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 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.

- 5 Those external walls to be constructed of artificial stone shall be constructed of artificial 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 of artificial stone are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 6 Those external walls proposed to be rendered shall be rendered, in accordance with a sample panel which shall first be erected on site and approved in writing by the LPA and the said panel shall be retained on the site until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 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), extensions, external alterations or outbuildings other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed in the interests of residential and visual amenity.
- 8 Parking provision must be in accordance with the current Oxfordshire County Council 'Residential Road design Guide' standards and completed prior to each associated dwelling becoming occupied. The parking spaces shall be laid out in accordance with the approved details and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site and the car parking spaces shall be retained in accordance with this condition for the parking of vehicles at all times thereafter.
REASON: In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
- 9 Prior to the first occupation of any of the dwellings approved, all of the estate roads and footpaths/footways (except for the final surfacing thereof) shall be laid, constructed, lit and drained in accordance with Oxfordshire County Council 'Conditions and specifications for the Construction of Roads' and its subsequent amendments.
REASON: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- 10 Prior to the first use of any new footpaths, the new footpaths shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.
- 11 Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off street drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.
REASON: To secure adequate and sustainable foul and surface water drainage.

- 12 No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel wash facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
REASON: In the interests of highway safety.
- 13 Prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
REASON: In the interests of highway safety.
- 14 An acoustic noise barrier (of minimum height 3 m) shall be installed along the full southern site boundary and along other site boundaries, to allow for an external ambient noise level no higher than 55 dB LAeq, 16 hr at all times in accordance with details submitted with the application. The said acoustic noise barrier shall be erected prior to first occupation of the dwellings hereby approved and shall be retained as constructed thereafter.
REASON: In the interests of residential amenity.
- 15 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
REASON: To prevent pollution of the environment in the interests of the amenity.
- 16 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 17 That the recommendations at paragraph 6.0 of the ACD Ecology report dated January 2015 submitted with the application be implemented in full prior to first occupation of the dwellings hereby approved.
REASON: In the interests of the ecology of the site.

18 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

NOTE TO APPLICANT

The developers must enter into an Agreement with the Highway Authority (County Council) under Section 38 of the Highways Act 1980 in respect of the new road works within the application site, before any works begin on site.

Application Number	I5/02407/OUT
Site Address	Brooklands Nurseries 47 Shilton Road Carterton Oxfordshire OX18 1EN
Date	7th October 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Carterton
Grid Reference	427515 E 207860 N
Committee Date	19th October 2015

Application Details:

Outline application for residential re-development of up to 15 dwellings and associated works. All matters reserved except for access.

Applicant Details:

Mrs A Ceresa
C/O Agent

I CONSULTATIONS

- I.1 One Voice Consultations
- Traffic impact**
No information has been supplied regarding traffic generation. However, it is assumed a site of 15 dwellings will generate fewer than 30 2-way peak hour movement. Whilst this is a minor impact in itself, the cumulative effect with other development on Shilton Road, requires mitigation to encourage people to use sustainable modes of transport rather than driving.
- Sustainable transport**
The site is over 1000m from shops and facilities in Carterton. However, Carterton is relatively flat with good potential for walking (for those able to walk that far and who do not have heavy items to carry) and cycling, as long as people feel safe. However, there are no bus services serving Shilton Road so residents would be dependent on the car for longer journeys, so a contribution is requested to pump prime a new bus service.
- Vehicle access**
Whilst the proposed main vehicular access location is acceptable in principle, no details have been supplied on road width or junction geometry and visibility splays. The road width at the access should be a minimum of 5.5m, which can gradually narrow to 4.8m. For the internal road to be considered for adoption it would need to have a minimum of 1.5m footway on one side and an 800mm service strip on the other. The second access for one dwelling only is acceptable.
- Walking & Cycling**
The site fronts the west side Shilton Road, which has no frontage

footway on the west side of the road. Footway is available on the east side of Shilton Road. There are no cycle facilities along this section of Shilton Road.

It is requested that footway is constructed along the site access, and continues south along Shilton Road to join with the existing footway provision.

This application does not contain any speed or accident data for Shilton Road. OCC data from 2013 indicates speeding occurs along Shilton Road.

A contribution is requested of £2254.71 per dwelling to contribute to the cumulative impact of development along Shilton Road. The contribution is requested towards sustainable transport modes including cycle facilities and traffic calming facilities in order to make sustainable modes more attractive for trips from the development site. This is in line with LTP4 Policy CA3.

The Carterton Area Strategy within Local transport Plan 4 states: Policy CA3 - the County Council will improve facilities for pedestrians and cyclists focusing on enhancing links between homes, employment and the town centre.

Improvements will include:

Seeking funding from new development sites to ensure they are served by high quality walking and cycling routes to off-site amenities.

Parking

Whilst the layout could be left to reserved matters stage, the indicative layout shows that no dwellings would have more than two parking spaces including garages, which is low for the 4-bed houses. Also some properties have only one space, which in this location is not considered sufficient and likely to lead to obstructive on street parking, which could spill over onto Shilton Road. Due to the constraints of the site it will be difficult to provide more parking with the proposed number of dwellings.

Swept path analysis would be required with any reserved matters application to demonstrate that a large refuse vehicle could turn within the site.

If the Local Planning Authority is minded to grant permission the following would be required:

£2254.71 per additional dwelling towards sustainable transport in Shilton Road including cycle facilities and traffic calming

£1000 per additional dwelling towards improvements to the bus service along Shilton Road.

A contribution to provide bus stop infrastructure (flagpole and information case) on each side of Shilton Rd near the development.

Developer to provide footway between site access and existing footway, southwards on SW side of Shilton Road

Archaeology

There are no known archaeological sites or features within or adjacent to the application area.

Part of the application was formerly a quarry.
There are no archaeological constraints to this application.

Education

Based on the notified mix, this proposed development has been estimated to generate 4.56 primary pupils, 3.5 secondary pupils (including 0.46 sixth formers) and 0.09 pupils requiring education at an SEN school.

After a period of low pupil numbers, Carterton's primary schools have experienced rapid and consistent growth in pupil numbers in recent years, which will feed through into the secondary school in due course. The current spare places are therefore expected to be removed as a result of existing demographic pressure. Planned and proposed housing development in addition, including this application, will make necessary the expansion of primary and secondary school capacity as a direct result. Contributions are sought towards the costs of such expansion in a fair and reasonable manner.

Primary education

£52,814 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Carterton Primary School and/or Edith Moorhouse Primary School and/or Gateway Primary School.

Secondary education

£61,606 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, at Carterton Community College.

Special Educational Needs (SEN) education

Due to the small scale of this development, OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions for larger developments than this in the area in future.

Legal agreement required to secure:

£52,814 Section 106 developer contributions towards the expansion of Carterton Primary School and/or Edith Moorhouse Primary School and/or Gateway Primary School by a total of 4.56 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 to be index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

£61,606 Section 106 developer contributions towards the expansion of Carterton Community College by a total of 3.5 pupil places (including 0.46 6th form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is to be index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.

Property

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

The following housing development mix has been used:

- 0 One Bed Dwellings
- 8 Two Bed Dwellings
- 2 Three Bed Dwellings
- 4 Four Bed Dwellings

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

37.94 additional residents including:

- 2.54 resident/s aged 65 plus
- 25.32 residents aged 20 plus
- 3.64 resident/s ages 13-19
- 3.76 resident/s ages 0-4

Legal agreement required to secure:

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

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

I.2 WODC - Arts

Should this proposal be granted planning permission then the Council would favour the following approach:

A S106 contribution of £3,000 towards a facilitated programme of offsite community arts activity, for the benefit of new and existing residents which would aim to improve wellbeing and foster community spirit.

Details

Carterton has a large community of families and young people. It would be valuable to direct support to this segment of the local community. A number of local charities and voluntary sector services are focused on providing services to vulnerable families in the area. The development of opportunities and events developed in conjunction with these organisations and residents can deliver good outcomes and result in stronger bonds between people and a greater sense of community pride.

A detailed plan would be determined in association with key organisations and the Town Council taking account of other town-wide priorities.

In accordance with the NPPF and the National Planning Practice Guidance the Council can contribute to the improvement of the Cultural Wellbeing of the District by implementing such programmes. Furthermore the Council supports public and private sector organisations, community groups, local residents' groups and

individuals with the delivery of and their engagement with such schemes.

- I.3 Ecologist Having looked through all the submitted documents and plans, Including the Ecology reports which include The Ecological Appraisal (ACD Ecology June 15) as well as the Protected Species Survey Report (Windrush ecology Sept 15) and the grassland survey letter (Windrush ecology sept 15) the main habitats identified are semi-improved grassland, scrub, hedgerows, traditional orchard, boundary trees and the water course known as the Shill Brook. The semi-improved grassland and scrub were surveyed and no reptiles were found and the bungalow was confirmed as not supporting any bats. However priority habitats identified included the watercourse Shill brook and the traditional orchard as such recommendations are made to protect and enhance these habitats as well as the boundary hedgerows and trees.
- The illustrative plan shows that the orchard will be retained and the Shill Brook protected from this development together with wide scope for enhancement planting. Whilst this is an outline application the plan clearly shows the identified habitats can be retained but this illustrative layout will have to be a condition of the planning permission to ensure protection of these priority habitats.
- If all the recommended enhancements and mitigation are incorporated and implemented, the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the Habitat Regulations and NPPG are all met.
- I.4 WODC Community Safety No Comment Received.
- I.5 WODC Architect No Comment Received.
- I.6 WODC Head Of Housing I have reviewed the application documents, and having regard to the emerging policy for affordable housing in Carterton I can confirm the following:
There are 133 households who have requested housing in Carterton, Of these 87 would qualify for housing were it available today.
Within this overall qualifying figure there are 51 households who are in absolute priority need for housing.
In accordance with Policy of the emerging Local Plan, the Council is seeking in regard to this development, a total of 35% affordable housing. Specifically; 2 x 2 BH & 2 x 3BH for affordable rent and 1 x 2BH for shared ownership.
- I.7 WODC Landscape And Forestry Officer No Comment Received.
- I.8 WODC Legal & Estates No Comment Received.

I.9	WODC Env Services - Engineers	No Comment Received.
I.10	WODC Drainage Engineers	No Comment Received.
I.11	WODC Env Services - Car Parking	No comments to make
I.12	WODC Env Health - Lowlands	No objection subject to condition
I.13	WODC Planning Policy Manager	No Comment Received.
I.14	Thames Water	No objection
I.15	WODC Env Services - Waste Officer	No Comment Received.
I.16	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.17	WODC - Sports	Sport/Recreation Facilities

Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £80,000 (Sport England Facility Costs Fourth Quarter 2013) and a commuted maintenance cost of £200,400 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £453,477 per 1,000 population or £1,088 per dwelling (at an average occupancy of 2.4 persons per dwelling).

Contributions

$£1,088 \times 15 = £16,320$ off site contribution towards sport/recreation facilities within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

Play Facilities

WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space

for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas of Play, LEAPs - Local Equipped Area of Play and NEAPS - Neighbourhood Equipped Areas of Play).

DEVELOPMENT TYPES, THRESHOLDS AND REQUIREMENTS

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

Contributions

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

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

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

£818 × 15 = £12,270 for the enhancement and maintenance of play/recreation areas within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

I.18 Town Council

COUNCIL STRONGLY OBJECTS to this application, for the following reasons:

- The density of the site is too high;
- Access for emergency vehicles would be problematic (especially for Plot No 12) as the site is so narrow;
- The development is not in keeping with neighbouring properties;

Flooding is a potential concern.
Council would support some development on this site, but not for as many as 15 dwellings.

2 REPRESENTATIONS

2.1 Eight objections have been received referring to the following matters:

- (i) Impact on the landscape.
- (ii) Increased traffic.
- (iii) Impact on highway safety.
- (iv) Trees and dry stone wall on frontage should be retained.
- (v) 15 houses is far too many.
- (vi) Design and layout not in keeping with the surrounding area.
- (vii) Impact on residential amenity.
- (viii) Impact on streetscene and character of the area.
- (viii) Loss of property value.
- (x) On-street parking would make the road more dangerous.
- (xi) Impact on ecology.

2.2 One general observation has been made referring to the following:

- (i) Concern over the impact on ecology. There is the need to protect the Shill Brook and its ecology and water purity.
- (ii) There is the need to protect bats on this site through protecting trees and hedges, new planting, light pollution measures and the addition of bat boxes.
- (iii) There are many birds on this site and the area is well used by swallows and swifts that need nesting opportunities.
- (iv) Any reptiles and amphibians require habitat protection and enhancement.
- (v) The semi improved grassland needs retaining at least in part and wildflowers need sowing/planting for pollinators, as do wildlife friendly native shrubs.

2.3 Without this type of protection and enhancement I do not believe that the development planned should go ahead.

3 APPLICANT'S CASE

3.1 The application site is located within the built up area boundary of Carterton and, therefore, the principle of residential development in line with Policy H7 is accepted, notwithstanding the issues surrounding the Councils 5 year supply of housing land, as confirmed in the pre-application note from the Council (Appendix 1).

3.2 The accompanying supporting documents confirm that the developable area of the site is being restricted to that closest to Shilton Road and does not encroach upon the Shill Brook or its valley corridor. This area is shown retained and protected as a wildlife/landscape corridor, which can be enhanced in order to provide environmental benefits. The impact of the possible built form on this site is therefore not considered harmful in terms of landscape harm and subject to final details being secured at reserved matters would not be visually out of keeping with its setting, context and maximises good use of a brownfield site.

- 3.3 The development, although in outline form with all matters reserved except for access, is supported by an indicative planning layout that shows a net developable area of 0.49Ha and seeks up to 15 dwellings (varying in size and tenure). This indicative layout, although not sought for approval, clearly shows a design and layout which can accommodate up to this number of units and provides for adequate car parking, turning, private amenity space and adequate levels of separation to ensure no harm is caused to neighbouring amenity.
- 3.4 Access to the site is considered acceptable for this scale of development, albeit, conditions are likely to be imposed to ensure the access is brought up to highway standard. The use of the secondary access for a private driveway is also considered acceptable.
- 3.5 Finally, the development does not give rise to any harm in respect of neighbouring amenity, flood risk, drainage, trees, and ecology or energy conservation, to justify withholding planning permission.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 NE2 Countryside around Witney and Carterton
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 NE15 Protected Species
 H2 General residential development standards
 H7 Service centres
 H11 Affordable housing on allocated and previously unidentified sites
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 EH2NEW Biodiversity
 EH5NEW Flood risk
 CA3NEW Carterton sub-area Strategy
 BE18 Pollution
 EH6NEW Environmental protection
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This is an outline planning application for 15 dwellings with all matters reserved except means of access. The indicative information shows a mix of 2, 3 and 4 bedroom properties mainly accessed from a cul de sac, although one property on the site frontage with Shilton Road would have a private drive from the road.
- 5.2 The site comprises a former nursery with bungalow, numerous outbuildings and its associated land/curtilage. A large area of vegetation including an old orchard which runs along the valley corridor and Shill Brook is to be maintained and enhanced as a landscape/ecological area and acts as a buffer to the site. This land is at a significantly lower level than the red edged site.

- 5.3 The site is located towards the northwest edge of Carterton, which is the second largest town in West Oxfordshire. The town lies on the edge of the Thames Valley and is outside the Cotswolds Area of Outstanding Natural Beauty.
- 5.4 The site is bounded to the north by the residential property and garden of Nos. 49 and 49A Shilton Road. To the east by Shilton Road, with residential properties beyond, and to the southeast by No.39 Shilton Road. Beyond No.39 Shilton Road is new residential development at Trinder Way. To the west is Shill Brook and beyond that open agricultural land.

