

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 19th October 2015

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

Application Number	I5/00647/FUL
Site Address	Land At Thorney Leys Witney Oxfordshire
Date	15th 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

Additional Representations

Mr Steven Harris has commented as follows:

Reviewing the Developers amended drawings, there is still not enough parking. 4 bed (7 person) houses will more than likely have more than 3 cars. Nowhere for visitors to park;

The flats are still 3 storeys high and NOT in keeping with the local area;

As you can see from the number of complaints, this development is not welcome and is not required with the 1000 + houses that are to be built opposite deer park road;

Why are these developers so keen on building 25 properties – money;

We need to keep some natural green areas for the local wildlife. When the fields opposite Deer Park have gone there will be nothing!!

WODC need to refuse this application ASAP otherwise more and more land will disappear.

Application Number	I5/02407/OUT
Site Address	Brooklands Nurseries 47 Shilton Road Carterton Oxfordshire OX18 1EN
Date	15th 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

Additional Representations

Additional conditions –

- 16 This decision relates to location plan 38.14.2, and site layout plans 38.14.1A and 38.14.3 as they relate to the means of access.
Reason: For the avoidance of doubt as to what is permitted.

- 17 Prior to the commencement of any residential development, a strategy to facilitate superfast 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.

- 18 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.
 - VIII Hours of site operation
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.

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Officer Recommendations	Application Withdrawn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

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
United Kingdom

THIS APPLICATION HAS BEEN WITHDRAWN

Application Number	I5/02661/FUL
Site Address	Astall House Curbridge Road Witney Oxfordshire OX28 5HR
Date	15th 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

Additional Representations

The Housing Enabling Officer advises as follows:

The original planning application made provision for 100% affordable housing, namely;

- 18 x 'Social' rented flats in Block A and
- 26 x 'Affordable' rented flats in Block B

Planning Policy seeks 40% affordable housing in Witney, being in the 'medium' value area of the district.

The revised proposal is to change the tenure of Block A from 18 x social rented to market sale units. The tenure of Block B would remain 26 x affordable rented flats.

The revised proposal whilst reducing the provision of affordable housing from 100% to 59% does exceed the policy quota for Witney.

The council understands that this change has come about as a result of the recently announced affordable rent reduction beginning in April 2016 and carrying on at 1% year on year until 2020. Just as the revenue from affordable homes will reduce so will scheme viability accordingly.

The council's housing team leader has commented that a number of market units could improve the scheme, rather than providing a mono-tenure flatted development. In addition the housing team leader asks that a local lettings agreement be entered into, whereby the age group of the occupants can be restricted, as there are concerns built on evidence elsewhere, of management issues arising from mixed age flatted developments with few amenities.

Therefore if the developer can agree to a lettings policy, and since the developer is providing above the policy provision of 40% affordable housing on this particular site, in this instance, the council will not seek detailed scheme viability

As regards the 106 package the agent advises as follows:

Witney Town Council

The figure of £2,000 per home is not directly attributable to the development, which will provide a significant quantum of green space. Furthermore, we have not been provided with the methodology of how this figure has been calculated. In the absence of any justification and as a charitable housing association, the applicant would be willing to pay £200 per dwelling as a gesture of good will as originally indicated, which would equate to £8,800.

Transport (County Council)

The applicant has been presented with a robust and clear methodology for this contribution and is willing to pay the full amount of £17,500.

Education (County Council)

It is understood that this will be one of the chosen five schemes which will make a contribution towards the expansion of the West Witney Primary school, as permissible under the Regs. Based on the calculations that have been provided, Cottsway and Maytrix are willing to enter into an obligation for the full amount of £55,594.

Arts (West Oxfordshire District Council)

As recent case law has shown, it is no longer possible to request more than five pooled sums for an obligation. In addition we do not consider that this development will have a direct impact on the arts. We note that there is no financial sum referenced in the Committee report and assume this has now been removed -please can you advise if this is not the case.

Application Number	15/02940/FUL
Site Address	30 Brizewood Carterton Oxfordshire OX18 IDE
Date	15th 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

Additional Representations

Thames Water consultation response:

Waste Comments

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

Water Comments

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

Officers propose condition 7 is removed as it is partly duplicated by condition 5 and as such not required.

