

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 18th April 2016

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

Application Number	I6/00385/OUT
Site Address	Linden House Kilkenny Lane Brize Norton Carterton Oxfordshire OX18 3NU
Date	15th April 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Carterton Parish Council
Grid Reference	427961 E 208632 N
Committee Date	18th April 2016

Application Details:

Residential development of up to 28 dwellings (means of access only)

Applicant Details:

Mr & Mrs R P And C Howse

Linden House,
Kilkenny Lane
Brize Norton
Oxfordshire
OX18 3NU

Additional Representations

Further to our recent conversation and the submitted application I have attached a confidential viability overview of the proposed scheme assuming a purely market housing scheme. I have annotated the spreadsheet with the assumptions made in respect of costs, market values of the existing and proposed new housing, as well as the level of contributions already made to the Council in respect of the earlier scheme and what my client proposes to contribute towards both affordable housing and the requested contributions from the County Council.

As you can see the development still remains unviable even with the increased numbers of units, even allowing for a benchmark value for the site based on the existing house value

The issue with this site has always been the existing high value of the existing property and extensive grounds and achieving a development proposal which will be viable in this context. The last scheme for 10 houses, retaining the existing house struggled to achieve viability because of the relatively low value of houses in Carterton against the build costs and external works for large houses and the loss of value for the existing site. The current scheme struggles to achieve positive value as build cost have increased above values in Carterton and the proposal also involves the demolition, and loss of value of the existing house. Clearly in order to be viable this scheme will need to achieve value which makes it worthwhile for the owner. This is something clearly recognized in the Aspinall Verdi report prepared for the Council in relation to CIL and affordable viability where benchmark values are given. In addition the representations that we made in relation to CIL, and which were accepted by the inspector, in relation to schemes where the existing land value is already high, needs careful consideration to ensure such sites do actually come forward and can be delivered viably is particularly relevant here.

Despite the negative viability of the site, my client does wish to make some contribution towards the provision of affordable housing over and above that previously paid to the Council (£100,000). It is also noted that the County Council are also seeking some contribution towards a number of items. We are concerned that with regard a number of these contributions that the County Council are at risk of exceeding the CIL pooling restrictions

Again my client would wish to make some contribution particularly towards the schools locally. In total they are offering a contribution of £200,000-which together with the £100,000 already paid would amount to £300,000-or around £11,100 per additional dwelling on the site towards affordable housing and primary school provision. The suggested split is £200,000 towards affordable housing and £100,000 towards primary school provision. Alternatively you may consider that a couple of 2 bed houses are secured through the Starter Homes scheme (which at 80% of market value would give a discount of around £50,000 - £55,000 for each unit. You will note that this offer is now greater than that at submission of the application.

In summary, the delivery of this site to add the Council's housing supply is reliant upon the scheme being viable. The current proposal seeks to enable this with a proposal for the larger house types the Town Council are keen to encourage and smaller more affordable market family housing. The principle of development has already been established and you will recall that there is an extant permission for a large extension on the rear of the existing house. In all the impact of the development visually is not considered to be markedly different to this existing fall back position. The proposals are supported by the local community and the scheme will make provision for contributions towards both affordable housing and services, despite a lack of viability over the proposal. The scheme is likely to be built by a local developer rather than a national housebuilder, thereby adding to the local economy and small businesses.

I would therefore urge you to reconsider your initial concerns and recommend approval of the proposal which can be considered NPPF and local policy compliant.

Application Number	I6/00398/FUL
Site Address	12 Fieldmere Close Witney Oxfordshire OX28 5DA
Date	15th April 2016
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	434560 E 209676 N
Committee Date	18th April 2016

Application Details:

Erection of dwelling (Amended Plans)

Applicant Details:

Mr David Pugh
C/O Agent

Additional Representations

Further comments from the agent:

1. The site is privately enclosed garden land, owned by the current owner of 12 Fieldmere Close.
2. In the amended scheme, the dwelling is set back blending the front face of No. 12, it is east and north east of 29 and 30 Fieldmere Close at a greater distance from them than 12, and so will not overshadow them.
3. Similarly, being set further back than 12, and with smaller bedroom windows than No. 12, there will be no significant overlooking of 29 and 30 as a result.

Application Number	I6/00460/FUL
Site Address	Mason Cottage Station Road South Leigh Witney Oxfordshire OX29 6XN
Date	15th April 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	South Leigh Parish Council
Grid Reference	439133 E 208612 N
Committee Date	18th April 2016

Application Details:

Change of use from ancillary pub accommodation to use as an independent one bed dwelling with ancillary outbuildings. Laying of a new access track, parking and turning facility, installation of air source heat pump to serve the dwelling and erection of fence (Part Retrospective)

Applicant Details:

Mr Paul Rodger
Mason Cottage
Station Road
South Leigh
Witney
Oxfordshire
OX29 6XN

Additional Representations

Letter received from Stuart Parsons of Fleurets in respect of viability:

I write further to our discussions of 1st April 2016, the email you subsequently forwarded to me from Kim Smith of West Oxfordshire District Council, dated 1st April 2016 and my report dated 19th January 2016.

I have been asked to review the requests made by the Local Planning Authority and as far as I am able, comment on them. Key issues raised area as follows:

"Fleurets' advice is an opinion only as opposed to evidence/factual information."

"As it stands at present, based on the submissions and in the absence of further additional viability evidence, I think that the case in respect of viability has not been evidenced."

I have in the past provided advice regarding the change of use and the potential financial viability of numerous public houses where I have been instructed by both Local Authorities and by owners/developers. In these cases the report relates directly to the continuing viability of a public house.