Background Information

- 5.5 There is no planning history associated with the site, but the scheme was subject to pre-application advice from Officers and accepted in principle.
- 5.6 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
 Highways
 Impact on ecology
 Impact on the character of the area
 Impact on residential amenity
 Drainage
 Affordable housing

Principle

- 5.7 Carterton is one of the main settlements in the District and is an acceptable location for new housing development in principle.
- 5.8 Local Plan Policy H7 (Service Centres) allows for new dwellings within the built up area of settlements, such as Carterton, in the following circumstances:
- a) infilling;
 - b) rounding off within the existing built-up area;
 - c) the conversion of appropriate existing buildings; and
 - d) on sites specifically allocated for residential development in this plan.
- 5.9 Relevant to this application is that infilling is defined as "the filling of a small gap in an otherwise continuous built up frontage. However, all gaps may not be appropriate for infill development. Some may form important features in the village and/or allow attractive views to be gained of features beyond the site. In assessing proposals for infill development particular regard will be given to Policy BE4."
- 5.10 Policy NE2 establishes a buffer area around Carterton with the intention of preventing undesirable sprawl of the settlement into surrounding countryside. The site is not located within this area, although the retained blue edged land adjacent to Shill Brook adjoins it.

- 5.11 The site would is not considered a small gap, but neither is it an important area of open space. Emerging Local Plan Policy H2 is less restrictive and allows for the development of undeveloped land adjoining settlements, subject to a number of criteria.
- 5.12 Emerging Policy H1 refers to the sub-area of Carterton contributing 2,600 dwellings to the housing supply over the plan period to 2031. A substantial proportion of this number is large sites identified as planning commitments. The SHLAA provides an indication of where land without planning permission in the District is likely to be developed. The site is identified in the 2014 SHLAA as site number 286 and is assessed as unsuitable for the following reason - "Development of the site would adversely affect the sensitive landscape edge to the town and views to and from the open countryside to the west." However, it should be borne in mind that the assessment was based on development of the whole of the site, rather than the portion that is referred to in the current application. In any event, the SHLAA, is an evolving document which is subject to regular review and update. Whilst the site has not been identified as likely to contribute housing land supply, it is necessary to consider the proposal on its merits. The extent of any visual harm will be identified in detail below. Notwithstanding the SHLAA observations about the site, it is considered that in principle the site could contribute to meeting the windfall allowance for the housing sub-area.
- 5.13 Although much of the site is considered to be greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. The site is not within the AONB, or Green Belt, and is outside a Conservation Area. It is not considered by your Officers to be an important area of open space that would need to be retained for recreation or conservation reasons. It does not provide public open space or any formal recreation use. This is consistent with bullet point 8 of emerging Policy H2.
- 5.14 In Carterton, emerging local plan policy H2 allows for housing 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 a number of criteria, as well as other policies in the plan. The principle is acceptable as the site does adjoin the existing settlement edge and unidentified housing sites are required to contribute to housing land supply.
- 5.15 With regard to the third and fifth bullet points of emerging Policy H2, the development would not lead to the coalescence or loss of identity of separate settlements, and it would form a logical complement to the existing scale and pattern of development in this area. The site is contained between existing residential development to three sides and the western edge is formed by the natural barrier of the Shill Brook valley.

Highways

- 5.16 No information has been supplied regarding traffic generation. However, it is assumed a site of 15 dwellings will generate fewer than thirty 2-way peak hour movement. Whilst this is a minor impact in itself, the cumulative effect with other development on Shilton Road, requires mitigation to encourage people to use sustainable modes of transport rather than driving.
- 5.17 The site is over 1000m from shops and facilities in Carterton. However, Carterton is relatively flat with good potential for walking and cycling, as long as people feel safe. However, there are no bus services serving Shilton Road so residents would be dependent on the car for longer journeys, so a contribution is requested to pump prime a new bus service.

- 5.18 Whilst the proposed main vehicular access location is acceptable in principle, further details on road width, junction geometry and visibility splays are to be considered. The road width at the access should be a minimum of 5.5m, which can gradually narrow to 4.8m. For the internal road to be considered for adoption it would need to have a minimum of 1.5m footway on one side and an 800mm service strip on the other. The second access for one dwelling only is acceptable.
- 5.19 The site fronts the west side Shilton Road, which has no frontage footway on the west side of the road. Footway is available on the east side of Shilton Road. There are no cycle facilities along this section of Shilton Road. Provision of suitable pedestrian access will need to be agreed.
- 5.20 A contribution is requested of £2254.71 per dwelling to contribute to the cumulative impact of development along Shilton Road. The contribution is requested towards sustainable transport modes including cycle facilities and traffic calming facilities in order to make sustainable modes more attractive for trips from the development site. This is in line with LTP4 Policy CA3.
- 5.21 Whilst the layout is a reserved matter, the indicative details show that no dwellings would have more than two parking spaces including garages, which is low for the 4-bed houses. Also some properties have only one space, which in this location is not considered sufficient and likely to lead to obstructive on street parking, which could spill over onto Shilton Road. Due to the constraints of the site it will be difficult to provide more parking with the proposed number of dwellings. Ultimately, this would be addressed in terms of the detailed layout and mix of house types.
- 5.22 The following contributions would be required:
- £2254.71 per additional dwelling towards sustainable transport in Shilton Road including cycle facilities and traffic calming.
 £1000 per additional dwelling towards improvements to the bus service along Shilton Road.
 A contribution to provide bus stop infrastructure (flagpole and information case) on each side of Shilton Road near the development.
 Developer to provide footway between site access and existing footway, southwards on SW side of Shilton Road.
- 5.23 Access to the site is established and it is considered by Officers that there would be no unacceptable impact on highway safety subject to appropriate access widths and visibility splays being provided. However, final comments from OCC Highways are awaited and will be reported at the meeting. The development is capable of compliance with BE3 of the Local Plan and the provisions in the NPPF.

Impact on ecology

- 5.24 Ecological assessments have been provided in the form of an Ecological Appraisal (ACD Ecology June 15), Protected Species Survey Report (Windrush Ecology Sept 15) and grassland survey letter (Windrush Ecology Sept 15).
- 5.25 The Council's Biodiversity Advisor has been consulted. It is noted that the main habitats identified are semi-improved grassland, scrub, hedgerows, traditional orchard, boundary trees and Shill Brook. The semi-improved grassland and scrub were surveyed and no reptiles were found and the bungalow was confirmed as not supporting any bats.

- 5.26 Priority habitats identified included Shill Brook and the traditional orchard. As such, recommendations are made to protect and enhance these habitats as well as the boundary hedgerows and trees.
- 5.27 The illustrative plan shows that the orchard will be retained and the Shill Brook protected from this development together with wide scope for enhancement planting. Whilst this is an outline application, the plan clearly shows the identified habitats can be retained. However, a condition would be needed to ensure protection of these priority habitats.
- 5.28 If all the recommended enhancements and mitigation are incorporated and implemented, the policy and guidance requirements of the Local Plan, the NPPF (including section 11) and the Habitat Regulations and NPPG are all met. In addition, the proposals to retain a significant portion of land as open space is consistent with emerging Local Plan Policy CA3 in relation to the Conservation Target Area.

Impact on the character of the area

- 5.29 The site is located within the built up area of Carterton. Although this part of Shilton Road has historically featured relatively low density development, bungalows in large plots being a feature, there has been new development nearby at higher density.
- 5.30 The area is dominated by modern housing of various types and there is no clear design or layout of development that would need to be adhered to. The new housing to the south east of the site at Owen Place/Trinder Way is of a similar density to that proposed here.
- 5.31 It is understood that the scheme would be 2 storey. However, 1.5 storey height would be more appropriate given the relationship with neighbouring bungalows and the generally low key presence of existing development.
- 5.32 The set-back of the dwellings on the frontage is welcomed as a feature of Shilton Road is generous frontages and an open feel. However, the terrace illustrated is not characteristic of Shilton Road and it will be necessary to revisit the layout and house types at the reserved matters stage.
- 5.33 The site is visible from the west from viewpoints along the public footpath that runs north-south towards the village of Shilton. The impact of the development from these views is considered to be low, as the development would be seen against a backdrop of, and in the context of, existing development, including the visually prominent new housing at Trinder Way. The foreground of the site when viewed from the west would be the retained and enhanced land adjoining Shill Brook.
- 5.34 The rear of the site (western edge) does not sit beyond the existing extent of development at Brooklands Nurseries or the existing development at Trinder Way and The Acre. Therefore there would be no physical or visual encroachment into currently undeveloped land. Existing planting and enhanced planting, where appropriate, is proposed and the impact of the development on the wider landscape is unlikely to be materially harmful.
- 5.35 A full landscaping scheme will be required by condition, but the intentions of the applicant as regards the retention of existing trees is noted. Officers consider that the rebuilding of the dry stone wall to the frontage would be an important element of any reserved matters submission.

Impact on residential amenity

- 5.36 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any neighbouring dwellings. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings.
- 5.37 The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.38 Although there may be some relatively short term disturbance during construction, it is considered that general amenity would not be materially affected by the development. A construction management plan can be agreed by condition. Loss of view is not a material planning consideration.
- 5.39 Insofar as amenity issues can be assessed under this outline application, the proposal would comply with WOLP BE2 (c), WOLP H2 (d), and the fourth bullet point of emerging Policy H2.

Drainage and Flood Risk

- 5.40 The site is located in Flood Zone 1 and is at low risk of flooding, despite being within 25m of Shill Brook.
- 5.41 A surface water drainage scheme would be required by condition. Foul drainage would be connected to the existing sewage system.

Affordable housing

- 5.42 The Housing Enabling Officer has provided advice and a contribution to affordable housing is sought as follows:
- In accordance with Policy H3 of the emerging Local Plan, the Council is seeking in regard to this development, a total of 35% affordable housing. Specifically; 2 x 2 BH & 2 x 3BH for affordable rent and 1 x 2BH for shared ownership.
 - Subject to a legal agreement this would make a policy compliant contribution to meeting affordable housing needs.

Conclusion

- 5.43 The application site is located within the built up area boundary of Carterton, but the proposal would not strictly conform with the provisions of Policy H7 as regards infilling and rounding off. However, it lies outside the buffer zone for the settlement identified under Policy NE2, and with reference to the NPPF and emerging local plan, this is considered a suitable location for new development.
- 5.44 The development area would avoid the sensitive land adjacent to Shill Brook and would sit amongst existing development on both sides, including the new development at Trinder Way. The overall landscape impact is acceptable. A detailed layout and design of the dwellings would be considered at the reserved matters stage.

- 5.45 Mitigation for ecology can be secured by condition.
- 5.46 Access to the site is established and it is considered by Officers that there would be no unacceptable impact on highway safety subject to appropriate visibility splays being provided. However, final comments from OCC Highways are awaited and will be reported at the meeting.
- 5.47 The proposal does not give rise to any harm in respect of neighbouring amenity, flood risk, drainage, and trees.
- 5.48 A legal agreement will be required to secure contributions to OCC transport, education, and property, and contributions to WODC in the form of affordable housing, arts funding, and sports and leisure.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, landscaping, layout and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The reserved matters submission shall be limited to a maximum of 15 dwellings and these shall be no more than 1.5 storey in height.
REASON: To ensure an appropriate development density and in the interests of maintaining the character of the area.
- 4 Prior to commencement of development, details of the junction between the proposed road and the highway, including width, visibility splays and geometry, shall have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 5 Vision splays shown on the plan approved under condition 4 shall be provided as an integral part of the construction of the access and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 6 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety (Policy BE3 of the adopted West Oxfordshire Local Plan 2011).
- 7 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 8 No dwelling shall be occupied until space has been laid out within the curtilage to enable vehicles to enter, turn round and leave the curtilage in forward gear.
REASON: In the interest of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 9 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 10 The developer shall provide every dwelling with a Travel Information Pack. This shall be sent to the Travel Plan Team at Oxfordshire County Council for approval before first occupation of any of the dwellings.
REASON: In order to promote sustainable travel.
- 11 Prior to commencement of development (including site clearance and demolitions), a ten year Ecological Management Plan based on the recommendations in Section 6 of The Ecological Appraisal (ADC Ecology June 15) and the Protected Species Survey Report (Windrush Ecology Sept 15) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the management of all the land edged blue on the submitted location plan referenced 38.14.2. and retention of the traditional orchard and a wide buffer zone to the Shill Brook. The Ecological Management Plan and any specific mitigation works therein shall be carried out in accordance with a timescale agreed with the Local Planning Authority and retained thereafter.
REASON: To ensure that bats, birds and their habitats, as well as Priority Habitats, traditional orchard and water courses are protected in accordance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 as amended. In accordance with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies NE13 and NE15 and in order for the local planning authority to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 12 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

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

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

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

- 14 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained on plan MSC19893-01 have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

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

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

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

REASON: To prevent pollution of the environment in the interests of the amenity.

Application Number	15/02502/OUT
Site Address	15 Cassington Road Eynsham Witney Oxfordshire OX29 4LH
Date	7th October 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Eynsham
Grid Reference	443751 E 209664 N
Committee Date	19th October 2015

Application Details:

Demolition of existing dwelling and erection of 3 detached dwellings with associated parking and alterations to existing vehicular access. re-submission of Appl. Ref: 15/00856/OUT

Applicant Details:

Mrs Caroline Wright
23 Spencer Rise
London
NW5 1AR

I CONSULTATIONS

- I.1 Ecologist
- The submitted ecology report Bat Survey (CWSLtd Feb 15) found no evidence of bats and stated that 'At the time of the survey 15 Cassington Road was not identified as a bat roost or hibernation site, and no further surveys or mitigation measures were considered necessary.
- However although it has been identified that no bats are present and whilst the retention of trees are welcomed no enhancements are offered as part of this development but as these could be secured by a simple condition then no object to the proposed development.
- If some low level enhancements are incorporated then the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the NPPG are all met.
Habitat Reg tests required: No
Draft recommendation: No objection subject to condition
- I.2 WODC Landscape And Forestry Officer
- The character of this part of Cassington Road is mainly made up of large, detached properties in spacious well vegetated grounds (See paragraph 1.4 of the Planning Statement). Roadside boundaries are soft, green and fairly loose before arriving at the older properties with a more manicured appearance.

An important objective if the site is to be developed would be to retain the roadside vegetation and to bolster it using native species where necessary. To increase the chances of this boundary being retained intact it would be best to ensure there is sufficient space between the frontage trees and the first proposed dwelling. This would be to reduce negative shading effects and to give sufficient garden to reduce the need to maximise space by 'tidying' the boundary. This might involve siting the dwelling at least in line with the adjacent existing dwelling.

The practical implications of developing the site at the scale and density proposed would effectively involve the removal of the majority of the vegetation, including trees, shrubs and bushes. The relatively small gardens mean it's unlikely that existing vegetation would be retained, especially when neighbouring vegetation is removed. This will considerably alter the character of the site. Whether this would be detrimental in terms of the impact on the public domain is debatable, but it would be a considerable change. There are few trees of any particular merit but the dominant characteristic of the whole site is the volume and depth of vegetation. I doubt that it would be feasible to retain several of the trees shown to be retained where they are close to buildings.

I.3 WODC Architect

This revised illustrative layout only addresses one aspect of my previous criticism. Simply reducing the density of development from four to three detached houses does not address the main problem which is that any intensification of frontage development on this entrance to the conservation area should be resisted.

Unfortunately, the 13/0867/P/FP permission could be seen to set a precedent that some form of development must be considered at the rear of the site. However, this site is significantly narrower than No 17 - which leads to potential problems of overlooking and proximity to other developments on either side. However, the main characteristic of this permission is that there should be no development of the frontage.

Consequently, this application should be refused because the impact on the character of the conservation area at this point is - in my opinion - the most important consideration for this site. And on these two sites, my view is that there should be no development in front of the existing building line - set well back: consequently, any outline application should be subject to this restraint on layout.

I.4 Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public

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

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

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

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.

- 1.5 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to
- G11 access specification
- G36 parking as plan
- G31 drive/parking space specification
- 1.6 Parish Council The Parish Council has no objection

2 REPRESENTATIONS

- 2.1 One letter has been received from Dr Stephen Pritchard of 17 Cassington Road Eynsham. The comments have been summarised as:

Our comments regarding this proposed development are the same as for the previous application.