Application Number	15/03048/HHD
Site Address	126 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	15th 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

Additional Representations

Amendment to Condition 2:

Notwithstanding that the development is carried out in accordance with the approved plans listed below an amended block plan showing the removal of the front projection of the proposed garage building shall be submitted and approved in writing by the Local Planning Authority before development commences.

REASON: For the avoidance of doubt as to what is permitted.

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

Application Details:

Use of the land for the storage and processing of virgin wood to produce wood chip

Applicant Details:

Ms D Bradford
c/o agent
United Kingdom

Additional Representations

Since writing the committee report, officers have received WODC Environmental Health's consultation response. Their comments are as follows:

"In respect of the above application I have no objection to make. I have read the acoustic report submitted in support of the application and would ask that the recommendations in respect of the bunding be implemented as part of any planning consent granted."

Following further questions from Mr Betteridge (see below), Richard Downham (Senior Environmental Health Officer) confirmed:

"No, it doesn't change my recommendation. All reports of this type are open to question but I am satisfied that the methodology used is typical (and suitable) for an assessment of this type. I would however, expect the new bunding to be in place prior to the commencement of chipping outside of the current bunded area."

Mr Richard Betteridge, who officers understand is writing on behalf of the Parish Council, and Mr Alec Jones, who is writing on behalf of the Black Bourton Environment Committee have raised a large number of additional questions to which officers have responded. These questions were in relation to OCC Highways consultee response, WODC Environmental Health's consultee response, and the processes and history of the operations on the application site.

Additionally, upon request Officers have received a Great Crested Newt Assessment from the applicant. This concludes as follows:

"There is potential for great crested newts to breed within ponds close to the existing operations at Black Bourton Wood Yard. Whilst it is recognised that the presence of newts is not known, it is

considered that with the adoption of the measures set out in this report, the likelihood of an offence occurring in relation to great crested newts through the continued operation of the Site is low."

Following consultation the council's ecologist raised no objection on ecological grounds subject to a condition as follows:

"All of the development works must be carried out as per the impact avoidance strategy recommendations in section 5 of the Great Crested newts Assessment (BSG ecology Oct15) . All the recommendations in the impact avoidance strategy must be permanently adhered to unless otherwise agreed in writing by the LPA

Reason - *To ensure that Great crested newts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006."*

In light of the technical consultees detailed responses which raise no objections to the proposal officers will be verbally recommending the application for approval based on the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2) 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.*
- 3) 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*
- 4) 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
- 5) 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.

- 6) No loaded HGVs shall leave the site unsheeted.
Reason: In the interests of highway safety and safeguarding the local environment.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, other than those expressly authorised by this permission, without prior planning permission from the Planning Authority.
Reason: Control is needed to protect the environmental amenities of the area.
- 8) Between the hours of 07:00 and 18:00, the noise levels arising from the development shall not exceed 50 Db (LAeq) (1 hour), freefield at any of the noise sensitive properties in the locality.
Reason: To protect the amenities of local residents.
- 9) No operation shall be carried out at the site unless signs warning the public footpath (No. 151B/11) users of site traffic are erected in accordance with locational details to be first submitted and approved by the LPA.
Reason: In the interests of safety and to protect the amenities of the footpath users.
- 10) That during the period of the operation the bunds shall be maintained at the heights specified on the approved site plan – Drawing No. 02 submitted with the planning application unless otherwise agreed in writing by the LPA.
Reason: To minimise the adverse impact of noise generated by the operations on the local community.
- 11) All of the development works must be carried out as per the impact avoidance strategy recommendations in section 5 of the Great Crested newts Assessment (BSG ecology Oct15) . All the recommendations in the impact avoidance strategy must be permanently adhered to unless otherwise agreed in writing by the LPA.
Reason - To ensure that Great crested newts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Application Number	I5/03162/FUL
Site Address	The Saddlers Arms New Yatt Lane New Yatt Witney Oxfordshire OX29 6TF
Date	15th 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

Additional Representations

Human Rights

In considering the planning merits of this retrospective application members need to consider the human rights of the applicant and her family. In this regard the following is of relevance.