In this particular case I have not prepared a viability report in relation to the Mason Arms, my instructions were to comment on the separation of the land and buildings to the rear from the Mason Arms and I have sought to do this by demonstrating that numerous properties in the local area have transacted for continued use as public houses where a similar level of accommodation is available. I believe this case is very strongly evidenced.

It has been suggested that the future profitability of the Mason Arms can be demonstrated by the example of a similar property, in a similar location that has accounts available in the public domain to demonstrate the property makes a profit.

Without wishing to appear unhelpful I am afraid the likelihood of that being possible is quite remote. I set out below my primary reasons for this being the case:

All public houses are individual outlets with different characteristics be it the nature of the location, the appearance of the property or the configuration of the space available.

The trade mix ie wet and food sales and the pricing structure will determine the level of sales and hence the potential level of profit.

Who operates the business and under what terms the property is occupied will directly impact on the level of sales and profitability that can be achieved.

What condition is the property in, are major repairs/refurbishment required to enable the property to trade to its potential? The cost of any such works will have an impact on the long term financial viability of the business.

Public houses such as the Mason Arms, operated as a public house as opposed to a restaurant, will be in the lower quartile of public houses and as such I would suggest are primarily owned by pub co's or are properties that have been purchased from pub co's and are now owner operated. This is very much the situation that is reflected in section 3.0 of my report. In these cases accounting information will not be in the public domain simply because the vendor did not have access to such information.

Whilst I do see accounts from time to time which assist in providing the basis of my experience such information is not in the public domain and it would be a breach of confidence/data protection legislation for me to reveal such information.

I am aware that in the past the West Oxfordshire District Council has been provided with similar accounting information to that requested. However, in that case I am aware the party providing the accounts had a vested interest in a nearby property which would benefit from the closure of the public house where change of use was being sought.

I am not instructed by the owner of the Mason Arms to provide a viability report relating to the profitability of the property. It would be wrong of me to potentially prejudice the future use of the Mason Arms as a public house. What I am able to say, with all confidence and the ability to evidence the fact, is that the Mason Arms, excluding the land and buildings to the rear provides accommodation that is at least equal to a number of the properties in the area that have been sold for public house use. If the suggestion is the Mason Arms, with the land and buildings to the rear is retained, is more viable then I would draw attention to the marketing which has previously taken place of the whole and did not produce a purchaser. Indeed, the marketing goes as far as to demonstrate that parties I would have considered to be potential purchasers have either not bid or have withdrawn from negotiations.

I can only reiterate, the report I have prepared is not a report to prove, or otherwise, the financial viability of the Mason Arms, it is a report that demonstrates, as evidenced by the properties included at section 3.0 of my report, that the facilities that would remain at the Mason Arms are equal to those provided at other local public houses which have been sold for continued use.

South Leigh Parish Council- Parish Clerk

'On behalf of the Parish Council, I wanted to confirm that it was our intention to state that this unit was ancillary and never a separate dwelling, but an annexe to the pub , and was for around 20 years physically interlinked, until the recent owner blocked it off. There is therefore no "evidence" from the Parish Council supporting any established dwelling use. In our view and based on our local knowledge, it was a landlords accommodation annexed to the pub; this was what we perhaps did not make clear in our earlier submission. It should be considered as it was submitted, a change of use from former ancillary pub accommodation, set against planning policies which currently are against such changes of use in South Leigh, and refused.'

Graham Soames has commented as follows:

"I understand from the PC Chairman Mrs Nicky Brooks, that the observations in your report do not fully represent the PC views, and that she has confirmed their view that this has always been an annexe to the pub, and not a dwelling.

Thus the Planning Assessment at paragraph 5.1 on page 58 does not have PC support, and relies solely on the evidence of the applicant and agent. We have not seen any such evidence, certainly it did not come forward when the Certificate of Lawfulness was considered, which was withdrawn.

In summary, unless there is sufficient evidence that this annexe has been a dwelling for at least 4 years to date, this is a straightforward application for change of use, which in South Leigh is against your current planning policies, and should be simply refused.

Furthermore, the site plan at the beginning of your report has one significant error – The existing link building between the pub and the annexe, has been left out of the plan, giving the impression the annexe is totally separate, it is not.

I understand that though Government legislation now allows offices to residential, the other changes recently brought in include for agricultural barns to dwellings, but not just any outbuildings that related to a commercial use, as with these buildings.

Lastly, by refusing this application on lack of sufficient evidence, using strong planning grounds that can be easily defended, you give the village and other prospective buyers the best possible chance to negotiate with the two owners and so secure the future of this community and heritage asset. I appreciate that is not a reason for refusal, but you have enough reasons to refuse what even the application description calls "change of use from ancillary pub accommodation", unless other, previously undisclosed evidence still remains."

Application Number	I6/00513/FUL
Site Address	The Old Bull Inn Filkins Lechlade Oxfordshire GL7 3HU
Date	15th April 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423879 E 204287 N
Committee Date	18th April 2016

Application Details:

Conversion of outbuildings to ancillary accommodation

Applicant Details:

Philippa Mace
The Old Bull Inn,
Street Through Filkins
Filkins
Lechlade
Oxfordshire
GL7 3HU
United Kingdom

Additional Representations

Mrs Nesta Pugh of 4 Hazells Lane has commented as follows:

- 1) We are worried about the additional foul and surface water drainage into the mains system. We experience problems with the drains in the village, which is already an overloaded system. The increased load on the drainage and sewers infrastructure is likely to exacerbate these problems.
- 2) The access to the old forge is very narrow which will mean that emergency services would not be able to reach the old forge, which is a significant concern.
- 3) What measures will be taken to manage the removal of asbestos on the forge roof.
- 4) Strict conditions of use should be applied to these building.