1. The house at the front, plot 1, is completely outside the building line and not in keeping with the other properties in the vicinity and will impose upon the bungalow at 11a and our front garden.
2. The tree screening on the plan on the eastern boundary includes Leylandii which belong to us and are to be removed and therefore cannot be used as a form of screening.
3. A design plan similar to ours where two houses are built at the rear and one house in a similar position to the existing house would not only be desirable but also in keeping with similar developments in the area and far more acceptable.

3 APPLICANT'S CASE

3.1 A bat survey, tree survey and Planning Statement have been submitted as part of the application. These documents are available to view in full on line or via officers. The Planning Statement conclusion has been summarised as:

- One of the core land use planning principles set out in the NPPF is to proactively drive and support sustainable economic development to deliver the homes that the country needs. As the application site is located within one of the principle service centres of the district, on a main bus route between Witney and Oxford and within walking and cycling distance of the village centre and faculties, the proposal to redevelop the site constitutes a sustainable form of development.
- This substantially amended scheme for 3 dwellings not only meets the concerns expressed by the LPA and local neighbours to the original submission but conforms full to the stringent guidelines.
- Constitutes an acceptable form of back land development on an under utilised residential plot within the existing built up area of the settlement. Redevelopment would constitute rounding off and would be a logical complement to the existing scale and pattern of development in the area which is characterised by recently approved low density back land developments.
- The leafy suburban character would be protected by the proposal to retain the existing tree screens along the site boundaries and within the site. The low density form of development proposed (3.6 dwellings per acre) will ensure that the root protection areas of retained trees are protected and ample space for new planting.
- Low density form has been well sited and designed to respect adjoining dwellings and will preserve and enhance the character of the adjoining Conservation Area.
- By reducing the number of units proposed the new development will protect the amenities of existing occupants by ensuring that there are no issues of over dominance, loss of privacy or loss of sunlight and daylight. The retention and protection of the trees along the site boundaries will be of particular importance in this respect.
- The proposed development will not create highway safety problems.
- No evidence of bat activity or occupation.
- Proposed development is a sustainable form of development which complies with the requirements of the development plan. Significant amendments have been made to address the concerns about the original scheme. There are no reasonable grounds for refusing planning permission.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
H7 Service centres
NE6 Retention of Trees, Woodlands and Hedgerows
OS2NEW Locating development in the right places
T1NEW Sustainable transport
T4NEW Parking provision
EH7NEW Historic Environment
EH1NEW Landscape character
H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

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

Background Information

- 5.2 This application is a resubmission after the previous proposal was withdrawn before the Committee meeting. The application reference was 15/00856/OUT and was for the demolition of the existing dwelling and erection of 4 detached houses with parking and access in outline form only. The application was withdrawn after officers expressed concerns regarding the siting, layout and scale of the proposed development.
- 5.3 The resubmission now proposes 3 dwellings and is seeking outline consent for access, layout and scale. The appearance and landscaping details would require approval at the reserved matters stage.
- 5.4 The application site lies within Eynsham, categorised as a Service Centre within the adopted West Oxfordshire Local Plan, and considered to be a sustainable location given the services and amenities within Eynsham and the public transport routes available. The site is adjacent to the Eynsham Conservation Area.
- 5.5 A similar development of housing has been approved at 17 Cassington Road, although only two were proposed to the rear of the existing dwelling. Adjacent to the site on the other side is a small development of well spaced dwellings.
- 5.6 The history for No 17 Cassington Road to which the applicants refer to is:
- 11/0284 - 2 detached dwellings - approved
 - 13/0388 - 2 dwellings and access - withdrawn
 - 13/0867 - 2 dwellings and access - approved
- 5.7 The application reference for the development at Little Lane is W2001/0584 which approved a scheme of 4 dwellings.

- 5.8 Recent applications have also been allowed to the rear of No 4 and 6 Cassington Road which is opposite the application site.
- 5.9 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

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

Siting, Design and Form

- 5.12 The proposed development is for the demolition of the existing dwelling and the erection of 3 two storey detached dwellings with attached and detached double garages. The new dwellings will be set out in a vertical form with one of the new dwellings located to the front boundary of the site. Officers consider that some form of development is acceptable in principle, however even with the revisions that the applicants have made, the scale and layout of the dwellings are still unacceptable as the development will appear as an over development of the site. It is worth noting that the width of the application site is smaller than the adjacent site at No 17. As such the scale of the proposed dwellings with their garages are not considered appropriate and will appear overly cramped on the site.
- 5.13 This site is part of the entrance to Eynsham from the east and both sides of the first part of the road are characterised by fairly dense planting of hedges and trees before the built up area of the village and Conservation Area begins. Though this planting is varied in quality, the cumulative impact is quite significant.
- 5.14 The development at No 17 Cassington road has been approved but the new buildings have been restricted to the rear part of the site so that landscape still predominates on the frontage. Although since the last application, the frontage dwelling has been slightly set further back, it still sits further forward than its neighbour at 11a Little Lane. Together with its scale, the proposed dwelling to the front of the site would in officers' opinion adversely affect the open nature of the streetscene and would detract from the setting of the Conservation Area. Although trees are shown to be retained on the front boundary, it also seems unlikely that the character of the roadside would be retained bearing in mind the close proximity of plot 1 to the trees.
- 5.15 The comments from your Landscape and Forestry Officer, are that the roadside vegetation needs to be retained and to bolster it using native species where necessary. To increase the chances of this boundary being retained intact it would be best to ensure there is sufficient space between the frontage trees and the first proposed dwelling. This would be to reduce negative shading effects and to give sufficient garden to reduce the need to maximise space by

'tidying' the boundary. This might involve siting the dwelling at least in line with the adjacent existing dwelling.

- 5.16 The practical implications of developing the site at the scale and density proposed would effectively involve the removal of the majority of the vegetation, including trees, shrubs and bushes. The relatively small gardens mean it's unlikely that existing vegetation would be retained, especially when neighbouring vegetation is removed. This will considerably alter the character of the site. It looks doubtful that it would be feasible to retain several of the trees shown to be retained where they are close to buildings and with the proposed uses and therefore it's likely that more vegetation would be removed in the short term.
- 5.17 As such officers still consider that due to the layout, scale and number of dwellings proposed, existing vegetation would be removed which would result in a very exposed site to the entrance of the village and the Conservation Area.

Highway

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

Residential Amenities

- 5.19 As the application is in outline only, no details of the elevations and design have been submitted at this stage. The proposed access has been amended to run along the boundary with No 17 instead of the previous proposal which was along the boundary with the development at Little Lane. As such officers do not consider that an undue level of noise and disturbance will result to No 17 and the new development sited there.
- 5.20 However officers have concerns regarding the siting of the proposed dwellings on the application site. Although the distances seem to be adequate, due to the scale of the dwellings it is considered that, especially regarding plot 2 and its garage, that it will harm the future occupiers of Plot 1.

Conclusion

- 5.21 Officers consider that some form of development is acceptable in this sustainable location, however there are issues regarding the impact to the setting of this part of the Conservation Area. The general layout and scale of the development is not considered to have regard for the existing visual appearance and character of this part of Eynsham and as such officers cannot support the application as it stands.
- 5.22 Officers have given their opinions to the agent and suggestions of how the application could move forward to a recommendation of approval. However the applicants wish the application to be determined as it stands and reported to the next available Lowlands Area Planning Sub-Committee meeting.

6 REASON FOR REFUSAL

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

Application Number	15/02661/FUL
Site Address	Astall House Curbridge Road Witney Oxfordshire OX28 5HR
Date	7th October 2015
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Witney
Grid Reference	434248 E 209364 N
Committee Date	19th October 2015

Application Details:

Demolition of existing buildings and erection of 2 buildings to provide 44 flats, with associated car parking, outbuildings and landscaping

Applicant Details:

Cottsway Housing Association Ltd _ Maytrix Group
C/O Agent

I CONSULTATIONS

- I.1 Town Council
Agrees the principle of housing development on the site but objects to 100% affordable housing when the ELP specifies 35%, considers that the parking is below the 1.5 spaces per unit specified by OCC and consider an over 55 condition may address this deficiency, consider the units should be built in natural stone and seek £2 k per unit towards WTC sports development fund and recommend further funds are sought for highways, education, doctors and roads
- I.2 One Voice Consultations
No objection subject to conditions
If West Oxfordshire District Council is minded to grant planning permission, the following items need to be included in a S106 agreement.
Traffic Regulation Orders
A 2,500 contribution is required to cover the cost of promoting and implementing TROs to address the safety implications of overspill parking on Curbridge Road and Burwell Drive in the vicinity of the site. This would also help address the impact of the development related parking on the operation of the bus services using this strategic route.
Bus stop infrastructure
A 2,000 contribution is required for the consultation and installation of bus stop clearways for the first pair of bus stops on Burwell Drive close to the junction of Curbridge Road. This will protect the bus service from on-street parking, helping to ensure reliability of the route and making the service as attractive as possible for new residents of the development.

A 13,000 contribution is required for the procurement, installation and on-going maintenance of a bus shelter including a real time information display at the first Oxford bound bus stop on Burwell Drive. This will help to encourage new residents of the development to travel as sustainably as possible and reduce the need for as many residents to own and park a car as might otherwise be the case. This is in line with the National Planning Policy Framework.

Section 278 Highways Act - Works in the Highway

All works in and adjacent to the highway will be subject to a Section 278 Agreement with Oxfordshire County Council. This will include provision of new vehicular access from the proposed development onto Curbridge Road.

Conditions:

Parking and Manoeuvring Areas

Prior to the commencement of the development hereby approved, full specification details including construction, layout, surfacing and drainage of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Junction of development with highway - full details

Development shall not begin until details of the junction including access vision splays, layout and construction between the development hereby approved and the highway have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until that junction has been constructed in accordance with the approved details. All highway vegetation must not be allowed to encroach into the agreed vision splay. Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Close Existing Access

On commencement of the development the existing access shall not be used and shall be closed by the installation of a full height kerb and footway.

Reason: In the interests of highway safety.

Travel Information Pack

A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every household. Reason - In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.

Construction Travel Management Plan

Prior to development, a Construction Travel Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be

implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of people living in the vicinity of the development.

Cycle Parking Provision

Prior to commencement of the development hereby permitted, a plan showing the number, location and design of cycle parking for residents and site visitors shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development. Reason - To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

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

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features - attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

There are no known archaeological sites or features within or adjacent to the application area.

This proposed development has been estimated to generate 4.80 primary pupils, 2.40 secondary pupils (no sixth formers) and 0.09 pupils requiring education at an SEN school.

Primary education:

-£55,594 Section 106 required for the necessary expansion of permanent primary school capacity serving the area.

Secondary education:

-OCC is not seeking Education contributions to mitigate the impact of this development on secondary school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

Special Educational Needs (SEN) education:

-OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions from larger developments than this in the area in future.

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

I.3	WODC - Arts	No Comment Received.
I.4	Ecologist	Requested further information
I.5	WODC Community Safety	No Comment Received.
I.6	WODC Architect	<p>This is quite a dense scheme (no bad thing in itself) but there seems general concern about parking standards and, particularly, visitor provision. I agree this seems quite tight - but also feel that the site layout has already got it about right in terms of building footprint / roads & parking / grass / retained trees.</p> <p>The drawings are quite clear but the elevations and site plan are rather too diagrammatic: we need more information (or conditions) about the way that the various materials are to be detailed and how junctions and fenestration works; Precisely how the railings round the blocks themselves work - because these are either not shown on elevation or shown as hedges! the retention and protection of all perimeter trees is going to be important. But would be good to see better provision of native tree planting within the scheme itself</p> <p>My overall feeling is that it is a very good use of this site, and, if carefully detailed and built, could be quite a successful pair of buildings - but that we need full and careful conditions.</p>
I.7	WODC Drainage Engineers	No Comment Received.
I.8	WODC Env Services - Engineers	No Comment Received.
I.9	WODC Env Services - Car Parking	No Comment Received.

I.10	WODC Env Health - Lowlands	<p>No objection to the proposal in principle but I do have a few observations/comments on the design and layout which could be fed back to the applicant.</p> <p>The open plan design of the kitchen/living area will increase the probability of damp and mould problems to the property</p> <p>There are instances of the bedrooms of one flat being adjacent to the living area of the neighbouring flat which will increase the possibility of noise nuisance problems, but in the main this has been avoided in the design. Sound insulation between the dwellings will need be sufficient to ensure that noise transmission between flats is eliminated.</p> <p>No mechanical ventilation to the internal bathrooms or kitchens is shown. I am assuming that suitable and sufficient ventilation will be installed.</p> <p>There is no internal area shown for the drying of clothes. Such an area should be ventilated to the external atmosphere and is a requirement under Housing legislation enforced by this department.</p>
I.11	WODC Head Of Housing	<p>The proposal is to provide 44 units of affordable apartments across two x three storey blocks.</p> <p>There is a concern that management issues may arise from such a high concentration of one and two bedroom apartments. Were these blocks to have a mix of age groups and lifestyles, they would require very careful management. E.G I understand that the housing association has a desire to decant some of its older clients, from outdated sheltered schemes, into at least some of these apartments. We have found that older and younger / family residents have not proved to be a successful mix.</p> <p>Having interrogated the Councils housing register, I can confirm that there is a requirement for; 246 x one bedroom accommodation, 183 x two bedroom homes and a further 159 households who require either adapted or level access accommodation.</p> <p>Given these particular needs, may I suggest that careful consideration is given to the mix of client groups and their particular, including physical, needs.</p> <p>However, as can be seen there is sufficient demand for smaller affordable accommodation in Witney, that could be met by this development, if the dwellings were to remain affordable in perpetuity.</p>
I.12	WODC Landscape And Forestry Officer	No Comment Received.
I.13	WODC Legal & Estates	No Comment Received.
I.14	Thames Valley Police Licensing Office	No Comment Received.
I.15	Thames Water	Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

I.16 WODC Env Services - No Comment Received.
Waste Officer

I.17 WODC Env Services - No Comment Received.
Landscape

2 REPRESENTATIONS

2.1 62 letters of objection/representation have been received which may be viewed in full on line. It is considered that the main points raised may be briefly summarised as follows:

- Hedgehogs live on site and need to be relocated if consent is given
- Road is busy enough without the flats
- Impact on safety of children
- Road is overcrowded
- Overspill parking onto the surrounding roads
- 100% affordable discriminates against those aspiring to own
- A mixed development is required
- Not enough parking
- Parking restricts bus use and HGV using the road
- It is right next door to the nursery
- Disruption during building
- Additional pollution
- This is wrong site for new housing
- Delays from additional traffic
- Will the trees be kept?
- The youngsters do need somewhere to go
- Vision splays from adjoining roads are compromised by parked cars
- Speed limit signs are obscured
- Should have been used as a school extension
- Road is already like a car park
- Smaller scheme would be better
- No drying facilities
- Who will maintain site?
- Access will become a dumping ground
- Any off site parking controls should only operate 8- 5 M- F
- Parking problems will be displaced to existing residents
- Nursery/playing fields will be overlooked
- Increased noise and disturbance
- Site notices were removed
- Better if some units were for purchase
- More parking and less units would be better
- Should be 68 spaces to meet standards
- Car ownership is 1.5 cars per household
- As the school is a faith school the catchment is a wider area than a "local" school and so there is more traffic
- Impact on emergency vehicles

- Adverse impact on setting on non listed cottages opposite
- Adverse impact on ecology
- Should be a greater mix of properties
- New Leys Farm redevelopment is not a precedent
- Out of keeping as too modern
- Better if only 2 storey
- Materials should match adjoining developments
- Should have been more consultation
- Hedge will not provide screening in winter
- Precedent for further development
- Should be a car park for the school
- Overlooking
- School has no lollipop lady
- Too big and too much traffic
- Support the principle but should be a smaller scheme
- Loss of character of streetscene
- Concerned that pre application advice was offered
- Richmond Village scheme will increase traffic
- Scheme is contrary to policy and should be refused

3 APPLICANT'S CASE

Writing in support of their application the agent has tabled a considerable volume of supporting information which may be viewed in full on line. In essence they advise that the site has been vacant for a long period of time and is an under utilised resource in an established residential area. Its redevelopment is preferable to using green field sites and would bring significant planning benefits in terms of affordable housing and aesthetic benefits and accords with national and local planning policies

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

H2 General residential development standards

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to the former convent site located adjacent to the Catholic school in Curbridge Road. It seeks to demolish the existing buildings on site and replace them with two new flat blocks and associated parking. The key trees and boundary hedges will be retained. When originally submitted the scheme proposed all of the units as affordable housing but the percentage has now decreased to 26 of the 44 units (or approx 60%) in response to concerns from the Town Council and neighbours. Officers will display the submitted plans in detail as part of the presentation to Members.