Government guidance advises that where unauthorised development causes significant harm to interests of acknowledged importance formal enforcement action is justified. In addition the Planning Act requires that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. Enforcement action would require the occupants to cease residential occupation of the public house. Such action would potentially result in the current occupiers being evicted from the property that they regard as home. Bearing this in mind it could be argued that such action will interfere with their human rights.

If the sub-committee is minded to refuse the application which includes the retrospective change of use then the consequence of a refusal is that some form of enforcement action is likely to follow. Before making its decision members need to ask themselves: - does the planning harm caused by the application outweigh the effect on the applicant and their family if enforcement action is taken.

The sub-committee has to strike a fair balance between the interests of the community and the owners' convention rights. If the sub-committee decide to refuse this application they will need to consider the enforcement report later on the agenda. In that report the sub-committee will need to give a more detailed consideration of the implications of the human rights act before making their decision on enforcement.

The following comments have been received from the applicant's agent in respect of the Committee report

At 5.4 - The Saddlers is an Asset of Community Value.

The Saddlers should never have been listed as such as there has been no meeting to enable the community to vote on the issue. The Parish Council has no record of an agenda or meeting minutes to substantiate any support for an ACV. The listing should be rescinded since there is no record of the Parish Council voting to request an ACV.

In order to demonstrate compliance with Policy TLC12 the applicant only has to demonstrate that there is adequate and accessible provision remains or to be provided. There are 3 other pubs in the vicinity as well as public halls. In addition the applicant has offered the use of the proposed Pilates studio as a community facility.

It should be noted that by the amendment of the 1987 Use Classes Order by SI 2005/84 has the effect that public houses are now in Use Class A4 (drinking establishments). However, the amendment of the 1995 General Permitted Development Order by SI 2005/85 means that a change of use is permitted to A3 (restaurants and cafes); A1 (shops); or A2 (financial and professional services). Any of these uses can be implemented without the necessity of planning permission.

At 5.9 - Viability of The Saddlers as a Public House

The applicant has undertaken two attempts to market the pub, which are well documented in the previous application as well as the current application. The applicant has spent the best part of £1000 on the most recent attempt to market the property, which is an indication that it was of serious intent.

There have been various comments by local residents that the pub has had a difficult and chequered past with closures and tenant bankruptcies. There have been ten tenants in as many years and when purchased the pub had been closed for approximately a year. Sadly due to the economic climate and social changes the Saddlers has unviable as a business.

There are 55 dwellings in New Yatt with approximately 120 residents, which is not a sustainable number to make the pub viable. The pub would need to draw custom away from other public houses in the area and the Masons Arms, Woodman and the Lamb and Flag in Hailey are all struggling at present

The Council has recently permitted the change of much more viable pubs in the area to residential, namely: -

The Lamb Inn, Park Street, Bladon, 05/2269/P/FP approved 27/5/2005

The Swan Inn, Long Hanborough, 12/0500/P/FP approved 1/5/2012

The Bell Inn, Long Hanborough to 2 dwellings 13/1618/P/FP approved 7/1/2014

The Robin Hood, Hailey Road, Witney. 14/1224/P/FP approved 26/11/14

The Fox Inn, Main Road, Stanton Harcourt. 14/0485/P/FP approved 17/6/14

At 5.14 - The proposed Pilates Studio

The proposed studio can be sited anywhere within the site and constructed in materials, which are acceptable in planning terms.

Conclusion

The reason for recommending refusal on the grounds of insufficient marketing is unreasonable, as the applicant has demonstrated on two occasions that there has been little or no interest in the pub as a viable concern. This is further endorsed by the history of the site and confirmed by a previous landlord that the pub is not viable.

There is far more support locally for the pub to change to a dwelling – 72 local people signed the petition in favour whilst there are only 15 against, which should be taken into account when considering the application.

As stated above the proposed Pilates Studio can be sited in a location within the site acceptable to the Planning Authority as well as being constructed in acceptable materials. The applicant has stated that the studio would be available for community use for meetings etc.

It is hoped that the committee will take these matters into account in making its decision.