Background Information

- 5.2 The site enjoyed a variety of community/institutional uses but has not been occupied for a number of years such that it is now increasingly derelict with some evidence of anti social behaviour on site.
- 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 Councils policies seek, in general terms, to retain community sites in community use. The proposal to seek a housing redevelopment is therefore potentially problematic. However, in that the applicants are offering 60% affordable housing whereas the emerging policy would only require 35% the additional extent of affordable housing is considered to represent a substantial community benefit that outweighs the above mentioned concerns.
- 5.5 As to the proposed re - use for housing Witney is the most sustainable location in the District and the site is located on a bus route, close to a school and in relatively easy walking/cycling access to the town centre and all its amenities as well as the neighbourhood centre on the Smiths estate.
- 5.6 Planning policies generally seek to promote a mix of house types and as such the concentration on a large number of flats would normally be discouraged. However the need to retain the key trees surrounding and within the site means that earlier proposals that included family housing with gardens were rejected as the gardens would have been unduly compromised by the retained tree cover. The use of flats with communal space avoids such issues and enables less pressure to be placed upon the trees. These environmental benefits combined with the likely lower sales price of the market units and the resistance to provision of larger affordable units as a consequence of the spare room supplement means that Officers consider that a scheme skewed towards a higher number of smaller units can be supported in this instance.
- 5.7 Taking all of the above into the round your officers consider that there is no in principle objection, with an additional benefit that the units created will represent an increase in the housing land supply (albeit that at present a 5 year land supply is being claimed by the LPA).

Siting, Design and Form

- 5.8 The buildings are unashamedly modern in design. Members will be aware that a similar site further along Curbridge Road, set amongst the trees, has successfully used modern design to create a successful development. The flat roofed forms help to reduce the mass of the buildings and the intervening trees mean that there is no discordant impact on the streetscene. Your officers consider that the buildings are a successful design that will substantially improve upon what is currently on site notwithstanding that it is different in design style to much of the context.

Highway

- 5.9 This is a key issue. Respondants have cited the increase in traffic and turning movements onto what is already a well used and (at school pick up/drop off times) congested road as major concerns which have caused an understandable fear that the recent fatality that occurred in the vicinity may be repeated. To set against these concerns it must be recalled that there is a lawful use that generates a notional traffic generation even though it is not currently active. The highway impact must be measured against this fall back position rather than against the nil generation of the current state of the site.
- 5.10 OCC has spent considerable time assessing the highway implications. They consider that "the site access appears broadly acceptable although it is considered that the visibility splay should be based on a 35mph vehicle speed rather than 30mph as set out in the application.
- 5.11 The retention of the footway at full kerb height level across the new access should be included as part of the design in order to ensure conditions for pedestrians walking along Curbridge Road are as good as possible, slowing vehicles as they enter and leave the development. It is important that the existing site access is closed off before development commences and that as part of that the footway is continued across it at full height level - this will be to the benefit of pedestrians.
- 5.12 The transport note submitted by the applicant demonstrates that the predicted level of traffic generated by the development will be at a low level - 13 and 15 two way movements in the morning and evening peak hours respectively. It is considered that this level of traffic generation would have a small and acceptable impact on the operation of the local transport network. This is especially the case when bearing in mind the fact that the existing land use has permission for a hotel/hostel use that could generate a certain level of traffic.
- 5.13 The development includes 46 car parking spaces, 2 of which are for disabled drivers and 2 for visitors. There will therefore be 44 spaces allocated for 44 residential units (20, 1 bedroom flats and 24, 2 bedroom flats). It is acknowledged that the county council's parking standards set maximum levels of parking and that this site is reasonably well located to encourage higher than normal levels of sustainable travel. However it is still felt that the amount of car parking proposed for this type of development is low and will not be sufficient to cater for the demand that it will generate. In particular, 2 spaces clearly represents inadequate provision for visitors. As such, it is very likely that there will be some car parking associated with the development that cannot be accommodated by the formal parking spaces. Some of this may park informally within the site in which case it may obstruct pedestrian movement and the safe manoeuvring of a large refuse wagon. The rest would most likely overspill onto Curbridge Road and Burwell Drive. Whilst Curbridge Road is a relatively wide road, put together with the drop off and pick up parking associated with the neighbouring primary school, it is felt that any overspill parking from the development could impact negatively on road safety and the operation of bus services on this strategic public transport corridor.
- 5.14 As such, it is recommended that a TRO is needed to address the negative impacts of overspill development parking along both sides of Curbridge Road in the vicinity of the site and for approximately 80m of Burwell Drive. This would need to be paid for by the developer. In addition to the TRO to address overspill parking problems on Curbridge Road and Burwell Drive, and the bus stop clearway markings on Burwell Drive, it is recommended that the developer pay for a new bus shelter with real time information display at the first Oxford bound stop on Burwell Drive. Making the user experience as attractive as possible will help ensure that more people living in the development use the bus for every day travel than would normally be

expected. The outcome will be a more sustainable development in line with the National Planning Policy Framework."

- 5.10 In that OCC has clearly looked at the impacts in some detail but in its capacity as Highway Authority has not raised objections it is considered that a highway based refusal reason would not be likely to be sustained at appeal.

Residential Amenities

- 5.11 The existing site is increasingly derelict and is subject to some low level trespass and activity. Finding a use for the site would thus clearly assist in reducing the potential for anti social behaviour. That having been stated the site is well contained within its tree/hedge belt and in the case of the neighbours along the side boundary there is also a public footpath intervening. There are some balconies on the southern elevation of Block B that will give the potential for some overlooking of the garden of the nearest house but this would be over the footpath, has the intervening hedge as a partial screen and meets the usual privacy standard for face to gable relationships. On balance the neighbour impact is not such as would be considered to justify refusal. Land to the rear of the site is open whilst land to the other side is comprised in a nursey and the school. Again these relationships are considered acceptable as are those with properties on the other side of Curbridge Road.

Contributions/other matters

- 5.12 Were the application to be favourably considered it would be necessary to ensure that the 60% of affordable housing were retained as such, that the contributions towards OCC and TC mitigation were delivered and that the relevant contribution towards public art/community development were secured. Landscape maintenance of the communal areas and retained trees would also need to be secured.
- 5.13 In terms of other issues there are no drainage, flooding, archaeological or ecological reasons that the site should not be developed albeit that at the time of agenda preparation the final views of the Councils ecological advisor are awaited. If any key issues are raised they will be reported verbally to the meeting.

Conclusion

- 5.14 This is a controversial application that has given rise to much public opposition. That having been stated your officers consider that the development is acceptable in principle and that the details have been well conceived to provide a high quality new development that respects the neighbouring amenity and makes provision for affordable housing at a rate over that required by policy to counter the loss of the community/institutional use. The main objection is regards the undoubted fears that the scheme will adversely affect road safety in a location where tragically recent events have demonstrated that fatalities and injuries have occurred. However, the County Council in its capacity as highway authority has fully assessed the concerns and advises that the scheme is acceptable with conditions/mitigation. As such, with a legal agreement and conditions the application is recommended for approval.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the details and plans accompanying the application but as modified by the agents letter(s) dated XXX amending the tenure mix.
REASON: The application has been amended by the submission of revised details.
- 3 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

 - I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 4 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.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all balconies, windows, doors etc at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 No part of the development shall be occupied until the facilities for the storage of refuse at the site have been approved in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.
REASON: To safeguard the character and appearance of the area.
- 7 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.

- 8 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
REASON: In the interest of improving connectivity in rural areas.
- 9 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 10 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.
REASON: To safeguard the character and landscape of the area.
- 11 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 12 As soon as the development is commenced the existing vehicular access shall not be used and shall be closed by the erection of a fence and planting.
REASON: To ensure a safe and adequate access.
- 13 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety.

- 14 No dwelling shall be occupied until space has been laid out within the site for 20 cycles and 46 cars to be parked and such spaces shall be retained solely for parking purposes thereafter.
REASON: To ensure that adequate provision is made for off-street parking.
- 15 The building shall not be occupied until the private road, parking and manoeuvring areas shown on the have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON: To ensure that a usable parking area is provided and retained.
- 16 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the safety of occupiers of the proposed dwellings.

Application Number	I5/02720/FUL
Site Address	Land South of Bampton Cemetery Landells Bampton Oxfordshire
Date	7th October 2015
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Bampton
Grid Reference	431273 E 203539 N
Committee Date	19th October 2015

Application Details:

Erection of single 'self-build' 3 bedroom dwelling

Applicant Details:

Mr Chris Baker
c/o Agent

I CONSULTATIONS

I.1 WODC Landscape And Forestry Officer

- The entrance to the cemetery with high stone walling and flanked on each side by large trees and open spaces is a significant feature in the CA. We need to ensure that this feature is maintained in the longer term.

- My view is that the character of this part of the CA, and the approach to and appearance of the entrance to the cemetery, would be adversely affected with the development of a residential property on the open land to the east. The symmetry of the design is likely to be adversely affected.

- The trees themselves are significant features in the CA and have been graded as A1 in the tree survey. The contribution they make to the local scene would be adversely affected by built development in the foreground and domestic paraphernalia occupying this open space.

- The canopy spreads of some of the trees appear to be understated on the drawings from a very rough pacing out on site. Whilst the trees are growing on the western and northern boundaries of the site they do oversail it to a fair degree and I find it unlikely that future residents would not wish to restrict this by pruning to be able to use the private garden space in the usual way. Altering the scale or appearance of trees would affect the visual balance of the groups and symmetry of the larger feature.

- If minded to approve please discuss the tree protection issues.

1.2 WODC Architect Landells is a largely undeveloped road on the outskirts of the town; on the south side there are tall stone walls and outbuildings associated with (grade II listed) Bampton Manor; on the north side there are two large modern buildings (Surgery and Telephone exchange) and the formal entrance to the Cemetery - which contains many mature trees adjacent to the rear of this site. The site is located between the exchange and the curved walls of the cemetery; trees in the cemetery to the side and rear of the site make an important contribution to the character of this part of the conservation area.

There have been previous applications for this site - none of which succeeded in convincing us that a development on this site was appropriate for the character of this part of the conservation area or sympathetic to the adjacent listed buildings. However, if there is to be a new house on this site, the location proposed in the current application is the only place that could be appropriate (related to the telephone exchange and maintaining views of the impressive walls to the cemetery); in addition the form, massing and style of this proposal (in particular its simple reinterpretation of vernacular) have been well considered. It is a matter of balance whether these considerations outweigh the problems of any development on this site.

Recommendation: If considering approval, please condition detail design and material conditions in a full way: self-build is very worthwhile but the quality of the build would be particularly important on this sensitive site.

1.3 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
- G11 access specification
- G36 parking as plan
- G31 drive/parking space specification

1.4 Parish Council NO OBJECTIONS

2 REPRESENTATIONS

2.1 One letter of objection has been received from Mr Jones from The Manor House. The objection states that the new development will overlook their property resulting in a significant loss of privacy and amenity value.

3 APPLICANT'S CASE

3.1 A tree survey, planning statement, design and access statement and ecological survey have been submitted as part of the application. These documents are available to view in full on line or via officers. The planning statement conclusion states:

- The application seeks permission for the erection of a single self-build family dwelling within the village of Bampton.
- As is evident from the Council's own Housing Land Position Statement the Council are currently unable to demonstrate an up-to-date 5 year housing land supply, meaning that there is a growing need to find suitable sites to accommodate much needed housing development within the District. Furthermore, due to the lack of a 5 year housing land supply, paragraph 49 of the NPPF is applicable which means that the Council's own housing policies can currently be considered out of date.
- Paragraph 14 of the NPPF makes it clear that where policies are out of date, planning permission should be granted unless there would be any adverse impacts of development that would significantly and demonstrably outweigh the benefits (my emphasis). In this instance, as have been demonstrated within this report, there will be no significant environmental nor visual impacts as a result of the proposed development meaning there should be a clear presumption in favour of development.
- In terms of the relevant planning policy framework the scheme accords with the general guidance found within the NPPF, in that it proposes a sustainable form of development on a site within the settlement boundary. A self-build development on this site will help the Council deliver housing (especially in the form of a self-build property) which also maintaining the services and facilities within Bampton.
- The layout and design of the proposed dwelling has been influenced by the overarching scale and character of the surrounding development.
- As discussed above, it is considered that the development proposals accord with the relevant policy framework within the West Oxfordshire Local Plan 2011 and the Design Guide, in addition to existing and emerging national planning policy. The provision of a self-build family dwelling within a settlement such as Bampton will create a sustainable form of development which can help to support local services and facilities.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H7 Service centres

NE6 Retention of Trees, Woodlands and Hedgerows

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

OS1NEW Presumption in favour of sustainable development

EH7NEW Historic Environment

H5NEW Custom and self build housing

NE13 Biodiversity Conservation

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 self-build dwelling. The application site is located within Bampton Conservation Area.

Background Information

- 5.2 The site has been subject to two previous applications to develop the site:

04/2249/P/OP - Erection of one dwelling for retired agricultural or key worker. - REFUSED

04/1073/P/FP - Erection of detached dwelling and double garage with associated vehicular and pedestrian access. - REFUSED

- 5.3 The most recent application was refused for the following reason:

The proposed development by reason of its siting does not constitute either 'infilling' or 'rounding off' but rather extends built development along the historic street frontage of Landells, failing to either preserve or enhance the character of the Conservation Area and adversely affecting the setting of 'The Manor House' and its listed enclosure opposite and the symmetry of the existing swept access into the adjoining cemetery. As such, the proposal is considered contrary to Policies H7, H12, BE10 and BE14 of the adopted West Oxfordshire Local Plan and H7, H2, BE5 and BE8 of the emerging West Oxfordshire Local Plan 2011.

- 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 Bampton is classed as a service centre and therefore policy H7 applies for new dwellings. Policy H7 states that new dwellings will be permitted in circumstances of infilling and rounding off or the conversion of appropriate buildings. Notwithstanding this, the NPPF along with the Emerging Local Plan is less prescriptive and instead focuses on sustainability. Bampton features a number of services and is considered a sustainable settlement, therefore new dwellings are considered acceptable subject to compliance with other relevant planning policies.
- 5.6 Policy H6 of the Emerging Local Plan refers to self-build housing and states that self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of the plan.
- 5.7 The planning statement submitted with the application appears to be out of date with its statements relating to the councils 5 year land supply. In February 2015 a housing land supply statement was released which details that the council is able to demonstrate that it has a five-year supply of deliverable housing sites.

Siting, Design and Form

- 5.8 The application site is an open space which is located to the front of the cemetery. The cemetery benefits from an open curved entrance which features a stone boundary wall which is connected to the application site and mirrored on the other side allowing for a symmetrical open appearance when approaching the cemetery from either direction.
- 5.9 The site also benefits from mature trees which are located within the grounds of the cemetery but which overhang the development site and are highly visible and contribute greatly to the character and appearance of the area.
- 5.10 Officers are of the opinion that the erection of a new dwelling in this location would adversely impact the setting of the cemetery to the detriment of the character and appearance of the conservation area.
- 5.11 The dwelling will be located to the front corner of the site. The dwelling is considered to be well designed in terms of its appearance. Its position to the front of the site is considered to reflect the more historic positioning of building on frontage and reflects the building line found on the other side of the road. Notwithstanding this, officers consider that the position of the dwelling although historically appropriate brings with it additional problems. The low level wall means that there will be open views of the private garden amenity space. These open views will allow for highly visible domestic paraphernalia to be visible in an area which benefits from a rural character. The dwelling along with any domestic paraphernalia would detract from the setting of the cemetery and would have an urbanising impact, failing to preserve or enhance this area of the conservation area.
- 5.12 Immediately adjacent to the site is a telephone exchange building which is separated from the application site by an access road. Officers consider that the separation of the telephone exchange from the cemetery further allows for a visual separation between the setting of the cemetery and the newer development (surgery and telephone exchange).
- 5.13 The site is also located opposite a listed building and its grounds although officers consider that the application is well distanced so not to adversely impact its setting.
- 5.14 Officers are of the opinion that the erection of a dwelling in this location would have an adverse impact on the open space and conservation area. The planning benefit of one dwelling albeit a self-build dwelling is not considered to outweigh the harm to this area of the conservation area and the setting of the cemetery and is therefore not considered acceptable.

Residential Amenities

- 5.15 A letter of objection has been received from the occupiers of Manor House. The objection states that the new dwelling and the position of its windows will overlook their property resulting in a significant loss of privacy and amenity.
- 5.16 The proposed dwelling would feature two windows at first floor level to the front. The distance between the application site and Manor House would be within acceptable side to back distances. Officers are of the opinion that after taking in to account the separation of the dwelling by the main road and the boundary treatment, the dwelling would not give rise to unacceptable levels of overlooking.

- 5.17 The application site will feature a low boundary wall and therefore the site will be open with views in to the site. The main areas of private amenity space would be located to the rear of the property. Whilst the site benefits from sufficient space around the dwelling, the occupiers of the house would have little outside privacy. The large trees located to the rear would also potentially impact the quality of outside amenity space. This may in turn put pressure on the overhanging branches to be pruned which would further impact on the character and appearance of the area.

Trees

- 5.18 There are trees located along the boundary which are well established. Officers are of the opinion that if the site was developed it is likely that the trees would come under significant pressure to prune the trees. The pruning of the trees is considered to unbalance the trees to the detriment of their visual amenity within the conservation area. The development is therefore considered undesirable in this location.

Highway

- 5.19 County Highways raise no objection to the scheme on highway ground subject to compliance with conditions.

Conclusion

- 5.20 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 The proposed dwelling by reason of its position in a prominent open space which is considered to form part of the setting with the cemetery would result in a highly intrusive domestic feature which fails to preserve 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, BE4 and BE5 of the adopted West Oxfordshire Local Plan and Policies OS2, OS4 and EH7 of the Draft Local Plan and the relevant paragraphs of the NPPF.
- 2 The location of the dwelling on the site by reason of its proximity to the trees located on the boundary, would likely result in pressure to prune the trees. The alteration to the trees would adversely impact their visual appearance and attractiveness reducing the group value of the trees, which in turn would affect the character and appearance of the site and their contribution to the setting of the conservation area. The proposal is therefore considered to be contrary to Policies BE2, BE4, BE5 and NE6 of the adopted West Oxfordshire Local Plan and Policies OS4 and EH7 of the Draft Local Plan and the relevant paragraphs of the NPPF.

Application Number	I5/02940/FUL
Site Address	30 Brizewood Carterton Oxfordshire OX18 IDE
Date	7th October 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Carterton
Grid Reference	427954 E 207770 N
Committee Date	19th October 2015

Application Details:

Conversion of garden structure into self-contained living accommodation (Amended parking plan)

Applicant Details:

Mr Michael Peck
30 Brizewood
Carterton
Oxfordshire
OX18 IDE

I CONSULTATIONS

- I.1 Town Council COUNCIL objects to this application as it is an overdevelopment of the site.
- I.2 WODC Env Health - Lowlands I have some slight concerns about the possibility of noise disturbance to neighbours from this unit of accommodation due to the nature of the construction. The sound attenuation will not be the same as a standard masonry construction and could lead to disturbance from a television or music system.
- I would therefore suggest that the sound insulation to the proposed unit of accommodation is increased and would ask that a condition similar to the following be attached to any consent granted:
- o To reduce the risk of noise break-out from the proposed unit of accommodation, the construction details shall be such that 2 layers of 12.5mm plasterboard will be applied to the inside of the walls and ceiling rather than just the one layer proposed. The plasterboard shall be installed so that the joints are staggered and it shall then be coated with finishing plaster. All edges to wall/floor junctions and around door and window frames shall be sealed with a suitable flexible mastic sealant.
- I.3 Thames Water No Comment Received.
- I.4 OCC Highways The proposal seeks an additional 2 bedrooms. No on plot parking is available at present.

No objection subject to the provision of 2 parking spaces in accordance with a scheme to be submitted and approved.

2 REPRESENTATIONS

2.1 There have been 3 letters of objection received and 1 letter of support to date.

2.2 Mr Fouche - 29 Brizewood

With regards to Mr Michael Pecks planning application, ref 15/02940/FUL. Just to advise that we do not have any objections for the current structure to be converted into a self contained living accommodation.

2.3 Mr Clarkson - 32A Brizewood

- The existing structure has recently been built;
- Proximity;
- Noise pollution;
- Opening window to the south elevation and nearness of the structure;
- Overlooking from the window;
- Air quality from the proposed kitchen;
- Sewage

2.4 Mrs Beale - 32 Brizewood

- Noise;
- Night time light;
- Privacy;
- The path from the existing house;
- Drainage;
- It will set precedent;

2.5 Mr Field - 30 Brizewood

- Error on application form;
- Does it comply with the usual planning and building regulations?;
- Set a precedent;
- Parking;

3 APPLICANT'S CASE

3.1 The structure stemmed from our desire to construct a kitchen diner extension to our house such as most of our neighbours have done. In order to facilitate this, the small greenhouse style conservatory used as a hobby workshop and art studio workshop needed to be re-located. We also wanted to provide a playroom/ chill out zone for our autistic ADHD looked after child. The caravan and shed that was located in the space now occupied by the structure were removed at the beginning of the year and the ground cleared to make way for it. During the early stages of the build (March) a discussion took place with Mr Clarkson about it being used as a hobby

workshop/art studio/playroom following his enquiring if it was to be a sun deck. Our plans changed late May, early June as we began to consider a change of use following the announcement that a baby would be joining our household at Christmas. It is our desire to support this vulnerable adult as they are unable to afford to take up their own property yet, have the need for supported living, and we want to be able to offer the additional support they will undoubtedly need and use the then spare bedroom as the chill out zone/ playroom for our looked child.

- 3.2 The applicant has also addressed the objections raised from neighbouring properties through the submission of individual letters available to read on public access.

4 PLANNING POLICIES

BE2 General Development Standards

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 Lowlands Planning Sub-Committee as the Town Council have raised objections to the proposal.

Principle

- 5.2 The application seeks planning permission for the conversion of a garden structure into a self contained living accommodation to accommodate the family's daughter and new baby.
- 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:

Neighbouring Amenity

Highway Safety

Siting, Design and Form

- 5.4 The garden structure to be converted has already been constructed. The existing building is single storey and located to the bottom of the garden to No.30. It is considered not to cause any adverse effects to neighbouring amenity in regards to the loss of light due to the scale and height of the building and the existing boundary treatments. Concerns have been raised in regards to the side window which faces the property 32a. This window is therefore recommended to be of obscured glass of which should avoid any potential loss of privacy.
- 5.5 The form, design and massing of the proposed self contained accommodation is considered on balance acceptable and the functionality of the accommodation is clearly for an existing member of the family who already lives in the main house. The use of the ancillary accommodation is also proposed to be conditioned only to be used by a member of the family who lives in No. 30 and cannot be used for any other use. An additional condition has also been included to enforce that once the self contained accommodation is no longer required for the current family members of 30 Brizewood the building shall be removed.

- 5.6 Environmental Health have also been consulted on the application as concerns were raised in regards to the noise and the smell from the kitchen. They identified that there are some slight concerns about the possibility of noise disturbance to neighbours from this unit of accommodation due to the nature of construction. The sound attenuation will not be the same as a standard masonry construction and could lead to the disturbance from a television or music system. It is therefore suggested that the sound insulation to the proposed unit of accommodation is increased and conditioned by the following:

To reduce the risk of noise break-out from the proposed unit of accommodation, the construction details shall be such that 2 layers of 12.5mm plasterboard will be applied to the inside of the walls and ceiling rather than just the one layer proposed. The plasterboard shall be installed so that the joints are staggered and it shall then be coated with finishing plaster. All edges to wall/floor junctions and around door and window frames shall be sealed with suitable flexible mastic sealant. The appropriate condition is being suggested to be attached to the decision if the application is approved.

Highway

- 5.7 The local highway authority has been consulted on this application and raises no objections providing the provision of 2 car parking spaces.
- 5.8 The applicant has identified that there are no allocated parking arrangements in the road. Most houses have off street parking either at the front or at the back of their property although not all use them. There is also a lay by area (in addition to the two in the road) opposite the close in which there are often spaces.
- 5.9 The applicant has also stated that:
- All the houses have the land in front of their houses within the deeds of the property and we are fortunate to have one of the larger areas hence we can install off road parking if needed, although we rarely have a problem and the family member concerned does not drive, but I understand the need for future proofing to prevent future problems. I was considering the 'green' parking grids (rather than concrete slabs) in a driveway pattern as per my plan, mainly for aesthetic reasons and trust this would be acceptable.
- 5.10 Officers are therefore of the opinion that due to the special circumstances of this case and that the occupant proposed to live in the self contained living accommodation does not drive and the current unallocated parking arrangement for surrounding properties, and the proposed 2 new parking spaces to the front of the property, officers believe that there will be no detrimental impacts caused to highway safety.

Conclusion

- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits. The proposal would accord to policies BE2 and H2 of the West Oxfordshire Local Plan 2011. Permission is therefore recommended.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The 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.
- 4 Before first occupation of the building hereby permitted the window to the south elevation; shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
- 5 The living accommodation hereby permitted shall only be occupied by members of the family at the dwelling house known as 30 Brizewood.
REASON: A separate dwelling in this location would unacceptable in terms of access and neighbouring amenity.
- 6 To reduce the risk of noise break-out from the proposed unit of accommodation, the construction details shall be such that 2 layers of 12.5mm plasterboard will be applied to the inside of the walls and ceiling rather than just the one layer proposed. The plasterboard shall be installed so that the joints are staggered and it shall then be coated with finishing plaster. All edges to wall/floor junctions and around door and window frames shall be sealed with suitable flexible mastic sealant.
REASON: To safeguard neighbouring properties in regards to noise and privacy.
- 7 The ancillary accommodation hereby permitted shall be removed in its entirety from the site once the accommodation is no longer required for the use of the current family members at 30 Brizewood.
REASON: The use is only justified by the special need for the development.
- 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	I5/03046/HHD
Site Address	126 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	7th October 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Minster Lovell
Grid Reference	431127 E 210014 N
Committee Date	19th October 2015

Application Details:

Construction of detached garage/car port block with first floor accommodation above.

Applicant Details:

Mr And Mrs Peter Benfield
126 Brize Norton Road
Minster Lovell
Oxfordshire
OX29 0SQ

1 CONSULTATIONS

- 1.1 Parish Council Minster Lovell Parish Council strongly objects to this application as it is contrary to the following policies:- BE2, H2 of the West Oxfordshire Local Plan and OS4 and H6 of the WODC Local Emerging Plan 2031 and also paragraph 7 of the National Planning Policy Framework.
- 1.2 OCC Highways No objection.

2 REPRESENTATIONS

- 2.1 Both adjoining neighbours were additionally notified of the application and no letters of representation have been received to date.

3 APPLICANT'S CASE

No case was submitted.

4 PLANNING POLICIES

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

5 PLANNING ASSESSMENT

- 5.1 This application is seeking planning permission for the construction of a detached garage/carport with first floor accommodation above situated within no areas of designated control.
- 5.2 The proposal will be replacing an existing derelict metal framed structure set back to the north west of the dwelling.

Background Information

- 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 of development
Neighbouring amenity
Highway safety

Principle

- 5.4 The principle of development in this location has previously been established by application reference: 14/0165/P/FP which gained consent for an indoor swimming pool with ancillary accommodation above which was granted 1st April 2014.
- 5.5 The proposed scheme resembles the same size in footprint as the approved scheme but has a garage below rather than an indoor swimming pool.

Siting, Design and Form

- 5.6 The form, design and massing are all considered to be acceptable based on the similarity to the previously approved application (14/0165/P/FP).

Highway

- 5.7 The local highways authority have identified that the proposal if permitted will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network and raise no objection.

Residential Amenities

- 5.8 The applicant has amended the scheme as suggested by officers to remove the projecting gable element and to lower the roof height. The proposed roof is now actually lower than the one that has been approved. It is therefore considered that no further adverse effects would be caused to neighbouring amenity in regards to the loss of light or loss of privacy.

Conclusion

- 5.9 Given that the building sits back in the plot, behind the host dwelling within a substantial curtilage and adjacent to an industrial yard, officers are of the opinion that the size and scale of

the building can be absorbed within its context without causing unacceptable harm to the visual amenity of the area.

- 5.10 A condition has also been recommended which insures that the building be limited to ancillary/incidental residential use associated with 126 Brize Norton Road.
- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits. The proposal would accord to policies BE2, BE3 and H2 of the West Oxfordshire Local Plan 2011. Permission is therefore recommended.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed with artificial stone and render in accordance with sample panels which shall be erected on site and approved in writing by the Local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof shall be covered with blue slates (artificial or natural) a sample which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 5 The lower cill levels of the rooflights serving the first floor accommodation shall be approved in writing by the LPA and retained as approved thereafter.
REASON: In the interests of the amenity of the adjoining occupiers.
- 6 The building hereby permitted shall only be used as accommodation ancillary to the existing dwelling on site.
REASON: In the interests of residential amenity.

Application Number	I5/03048/HHD
Site Address	126 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	7th October 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Minster Lovell
Grid Reference	431127 E 210014 N
Committee Date	19th October 2015

Application Details:

Construction of new storage building, to replace existing garage, with attached spa and bin store. Erection of single storey extension to west elevation to create swimming pool hall with associated facilities and attached double car port, and single storey kitchen extension (amendment to previously approved application 13/1512/P/FP).

Applicant Details:

Mr And Mrs Peter Benfield
126 Brize Norton Road
Minster Lovell
Oxon
OX29 0SQ

I CONSULTATIONS

- 1.1 Parish Council Minster Lovell Parish Council strongly objects to this application as it is contrary to the following policies:- BE2, H2 of the West Oxfordshire Local Plan and OS4 and H6 of the WODC Local Emerging Plan 2031 and also paragraph 7 of the National Planning Policy Framework.
- 1.2 OCC Highways No objection.

2 REPRESENTATIONS

- 2.1 Both adjoining neighbours were additionally notified of the application and no letters of representation have been received to date.

3 PLANNING POLICIES

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

4 PLANNING ASSESSMENT

- 4.1 This application is seeking planning permission for the construction of a new storage building to replace an existing garage, with an attached spa and bin store. The erection of a single storey extension to the west elevation to create a swimming pool hall with associated facilities and an attached double carport and a single storey extension (amendment to the previously approved application 13/1512/P/FP).

Background Information

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

Principle of development
Neighbouring amenity
Highway safety

Principle

- 4.3 The principle of development has partly been established by two previously approved applications 14/0165/P/FP and 13/1512/P/FP.
- 4.4 14/0165/P/FP - The erection of an indoor swimming pool with ancillary accommodation.
- 4.5 13/1512/P/FP - Erection of replacement detached garage in revised position with attached covered patio area. Construction of a double carport, store and WC and single storey kitchen extension. Closing existing and formation of new vehicular access.
- 4.6 This application therefore is proposing the construction of a new storage building to replace an existing garage, with an attached spa and bin store. The erection of a single storey extension to the west elevation to create a swimming pool hall with associated facilities and an attached double carport and a single storey extension (amendment to the previously approved application 13/1512/P/FP).

Siting, Design and Form

- 4.7 The applicant after gaining permission for an indoor swimming pool (application reference: 14/0165/P/FP) and ancillary accommodation above has now decided that the swimming pool would be more efficient if it was connected to the existing house to avoid having to walk outside. This proposal shows the indoor swimming pool connected to the host building with the carport that was previously approved as an addition to the end of the building as previously, but with the swimming pool in between.
- 4.8 The proposed swimming pool addition is large in scale, however taking into consideration the applications that have previously been approved, the increase in the footprint as additions to the approved schemes of which can still be implemented, is not of a great scale. Officers consider that as such, the building would not appear over dominant or intrusive to the visual appearance of the locality. It should also be highlighted that the neighbouring property No 128 has a large

outbuilding/workshop/garage which consists of a footprint of 18m x 10m. On the opposite side to No. 128 there is an industrial depot which consists of very large buildings.

Highway

- 4.9 The local highways authority have been consulted on the application and have identified that the proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

Residential Amenities

- 4.10 The proposed development would not be visible from the street scene and is considered not to cause a detrimental effect to any neighbouring properties in regards to the loss of light or loss of privacy. The neighbouring property in the closest proximity to the development (No. 128) has a boundary treatment which consists of a very high hedge, which screens both the large workshop from No. 126 and would also screen the proposed development from No. 128.

Conclusion

- 4.11 Given that the proposed development sits back in the plot to the rear of the host dwelling within a substantial curtilage and adjacent to an industrial yard, officers are of the opinion that the size and scale of the proposed development can be absorbed within its context without causing unacceptable harm to the visual amenity of the area.
- 4.12 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits. The proposal would accord to policies BE2, BE3 and H2 of the West Oxfordshire Local Plan 2011. Permission is therefore recommended.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed with artificial stone and render in accordance with sample panels which shall be erected on site and approved in writing by the Local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof shall be covered with blue slates (artificial or natural) a sample which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.

Application Number	15/03118/FUL
Site Address	The Woodyard Elmwood Farm Burford Road Black Bourton Bampton Oxfordshire
Date	7th October 2015
Officer	Stephanie Eldridge
Officer Recommendations	Pending Decision
Parish	Black Bourton Parish Council
Grid Reference	428249 E 205058 N
Committee Date	19th October 2015

Application Details:

Continued storage and processing of virgin wood to produce wood chip

Applicant Details:

Ms D Bradford
c/o agent
United Kingdom

I CONSULTATIONS

I.1 OCC Oxfordshire County Council as highway authority does not object to this
Highways proposal. If West Oxfordshire District Council is minded to grant planning permission, it is recommended that the following conditions are imposed:

No operations shall be carried out at the site except between the following times:

7am to 6pm Mondays to Fridays and 7am to 1pm Saturdays.

No operations shall take place on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents.

No Heavy Goods Vehicles (HGV - a vehicle designed to have a maximum weight exceeding 3.5 tonnes when laden) shall enter or leave the site between the following times:

7.30am to 9.00am Mondays to Fridays

3pm to 4pm Mondays to Fridays

Reason: To protect the amenities of local residents and in the interests of highway safety

There shall be no more than 20 HGV movements in any one week associated with

the annual processing of 4,000 tonnes of virgin wood

Reason: To protect the amenities of local residents and in the interests of highway safety

From the date of this permission the operators shall maintain records of the monthly traffic movements in and out of their site; such records shall contain the source and destination of the vehicle along with its weight, registration number and the time and date of the movement. Those records shall be made available to the Local Planning Authority at any time upon request.

Reason: In order that the Local Planning Authority can monitor the traffic movements to and from the site.

No loaded HGVs shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment.

Detailed comments

Traffic impact

This proposal is for treatment of 4,000 tonnes per year of virgin wood material (also referred to as Cordwood). Based on previous activity, the supporting information states that on average there would be a total of 5 vehicle movements each day (Monday to Friday) associated with the proposal. This is a very small proportion (less than 1%) of the traffic that a survey has shown uses the Burford Road during the proposed hours of operation of the business. HGVs, including articulated lorries (Gross vehicle weight of 44 tonnes) would be used for deliveries and collection. It is recognised that there have been concerns expressed about the use of Burford Road by HGVs but this small number is not felt to represent a significant issue, particularly given that there are already other HGVs including large farm machinery using the road connected with other local businesses. In the last 5 years there have been no recorded accidents on Burford Road apart from at its junction with Bampton Road where there was one accident involving a bus reversing into Burford Road.

Overall, I do not consider that the impact of these vehicle movements related to the treatment of virgin wood is severe and therefore does not constitute grounds for refusal under the National Planning Policy Framework.

The applicant has expressed a willingness to agree to measures that keep to a minimum the impact of its vehicle movements. This would involve a restriction preventing any HGV movements related to the business during the hours of 8am to 9am and 3pm to 4pm (an HGV is considered by the Highway Authority to be a vehicle designed to have a maximum weight exceeding 3.5 tonnes when laden). This reflects the fact that these are times when local children and their parents are on journeys to and from school. It is considered that the hours of the restriction

in the morning should be extended to 7.30am to 9am, the earlier time as a result of the fact that some children travel earlier than 8am to catch the school bus.

The applicant would also submit to the local planning authority a delivery/collection management plan setting out at what points during the day it is planned that HGVs will be moving to or from the business. One element of this would be that no more than one delivery or collection vehicle would be allowed to arrive or leave at the same time in order to keep the impact on the Burford Road users and residents to a minimum.

The applicant has also committed to liaising with St Mary the Virgin church on Burford Road to understand when weddings, funerals or other large church related events will require HGV movements to be temporarily suspended due to the likelihood of larger amounts of on street car parking taking place.

In addition and in line with the applicants offer, a further condition is recommended that caps the number of movements each week by HGVs that are related to the processing of virgin wood. The suggestion in the applicant's TA is for there to be a maximum of 20 HGV movements in any one week.

Site access

The existing site access onto Burford Road has more than adequate visibility splays.

The 250m length of the site access road is shared with the route of a local footpath. This does not raise any significant concerns given the low level of traffic movement along the access and the fact that there are sufficient opportunities alongside it for pedestrians to stand out of the way if they do happen to meet a vehicle.

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|-----|-------------------------------------|---|
| I.2 | WODC Env Health - Lowlands | No Comment Received. |
| I.3 | WODC Landscape And Forestry Officer | I've been consulted on this application. I have been working with Cotswolds Woodfuels for some time to help promote the use of woodchip in the area as part of our work to develop local renewable energy sources and to assist with local woodland management. We have been working on the management of local small woodlands for some time as this can bring improvements to the landscape, biodiversity and help generate local employment. Lower quality timber is collected from local woodlands and processed to make woodchips that are dried and used mainly in biomass boilers. So, I support this application for the wider environmental benefits that it brings. |
| I.4 | Parish Council | The Parish Council have submitted a 92 page document (including appendices) in regards to the application. Although they do not object in principle to the continued processing of virgin wood to produce woodchip at The Woodyard, the Parish Council do not support the intensification of operation from 1400 tonnes to 4000 tonnes per |

annum. The main objections have been summarised and concluded below.

The Material Planning Considerations above are classified as:

- (1) Highways issues: Traffic generation, vehicular access and highways safety.
- (2) National and Local Planning Policies
- (3) Noise
- (4) Pre-application planning consultations

We set these out in more detail below, in terms of objections, together with suggested amendments and conditions.

OBJECTION I

Highways (traffic generation, highway safety)

The council objects strongly to the intensification of use that this application represents. Up until March 2015, when temporary planning consent MW.0046/15 expired, the permitted annual tonnage of processed wood-chip was 1400 tonnes. The current application seeks permission to process 4000 tonnes pa, taking the annual tonnage to approximately 3x that permitted up until March this year.

The tonnage of wood-chip processed is relevant to this community because an increase in tonnage has an immediate correlation to increased HGV traffic. In rough terms 4000 tonnes, if permitted, would result in a level of HGV traffic 3x that associated with 1400 tonnes.

Because of the nature and condition of the narrow, cul de sac rural road that runs through the heart of the village without footpath, an increase in HGV traffic has a direct impact on the road safety, sustainability and amenity of this village community. Current levels of HGV's, heavy agricultural and business use traffic are considered to already have a severe impact on the village in terms of road safety, sustainability and amenity. With regard to HGV traffic, OCC Highways states (Appendix A) that Burford Road is not suitable for HGV traffic.

Therefore, any application that seeks to increase HGV traffic above current levels should be refused, because to do otherwise would be to permit an increase in the severity of the impact on the village. In fact, to allow CWF to intensify HGV traffic would set a precedent that subsequent applications, whether by CWF or others, could exploit.

Suggested amendment - The annual tonnage of processed virgin wood to make wood chippings will be limited to 1400 tonnes.

Suggested conditions -

- 1) That CWF is required to demonstrate that no intensification of annual tonnage is taking place, by making available to WODC documentation to show compliance. This documentation would also be made available to the Black Bourton PC, on request to the WODC.
- 2) HGV levels will be limited to levels associated with 1400 tonnes pa.
- 3) HGV movements are limited to 6 in any one week (ie 12 x one way movements, where a movement is defined as a single journey either up or down Burford Road). Documentation to show that this limit is not being exceeded is to be made available to WODC. This documentation would also be made available to Black Bourton PC, on request to the WODC.
- 4) All vehicles carrying woodchip must be covered to prevent spillage on the highway.
- 5) There shall be no HGV movements during school bus times, which are 0730-0900 and 1500-1600 Mon- Fri.
- 6) No sales of woodchip or other wood products to members of the public shall take place from the site.

OBJECTION 2

Pre-application Planning Consultations

The Council does not agree with the statements made at para 3.8 of the Planning Statement concerning agreements between the applicants transport consultants (Mode Transport) and OCC Highways (Mr G Arnold).

We do not agree that a recommendation or decision based on trip-rate is applicable; it is HGV traffic and the level of confliction with other traffic and road users that is the focus here, and trip-rates do not address this.

Therefore, we would suggest that any agreements made between OCC Highways and Mode Transport (representing CWF) during pre-application planning consultations should be set aside.

We are concerned that if the methodology and reasoning used by Mode Transport to support the application were accepted, it could be used to justify a massive increase in HGV traffic in any future applications.

If approved, the proposal could therefore set a precedent for any future development which in equity could prove difficult to resist to the further cumulative detriment to amenity, safety and sustainability.

The Parish Council therefore rejects the conclusions at para 7.2 of the Transport Statement, which says that CWF's operations traffic is

negligible and will not have a detrimental impact on the safety of public highway users. 85% of heavy HGV traffic (44 tonne HGVs) along Burford Road is generated by CWF.

The application and our objection should be considered alongside OCC Highway's (Mr Arnold) consultation statement of June 2015 (at appendix A), which was provided against CWF's planning application MW.0046/15 (withdrawn). This states: 'additional HGV movements would increase conflict between highway users and have a detrimental impact upon the highway carriageway and verges, maintainable at public expense.'

OBJECTION 3

Noise.

A detailed review of the applicant's Noise Impact Statement (at Annex C) reveals that the measurement of background noise, the test regime of the wood chipper noise assessment, and the parameters of the proposed acoustic attenuation solution are all open to question.

Therefore, until the acoustic barrier can be conformed as acceptable to the nearest residences, the application to woodchip outside the current earth bunded area should be refused.

The review suggests criteria by which 'acceptable' may be judged.

Suggested conditions-

- 1) The impulsive nature of the chipper noise should be no worse than 'very slightly perceptible' relative to the background noise level at assigned monitoring stations.
- 2) The sound rating level of chipping operation should not exceed the background level LAq90, 8hrs by greater than 3Db at the monitoring locations.
- 3) The applicant shall maintain a record of the hours the wood chipper machinery is in operation and to make this record available to WODC on request. This documentation would also be made available to Black Bourton PC, on request to the WODC.

2 REPRESENTATIONS

(Until 2.10.2015)

- 2.1 At the time of writing Mr Stephen Hobbs, Mr M Lebus, Mr Robert Mills, Miss Zoe Bradford, Mr Matt Childs, Mrs Jeanette Deakin, Mrs Julie Jackson, Mr Charles Ponsonby, Mrs Tracey Yeates, Mr James Bainbridge, Miss Frae Elford, Mr Fergus Fleming, Mr Robert Malcolmson, Miss Sarah Benktander, Mr Paul Jenks, Mr Edward Reynolds, Mrs Louise Lamb, Ms Louise Dines, Mr Jeremy Iles, Mr Malcolm Bradford and Mr David Hockley have written in support of the application. Their comments are briefly summarised as follows:

Rural Economy

- CWF are a convenient and efficient local business who supply high quality woodchip for biomass energy for private and public uses such as schools, colleges, farms and estates. There are few alternative suppliers locally.
- Reliance on long distance haulage undermines the sustainability argument for using biomass as an alternative energy source. This business provides local supply for local demand.
- The business provides local employment and enhances the rural economy. The refusal of planning permission may lead to the discontinuance of the business and loss in the local economy.

Environment

- Survival of local woodland depends on responsible management and removal of the low value virgin wood from woodland that is used by CWF to produce wood chips for biomass fuel. The facility and operation at CWF is key to education programs for sustainable forestry.

Renewable Energy

- The application is in line with government policy on renewable energy and contributes to the UK CEMARS (Certified Emissions Measurement and Reduction Scheme) targets.

Highways

- Significantly less vehicular movements than the Aylesbury Mushroom Farm that were producing hundreds of vehicle movements daily and was in operations prior to CWF.

Noise

- The production of woodchip is insignificant compared to the noise produced at the RAF Brize Norton airbase.

Policy

- Considered NPPF and WODC Local Plan compliant.

Other

- There is no intensification or increasing impact on Black Bourton village than already exists.

- 2.2 At the time of writing Mr David Ashley, Mr Maurice Clarke, Mr Jason Raftery, Mr Paul Bennett, Mr Simon Garrett, Mr Adrian Stevens, Mr Adrian Whareham, Mr Alec Jones, Mr Will Jones, Mr Duncan Ockendon, Mrs Nikki Shaw, Mr Brian Holland, Mrs Linda Holland, Mr David Nixon, Mr Simon Richardson, Mr Alan Clark, Mrs M Matthews, Mr Peter Tudor, Mrs Di Walsh, Mrs Chris Wise, Mr Gordon Anderson, Mrs Ilene Bussell, Dr David Hart, Mrs Doreen Hart, Mr Michael Thompson, Mrs Dinah Beckinsale, Ms S Marstin, Dr Julian Perry, Mrs Elizabeth Welch, Mr Robert Rodger, Mrs B.A. Bence, G. Whareham, Mrs Monica Tudor, Mr and Mrs Joan and John Wilcock, Jane Jones, Mr Keith Taylor, Miss Hazel Carter, Mr Lawrence Clarke, Mrs Nicola Clarke, Mr and Mrs Butler, Mr Stephen Dickinson, Miss Rosaline Powell, Mr Richard Betteridge, Mr and Mrs P Hughes, Mr T Pope, Mrs C Pope, Mr Peter Miles, Dr William Macmillan, Mr Stuart Kirkup, Mrs J Shirlaw, Ms Rachel Alexander, Mr Benjamin Shirlaw and Mrs Sarah Edwards have written in objection of the application. Their comments are briefly summarised as follows:

Highways

- Burford road is very narrow and lacks pedestrian pavements so the road is used frequently by pedestrians, cyclists, horse riders etc. The narrow road means that pedestrians and other vehicles have to mount the grass verges to allow large vehicles and HGV's associated with CWF to pass safely. These grass verges are quickly eroding and become dangerously wet and muddy during the winter. Additionally, lack of street lighting makes it difficult for pedestrians to move on to the grass verges safely to avoid large vehicles using the road. The lack of pavement is a huge public safety concern.
- Many of the driveways on the Burford Road are blind and have low visibility when pulling out. There is a high risk of road traffic accidents occurring. Large trucks and HGV's associated with CWF may struggle to break fast enough due to heavy loads when driving at speed around corners making this potentially more dangerous for road users pulling out of these driveways.
- Regular services, weddings and funerals at the Church generates heavy traffic. People tend to use both sides of the road to park their vehicles when attending the church. This leaves very little space for other traffics to park. HGV's and other large vehicles associated with CWF would struggle to pass through during church services.
- The bus stop positioned by the access to Burford Road generates heavy traffic when parents take children to and pick them up from using the school bus. Parents often park on the roadside during these times. HGV's and other large vehicles associated with CWF would struggle to pass through during these times. The safety of children using the bus stop is also a concern due to the narrow road causing people to use the grass verges when large vehicles pass. Further concerns regarding public safety have been raised as young children may not be spotted by drivers, or may struggle to climb the raised verges when walking down the narrow Burford Road to use the bus.
- There are large stabling facilities in the area and horses are regularly ridden down Burford Road. The road is too narrow to allow a HGV to pass a horse safely and would put both the horse and rider at risk.
- The RAF Brize Norton emergency crash gate exits on to the Burford Road. Emergency vehicles would require unrestricted access and should not be blocked by large vehicles and HGV's using this narrow road.
- Blocked water drains cause localised flooding on the roads.
- Mr Geoffrey Arnold stated, on behalf of Oxfordshire County Council, that 'Burford Road is not suitable for an increase on HGV traffic on the grounds of safety and sustainability' in regards to the previous county application for the processing of waste wood that was subsequently withdrawn.
- Minimal maintenance of the Burford Road has left it very damaged and with numerous pot holes. Heavy vehicles delivering the virgin wood would likely cause further damage to the roads.
- Burford road is a cul-de-sac with no alternative exit. This doubles traffic movements through the village which subsequently doubles the risks/damage caused by large, heavy vehicles.

Noise

- Noise levels from RAF Brize Norton have dropped considerably since the ground runs near Black Bourton have stopped. The noise levels produced from the wood chipper would be unacceptable and can be heard from the Bampton Road.
- Noise generated from HGV's and large vehicles driving over damaged and pot-holed road causes unacceptable noise nuisance to nearby residential dwellings.

Employment

- CWF brings no benefit to the village with no employment opportunities and no engagement within the community.

Environmental Issues

- Pollution- Increased use of HGV's and other vehicles associated with CWF emit diesel exhaust fumes, dust and litter.
- The virgin wood can emit toxic contaminants such as cyanide.
- The site sits within 50m of the aviation fuel store of RAF Brize Norton. There are concerns over the potential fire hazard of wood chip storage so close to fuel storage.

Public Safety

- Concerns over the safety of stacked virgin wood.

Sustainability

- Deliveries to and from CWF are now nationwide - this does not support the sustainability argument for renewable energy providers.
- Increased HGV movements whether local or nationwide are not environmental friendly or sustainable.

Policy

- Considered contrary to the WODC adopted and emerging Local Plans.

Other

- The development will ruin the character of the village.
- There are concerns over the council's ability to monitor any future operations on the site.
- Hours of operation conditions are not always complied with. There have been deliveries of virgin wood at 11:30 pm.
- Concerns that an approval of this application could lead to even larger scale development of the site in the future.

- 2.3 Additionally, the Black Bourton Environment Committee have submitted a 24 page document objecting to the application. A conclusion summarising their objections is below. The full document can be accessed on the council's website.

Conclusion

- 2.4 There can be no guarantee that the proposed site use will not harm the Site of Special Scientific Interest and Conservation Target Area.
- 2.5 There can be no guarantee of affording the fullest protection to the sites of special scientific interest.
- 2.6 Producing biomass fuel is not the most efficient way of dealing with timber or wood chip.
- 2.7 There can be no guarantee that current/future dust emissions are not harming/will not harm plant or human health or the quality of the water supply that is used for our drinking water/water.

- 2.8 Wood processing is a high fire risk industry and a fire could cause widespread damage to nearby major infrastructure.
- 2.9 The proposal does not fulfil the criteria of using public transport, ensuring road safety and giving priority to pedestrians and cyclists. Traffic impacts cannot be mitigated.
- 2.10 Land use for wood chipping is not part of farm activity as the crop is not grown on site. The site is not a brownfield site and is located in open countryside.
- 2.11 The site does not support an economic, social or environmental role and is therefore not sustainable.
- 2.12 There is a history of breaking planning conditions.
- 2.13 There are major health and safety and fire risk concerns.
- 2.14 The Woodyard has had a detrimental effect on family life in Black Bourton.

3 APPLICANT'S CASE

- 3.1 The following documents have been submitted in support of the application and have been summarised below. The full documents can be accessed on the WODC Public Access website.

Planning Statement Conclusion

- 3.2 The development proposed is the continued use of the Woodyard for the storage and processing of virgin wood to produce wood chip.
- 3.3 The recent application to OCC to process waste wood at the site has now been withdrawn. This proposal does not involve any waste or intensification of the existing wood chipping business which has operated from the site since 2003.
- 3.4 WODC planning officers were aware of the existing operation and previously visited the site but considered that no consents were required as the use comprised a form of farm diversification. This application has been prepared at the request of WODC who have advised that the continuation of the existing use now requires planning consent.
- 3.5 The saved policies of the West Oxfordshire Local Plan 2011 remain the development plan for the area and due regard has been given to those policies of relevance to the proposal alongside other material considerations.
- 3.6 Both plans are now dated and due consideration should be given to the NPPF presumption in favour of sustainable development. This requires an assessment of the planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.
- 3.7 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: an economic role; a social role and an environmental role.

An economic role:

- 3.8 The proposal will facilitate the continued operation of an existing rural business in accordance with the NPPF and local plan policies. The proposal will provide an overall economic benefit.

A social role:

- 3.9 The development will continue to provide some additional rural employment and will be of some social benefit.

An environmental role:

- 3.10 The proposal will also enable the continued use of woody biomass as a locally appropriate and carbon neutral fuel. This is entirely in line with the local plan strategy for renewable energy which particularly supports the use of woody biomass fuel given the environmental and technical constraints relating to large scale wind and solar power in the district.
- 3.11 The potential environmental impacts of the site's location in a rural area have been assessed.
- 3.12 In recognition of local concerns, a specific Transport Statement accompanies the submission. The proposed access is suitable and the traffic generated is lower than if the site was in its previous agricultural use. Despite this, the applicant is willing to accept conditions relating to traffic movements and a delivery management plan to further reduce the impact of traffic through the village.
- 3.13 A noise assessment has been undertaken and further acoustic bunding is proposed to ensure noise from the wood chipper does not have an unacceptable impact on existing residents.
- 3.14 There will be no significant additional landscape, water, nature conservation, or air quality impacts as a result of the continued use of the site and taking into account the site's location adjacent the RAF Brize Norton airfield and the Carterton Sewage Treatment Works.
- 3.15 Due regard has been given to the environmental, amenity and traffic generation impacts. The continued use of the site will not have any unacceptable amenity impacts and the provision of wood fuel must be considered an overall environmental benefit.

The planning balance:

- 3.16 In conclusion, the proposal seeks planning permission for the continued use of the Woodyard for the storage and processing of virgin wood to produce wood chip.
- 3.17 Having regard to local plan policies and in accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits.
- 3.18 There are no significant and demonstrable adverse impacts which outweigh the benefits of the proposal and planning permission should be granted without delay.

Noise Impact Assessment Conclusion

- 3.19 Hepworth Acoustics has undertaken a noise impact assessment relating to wood chipping operations at Cotswold Wood Fuels, Black Bourton.

- 3.20 This has been undertaken in accordance with the guidelines set out in British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound', and has been based on a set of sound surveys undertaken at the site.
- 3.21 Noise mitigation measures have been recommended to ensure that proposals will not result in harm to the amenity of neighbouring residents by way of noise.

Transport Assessment Conclusion

- 3.22 This TS has been prepared in support of a full planning application for the continued use of processing virgin wood (forestry wood) at the Woodyard at Elmwood Farm, Black Bourton in Oxfordshire. As a result of the reviews and analysis carried out for this statement it can be concluded that:
- i. The site conforms to both local and national policies;
 - ii. The site will continue to be served by a safe and efficient vehicle access arrangement for all traffic associated with the site;
 - iii. The processing of virgin wood has been established on site for a number of years;
 - iv. A traffic count survey demonstrated that over a 2 week period out of the 8,319 two-way vehicle movements counted along the Burford Road only 50 were associated with the Woodyard, which is approximately 0.6%.
 - v. The site's operating hours of 0700 to 1800, Monday to Friday and 0700 to 1300 on Saturdays is to remain unchanged. The operation restriction stipulating no vehicle movements between 0800 to 0900 and 1500 to 1600 will remain unchanged.
 - vi. Cotswold Wood Fuels Limited will accept a planning condition restriction on the number of HGV moments associated with the site;
 - vii. Cotswold Wood Fuels Limited is willing to enter into a Delivery Management Plan (DMP) as a planning condition.
 - viii. There is no reported accident history within the vicinity of the site on the Burford Road.

Conclusion

- 3.23 In conclusion, it has been demonstrated that the site's existing operations traffic impact on the local highway network is negligible and its continued use will not have a detrimental impact to the safety of public highway users.
- 3.24 This proposal will not create any residual cumulative impacts that are considered severe and therefore in accordance with recent Government advice in the NPPF, the proposal should be considered acceptable in transport terms.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE19 Noise
E7 Existing Businesses
NE15 Protected Species
OS2NEW Locating development in the right places
EI1NEW Land for employment
EH2NEW Biodiversity

EH6NEW Environmental protection
T2NEW Highway improvement schemes
NE12 Renewable Energy
EH4NEW Decentralised and renewable or low carbon energy development
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application is seeking planning permission to store and chip virgin wood on an area of land historically used in association with Aylesbury Mushrooms Ltd. The application makes reference to the 'continued storage and processing of virgin wood' and cites two temporary 'County Matter' permissions as the starting point for consideration of this application. It should be noted that notwithstanding the description of development the application site area for the storage of virgin wood and chippings in this latest application is significantly greater than that approved under 10/0022/P/CM. Further this application is to process up to 4000 tonnes of cordwood per annum as opposed to a maximum of 1400 applied for under the earlier grants of temporary consents given by the County Council.
- 5.2 Historically the applications were dealt with by the County Council because there was an element of waste disposal involved in the development. This is no longer the case and the matter is therefore now a District Matter.

Background Information

Planning History

- 5.3 Elmwood Farm was previously occupied by Aylesbury Mushrooms Limited until it closed down in 2003. This was a major employer with HGV's carrying compost, raw materials and mushrooms to and from the site. Whilst no longer operational, an extensive complex of buildings remains which can lawfully be used for agriculture or horticulture which could include an intensive activity such as mushroom farming.
- 5.4 The existing steel framed storage building was granted permission for preparing compost in 1985 (Ref W85/0172). A further general purpose agricultural building was granted permission in 1986 (W95/1675) on the south western yard area but not implemented.
- 5.5 Temporary planning permission (06/01765/P/CM) was granted by OCC subject to conditions for the processing of wood from forestry and arboriculture in December 2006. This related to part of the yard now contained by bunds. This temporary consent was subsequently renewed in 2010 under ref 10/0022/P/CM for a further 5 years on 17 March 2010. This temporary consent has subsequently expired in March of this year.
- 5.6 Following expiry of the temporary consent planning permission was sought from OCC in March 2015 for the recycling of waste wood to produce woodchip (MW.0046/15). This was proposed in addition to the existing cordwood operation. This was an expansion of the existing operation but was withdrawn following an objection from OCC Highways.
- 5.7 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

- 5.8 Given the planning history associated with the site and in particular its former use in association with 'Aylesbury Mushrooms', the principle of using the land and adjoining building for the storage and processing of wood is considered to accord with adopted and emerging Local Plan policies, in particular E7 of the adopted WOLP and E1 of the emerging Local Plan 2031.
- 5.9 In light of the above officers consider that the key issues in respect of this application relate to the following:

Highway Safety;
Visual Impact;
Noise;
Ecology.

Highway Safety

- 5.10 Members will note that in respect of this matter there is a large body of objection from local people and the Parish Council. Notwithstanding the objections the Highways Authority are raising no objection to the proposals subject to the following conditions:

No operations shall be carried out at the site except between 7am to 6pm Mondays to Fridays and 7am to 1pm Saturdays. No operations shall take place on Sundays or Bank Holidays.

No Heavy Goods Vehicles (HGV a vehicle designed to have a maximum weight exceeding 3.5 tonnes when laden) shall enter or leave the site between 7.30am to 9.00am Mondays to Fridays and 3pm to 4pm Mondays to Fridays.

There shall be no more than 20 HGV movements in any one week associated with the annual processing of 4,000 tonnes of virgin wood.

From the date of this permission the operators shall maintain records of the monthly traffic movements in and out of their site; such records shall contain the source and destination of the vehicle along with its weight, registration number and the time and date of the movement. Those records shall be made available to the Local Planning Authority at any time upon request.

No loaded HGVs shall leave the site unsheeted.

- 5.11 In light of the County Council's consultation response the proposals for the site are considered acceptable in highway safety terms.

Visual Impact

- 5.12 The extended site area is to be enclosed by additional log bunds (stacks of logs) along the southern and eastern boundaries of the site. The logs that form the bunds will be drying out prior to being chipped and the bunds will therefore be replaced approx every 12-18 months. These bunds will provide visual screening for the log storage and chipping operation from views across the fields and from the public footpath that runs along the access track to the site. There is existing well established hedgerow planting along the Burford Road to the east of the site

which provides a further visual screening of the site from the public domain. In light of these factors the extended site area for the storage and chipping of virgin wood will not, in your officers opinion, result in unacceptable levels of visual harm to the semi rural character and appearance of the area.

Noise

- 5.13 Your Environmental Health Officer has raised no objections to the proposals for the site subject to the new bunding to be in place prior to the commencement of chipping outside of the current bunded area.
- 5.14 The comments from the Parish Council in respect of concerns about noise have been passed onto your Environmental Health Officer who has stated that the comments don't change his recommendation as all reports of this type are open to question but he is satisfied that the methodology used is typical (and suitable) for an assessment of this type.

Ecology

- 5.15 During the consideration of the application it has come to light that there is a pond in close proximity to the application site area and given the nature of the proposals this has raised some concerns about the potential impact of the development on the habitat of protected species. In addition objections submitted with the application make reference to the potential impact on an SSSI located some 400m away to the south west of the site. Your Officers are presently in discussions with both the applicant and the Council's ecologist at the time of writing in order to seek to address these matters prior to the application being presented to the Sub Committee for consideration.

Conclusion

- 5.16 In light of the outstanding ecology issues your Officers are unable to make a firm recommendation at the time of writing. However, notwithstanding the great weight of objection to the proposals for an extended operation from the site, key technical consultees have raised no objections subject to conditions. In addition policy NE12 (Renewable Energy) of the adopted Local Plan and EH4 (Decentralised and renewable or low carbon energy development) of the emerging Local Plan 2031 are positively worded policies which weigh in favour of the proposals for the site subject to the environmental impacts not causing unacceptable harms.
- 5.17 It is anticipated that a verbal update in respect of the outstanding ecology issues will be given at the meeting together with a formal recommendation in respect of the proposals for the site.

Application Number	I5/03162/FUL
Site Address	The Saddlers Arms New Yatt Lane New Yatt Witney Oxfordshire OX29 6TF
Date	7th October 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Hailey
Grid Reference	437252 E 213072 N
Committee Date	19th October 2015

Application Details:

Change of use and conversion of Public House to dwelling and extension to form Granny Annexe, erection of outbuilding to form Pilates Studio and meeting room.

Applicant Details:

Mrs Pauline Lakey
The Saddlers Arms
New Yatt Lane
New Yatt
Witney
Oxfordshire
OX29 6TF

I CONSULTATIONS

I.1 Parish Council Hailey Parish Council request that the application is considered by the Sub-Planning Committee and object to the application on the following basis:-

The proposed studio/meeting room is considered too close to the highway and is therefore detrimental to the street scene.

The property is the subject of an Asset of Community Value bid co-ordinated by Hailey Parish Council. It is therefore considered that the property should not be converted into a residential dwelling, but should be enjoyed by the community as a public house.

The application is contrary to WODC's emerging Local Plan 2031 and NPPF policies:-

H6 - Existing housing.
OS4 - High quality design.

I.2 OCC Highways No reply to date

1.3 Adjacent Parish Council The North Leigh Parish Council wish to object to planning application 15/03162/FUL on the following grounds:

1. Change of use constitutes a significant loss of local amenity.
2. The property is registered as an Asset of Community Value and as such should be protected for the benefit of the community against change of use.
3. Change of use is contrary to the District Council's aim to preserve local and community amenities and resources.

2 REPRESENTATIONS

2.1 James Lyall, Mrs Jean Mutch, Alison Barnes, Sarah De Buriatte, Mrs Carol Crow, Mr Martin Crow, Andy Killingbeck, Dr Matthews, Nick Moglia, Saddlers Arms Community Pub Limited, Gordon Lyall, Joy Lyall, Alex Lewis, Heather Lonsdale, Robert Halsey and Bob Quinton have all written to the application. Their comments are summarised as follows:

- A modern, community focused public house would be an asset for the village.
- A good quality public house would improve property sales and rental values given it would be a more desirable village to live in.
- It would offer employment opportunities.
- The village has nowhere for the community to socialise any more.
- I don't believe or have not seen any sign that the owner has tried to run it as a pub. There is a viable option of a community run Saddlers Arms that has significant local support. The Saddlers was a viable pub when it had the right management/staff. I believe that its status has now changed to that of a free house; this should improve flexibility and profitability.
- Following the Local Authority's designation of the pub as a community asset in the spring of 2014, a local group of residents organised a number of well attended meetings, canvassing local opinion on whether people would like the pub reopened if it could be owned and managed by the community. There was sufficient interest for the group to develop a business plan to establish if the pub could be run viably and also to arrange a commercial valuation by Fleurets who are recognised specialists in this field. A viable business plan was developed on the basis of community ownership and an offer was made by the Community group to purchase the pub in October 2014 at a valuation price from Fleurets (275K). This offer which remains on the table was turned down by the owner.
- It is of note that the Fleurets valuation was significantly below the sale price of £375 that was showing in the on line sales details, suggesting that any marketing that has taken place has been at an inflated price.
- The applicant has not carried out an effective marketing campaign.

- The applicant has declined two offers for the pub.
- The applicant has not demonstrated that the pub is not viable.
- Very little effective marketing has taken place since the last refusal. Although the pub was for sale on the web in April 2014 by July 2014 the web site was showing that the property was 'off the market until further notice'.
- The owner bought the property at a low price reflecting its status as a public house.
- The property is an Asset of Community Value.
- The current owner has made no effort to demonstrate the non - viability of the business despite the fact that this is a requirement for any change of use.
- It is documented in the minutes of the planning meeting which discussed the previous application (14/0081/P/FP on 17 March 2014) that the owners intention was only ever to achieve change of use to residential.
- As well as a public house the Saddlers Arms would be able to offer:
 - Meals including a take away service
 - Meeting area for family gatherings/social events
 - Aunt Sally
 - Quiz/Darts evenings
 - Meeting place for carols during the festive period
 - Garden for children to play in as we only have a very small picnic area with seating in the village
 - on a blind corner.
 - Parcel delivery/pick up service
 - Small shop
- There has been insufficient marketing. The pub was listed at best for 6 months and not the 8 months claimed on a site which specialises in pubs in Essex, Norfolk and Suffolk area. We do not believe that simply placing a property on a minor web site with no obvious local geographic connection constitutes effective marketing.
- No signage was placed outside the property and no local advertisements were seen or have been provided by the applicant to demonstrate additional marketing efforts.
- Marketing at an unfair price/unrealistic value.
- The property was listed at £375,000.
- The property was bought in July 2013 for £235,000.
- Fleurets, a leading firm of valuation experts in the licenced trade valued the Saddlers at £275,000.

- The listing at £375,000 was clearly in excess of the expert valuation, suggesting there was no real intention to sell.
- Viability-Any claim by the owner that the pub is not currently viable cannot be substantiated.
- SACP prepared detailed financial plans in order to evaluate its own view on the viability of the pub with a view to making an offer to purchase it. The plans showed that the Saddlers could be viable.
- Offers to buy the Saddlers-The owner claims that there has been no interest in the pub as a result of the marketing.
- This is incorrect. Based on the financial plans showing it could be viable, SACP made an offer at the valuation amount of £275,000 in October 2014. The owner refused the offer.
- Public Support-The new application states that there is overwhelming support as evidenced by a petition. Only 33% of the New Yatt residents signed the petition, which is far from overwhelming. SACP was originally created following a series of public meetings and a survey, where it was demonstrated that there was sufficient interest in retaining the pub in the community.
- The social media remarks submitted with the application are not a true reflection of the village.
- The Pilates room will reduce car parking for the pub, will be highly visible in the street scene and will be an inadequate replacement community facility for the pub as an occasional meeting space as suggested by the applicant will not fill the gap of a public meeting space for the villagers. It will not be a community building and there will be no guarantee of availability.
- The proposal is contrary to policies H10 and TLC12 of the adopted Local Plan and Core Policies 13 and 15 of the emerging Local Plan.
- The pub has suffered recently due to the pub company's policy of charging extortionate rents and imposing draconian purchasing restrictions on the tenants, but as the landlords have sold the pub, now is the ideal time to give it a chance to prosper again.
- The pub should be able to attract custom from those working in New Yatt, from passing trade and the opportunities from those using it as a destination pub.

2.2 Mrs Haynes, Mr Tabram, Mr and Mrs Roger Bowen and Charles Ford have written in support of the application. Their comments are briefly summarised as follows:

- Support the application as the Saddlers Arms as a pub is not viable. Even 46 years ago villagers did not go there.
- The petition raised by members of the village supporting the application should have been done by Hailey Parish Council before any decision was made and that was not done.

- The alterations will not make any detrimental impact on the village as she has already said that the studio could be used for events which we have never had before.
- I was the landlord of the pub for over 20 years during which time we had 2 holidays and I suffered illness due to stress. We have watched landlords come and go and the property fall in to disrepair.
- We live opposite the pub and can advise that the pub has never been used, in fact most days and nights it was empty.
- The ACV should be removed as the process was not followed properly.

3 APPLICANT'S CASE

- 3.1 The full extent of the applicants case can be found on the Council's website. In a precised form the case is as follows:
- 3.2 The supporting details submitted with the application include a Design and Access Statement, a petition, comments from the social media and marketing details.

Design and Access Statement - Summary

'This planning application seeks permission to convert a vacant public house to a single family dwelling. In addition it is proposed to erect a studio for Pilates courses, which can also be used for community use and hire for meetings etc.

The public house has been advertised for sale twice recently and has not received any viable offers. The location of the property is within a small settlement, which means that it would rely on passing trade to survive (which is unsustainable in its nature). Given its small size and isolated location it is unlikely to be able to generate such passing trade.

Alan Crowest of TW Gaze provided marketing evidence which is documented in the previous application ref 14/0081/P/FP and is still appropriate for the current application. Further to advice from the Case Officer, the applicant further marketed the premises with UK Pub Sales for a period of 8 months, which again proved that the property was unsaleable as a going concern.

The conversion of the public house will provide attractive family accommodation and the proposed studio will provide the facility for community use.

We consider that the proposal represents sustainable development, which has a lot of local support and respectfully ask that planning permission be granted.'

- 3.3 'Following the refusal of the previous application on the grounds that there was sufficient evidence of the marketing of the property as a viable public house, the applicant was advised to market the property again for another 8 months;
- 3.4 Details of the marketing particulars are included in supporting documentation attached and was widely advertised in various periodicals such as Daltons Weekly, Morning Advertiser, The Publican and The Pub and Bar Magazine.

- 3.5 Only one expression of interest was received from a gentleman who failed to turn up.
- 3.6 A petition was carried out at the Post Office in North Leigh whereby the vast majority of residents are happy for the pub to be changed to residential on the grounds that it is not viable as a going concern.
- 3.7 Various members of the public also support the change of use of the pub on social media.'

Comments from the Local Community Social Media

- 3.8 This consists of 4 A4 pages containing 15 comments of support for the change of use.

Petition

- 3.9 The title of the petition is 'LET THE SADDLERS GO' and the action petitioned for is described as 'We, the undersigned, are concerned residents who wish change of use and removal of ACV'
- 3.10 The petition has 72 signatures from people living in New Yatt, Hailey, East End, North Leigh, Long Hanborough, Witney, Delly End and Ramsden.

Marketing

- 3.11 Saddlers Arms was placed on the market on 21st March 2014. The instruction to place the Saddlers for sale with UK pubs was agreed with the Council. UK pubs prepared and forwarded details of The Saddlers to clients they held on file. They also advertise in hard copy and on line format. During that time there was one enquiry and the gentleman failed to turn up. New Yatt was considered too small a trade area and too close to Witney.
- 3.12 The pub was advertised at an asking price in the region of £375,000 which was at the recommendation of Gareth Halton of 'UK Pub Sales'.
- 3.13 The applicant has commented in respect of the Parish Councils consultation response. In summary she has commented as follows:
- 3.14 The studio is further from the highway than other properties in the lane so is not detrimental to the street scene.
- 3.15 There was NO community bid. The community did not want to bid as they do not want a pub in New Yatt. They were never asked to contribute to a bid. This can be seen from the petition attached to this application

4 PLANNING POLICIES

BE2 General Development Standards

TLC12 Protection of Existing Community Services and Facilities

OS4NEW High quality design

E5NEW Local services and community facilities

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks a change of use of the pub to a dwelling with an extension to form a granny annex and the erection of an outbuilding on part of the car parking area to the front of the pub to provide a pilates studio and meeting room for the local community

Background Information

Planning History

- 5.2 13/1299/P/FP - A planning application to convert the public house to a dwelling with extensions was withdrawn.
- 5.3 14/0081/P/FP - Planning permission was refused for the conversion of the pub to a dwelling together with extensions on the grounds that there was insufficient marketing evidence submitted with the application to demonstrate that the operation of the premises as a pub was not viable.
- 5.4 The Saddlers Arms is listed as an Asset of Community Value.
- 5.5 This proposal is part retrospective in that the first and ground floor of the pub are presently being occupied by the applicant and her family. A recent site visit by officers has noted that whilst the former bar area is not being used for living purposes it is being used as a storage area in association with the residential use. In addition the former kitchen serving the pub has been stripped of it's fittings and is being used as a living area as well as a kitchen for the applicant and her family. The former conservatory dining area serving the pub also showed signs of being used in association with the present residential use.
- 5.6 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

Conversion of existing public house

- 5.7 Policy TLC12 of the West Oxfordshire Local Plan 2011 and E5 of the emerging Local Plan 2031 seek to resist development which would result in the loss of community facilities and services. The relevant adopted and emerging local plan policies state that public houses are considered to be important community facilities. The main thrust of both TLC12 and E5 is that the loss of facilities such as 'The Saddlers Arms' will only be supported where the existing use is not viable or adequate and accessible alternative provision remains or will be provided.
- 5.8 Given that this is the only public house remaining in New Yatt officers do not consider that it could be argued that there is accessible alternative provision. The nearest other public houses are located within North Leigh some distance away. Given this officers consider that the proposal does not meet with this criterion of Policy TLC12 and E5 of the adopted and emerging local plans. The applicant has offered the use of the proposed pilates studio building as an alternative facility to serve the community in terms of a potential meeting room. Officers

consider that this alternative facility by reason of its limited size and limited availability for community use is not an adequate alternative provision to the pub for community use.

- 5.9 Turning to the criterion relating to viability the applicant needs to demonstrate that the existing use as a public house is not viable and is incapable of being made viable or adapted to retain a viable service or facility including a community run enterprise. This requires a robust marketing exercise being undertaken over a reasonable period time with the property being marketed at an appropriate price. The full results/details of that marketing exercise then need to be submitted together with any planning application in order for the matter to be assessed in respect of viability. Such information/details should include the following:

A copy of the particulars used throughout the marketing;
Details of how, when and where the property was advertised and for how long;
Any variations, such as particulars or price, during the marketing period;
Number and types of enquiries received;
Number of viewings;
Reasons for enquirers not making an offer;
Reasons for refusal of an offer.

- 5.10 Whilst it is clear from the application submission that the pub was advertised for sale through 'UK Pub Sales' and in hard copy and on line format (Daltons weekly, Morning Advertiser, The Publican and Caterer and Hotel Keeper) with offers invited for £375,000 Freehold (£140,000 more than the applicant paid for the property in July 2013), the marketing information submitted with the application does not contain any additional details other than the fact that during the marketing period there was one enquiry who failed to 'turn up'.
- 5.11 Whilst officers acknowledge that the public house trade has become more difficult over recent years, there are a number of public houses which have adapted and survived through difficult times. The marketing exercise required in order to demonstrate that the existing use is no longer viable is intended to explore options of other ownership arrangements which may be more successful. The extremely limited marketing details submitted with this application do not demonstrate in your officers opinion that the use of the property as a public house is not viable, particularly in light of the offer made by 'The Saddlers Arms Community Pub Limited' to buy the pub for £275,000 in response to the pub being put up for sale in 2014 (£40,000 greater than the purchase price in 2013).
- 5.12 Having regard to the limited marketing information submitted with the application and a reasoned justification for a freehold asking price of £375, 000, given that a year earlier the pub had been purchased for £235,000 and the fact that an offer of £275,000 to buy the pub for the benefit of the community was turned down, it has not been demonstrated to the satisfaction of the LPA that the property has been robustly marketed at an appropriate price, for an appropriate period of time, with a true intention to dispose of the property when a seemingly appropriate offer was made. Given this, officers consider that the principle of the change of use of the public house, based on the information provided with this application, is unacceptable as it is contrary to policy TLC12 of the West Oxfordshire Local Plan 2011 and E5 of the emerging Local Plan 2031.

Siting, Design and Form

- 5.13 In respect of the extension to the building to provide a granny annex, the merits of this part of the application are considered acceptable in design term.
- 5.14 The freestanding building however, to provide pilates/community meeting space by reason of it's location forward of the pub within the car parking area serving the pub is considered to result in an unacceptable highly intrusive and alien feature within the village street scene, contrary to policy BE2 of the adopted WOLP and OS4 of the Emerging Local plan 2031.

Highway

- 5.15 Highways have not commented to date.

Residential Amenities

- 5.16 There will be no adverse impact on residential amenity from any of the elements of this application.

Conclusion

- 5.17 In light of the above planning assessment this application is recommended for refusal on two grounds as the proposals are considered contrary to policies BE2 and TLC12 of the adopted Local Plan 2011 and OS4 and E5 of the emerging Local Plan 2031.

6 REASONS FOR REFUSAL

- 1 Having regard to the limited marketing information submitted with the application and the fact that a seemingly fair and reasonable offer to buy the pub for the benefit of the community was turned down, it has not been demonstrated to the satisfaction of the LPA that the property has been robustly marketed at an appropriate price, for an appropriate period of time, with a true intention to dispose of the property when a seemingly appropriate offer was made. The application is therefore considered contrary to policy TLC12 of the West Oxfordshire Local Plan 2011 and E5 of the emerging Local Plan 2031.
- 2 The freestanding building, to provide pilates/community meeting space by reason of it's location forward of the pub within the car parking area serving the pub is considered to result in an unacceptable highly intrusive and alien feature within the village street scene, contrary to policy BE2 of the adopted West Oxfordshire Local Plan 2011 and OS4 of the emerging Local Plan 2031.