

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 15th August 2016

**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

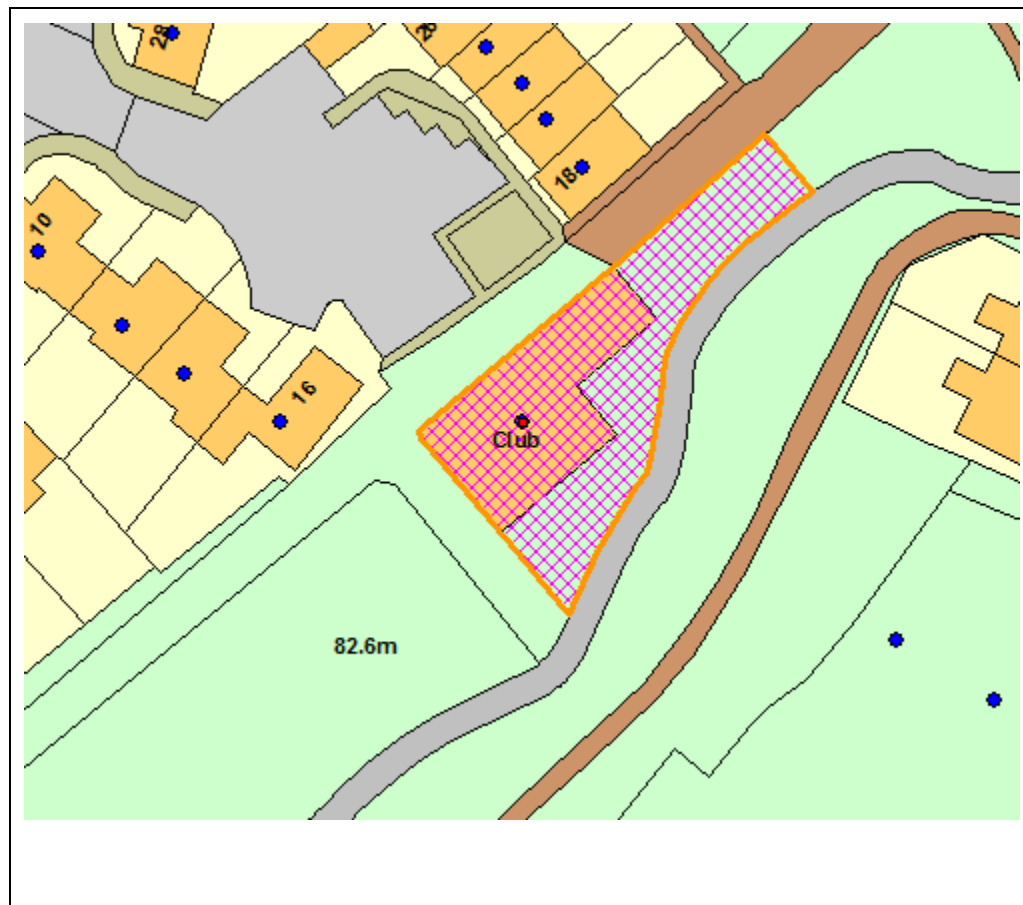
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	16/01712/FUL
Site Address	Clubhouse rear of 81 Newland Witney Oxfordshire
Date	3rd August 2016
Officer	Cheryl Morley
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	436514 E 210021 N
Committee Date	15th August 2016

Location Map



Application Details:

Remove sports club and erection of dwelling and garage.

Applicant Details:

Mr David Marshman
97 Hailey Road
Witney OX28 1HJ

I CONSULTATIONS

- I.1 OCC Highways
- The proposed use, if permitted, will reduce the vehicular and pedestrian movements associated with the site. Access is proposed to taken from the existing public footpath. The site has a right of vehicular access to the property. The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network. No objection subject to:
- G36 parking as plan
- I.2 WODC Env Health - Lowlands
- I have no objection to the above application but would recommend the following condition:-
1. 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
- 2 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.
- I.3 WODC Drainage Engineers
- According to the EA flood maps, the entire site is situated within flood zone 3, which is land assessed as having a 1 in 100 or greater annual probability of river flooding. In addition, the entire application site is show as being susceptible to surface water in a 1 in 30, 1 in 100 & 1 in 1000 year storm. According to GIS layers, this application site has not been flooded previously. According to GIS layers, the application site is at a medium risk of

ground water flooding.

The site is abutted on its eastern boundary by the Madley Brook (Enmained) watercourse.

According to contour information , the site is situated on a relatively flat gradient, with a very gentle fall from north east to south west and south east of approximately 0.6m. The proposed surface water drainage system/s must not increase the flood risk to any neighbouring residential, land or highway.

FRA has been submitted.

Existing approximate levels;

1. Existing building ground levels range from 82.93m AOD (north eastern corner) to 82.75m AOD (south eastern corner)
2. Bed of Madley brook 81.5m AOD
3. Bank level of Madley Brook 81.55m AOD
4. Maximum flood level reached in a 1 in 100 year + 20% CC flood event 82.69 AOD.

FEH

Catchment area of 4.6km² from New Yatt down to B4022 obtained from FEH and used in hydrological modeling.

Hydraulic modeling

Using a roughness of 0.055, the model has predicted in the 1 in 100 year + 20% CC design flow, that the maximum water level reached at the site would be 82.61m AOD. However, using a roughness of 0.045, the maximum water level reached at the site during a 1 in 100 year storm + 20% CC, is 82.69 AOD.

We would like to see the level of 82.69 AOD used as the maximum water level reached during a 1 in 100 year + 20 % CC storm, as it is highly likely that the banks of the river will be heavily vegetated for at least six months of the year.

Can you please provide us with the estimated maximum water level during a 1 in 1000 year storm?

The proposed replacement dwelling FFL

It is proposed that the replacement dwelling will be constructed on stilts to provide a FFL of 84.49m AOD. We welcome this, as from adopting this type of construction, it will enable the free passage of water through/under the proposed dwelling at times of flood. In addition, as there will be a reduction on impermeable area on the site, the flood storage capacity at the site will be increased.

Proposed garage FFL

The proposed garage FFL/ slab level is to remain the same as existing. We would instead like to the FFL/slab level of the impermeable garage raised 0.3m above the maximum flood level of 82.69 AOD or preferably 0.3m above the 1 in 1000 year flood level for the area when obtained.

Access/Egress from the site

Until a 1 in 1000 year flood level has been provided for the area, then we are unable to comment on this section, except to say, that due to the known surface water susceptibility on the adjacent access/egress, this access/egress could be compromised during an intense rainfall event. Furthermore, if it were to flood, then this could result in residents/visitors being unable to leave the area and therefore isolation for the residents/visitors of this site could occur. Please note that emergency plans and emergency routes for safe access and egress are required.

The SuDS hierarchy must be adhered to.

Greenfield (Land that has not been previously built on)

If the proposed increase in impervious area exceeds 25m², then the proposed surface water drainage system/s should be designed in accordance with BRE365 to accommodate up to and including a 1 in 30 year + 30% CC storm event. However, the site must contain surface water for all return periods up to and including the 100 year + 30 % CC storm event. Therefore, it is a recommendation that the proposed surface water drainage system/s is/are designed to accommodate up to and including a 1 in 100 year storm event + 30 % CC, otherwise the site would need to flood itself.

Brownfield (Land that has been previously built on)

The calculation to determine brownfield rates should be carried out in accordance with CIRIA C753 section 24.5. We would expect to see the existing/proposed surface water drainage system achieve a minimum of a 40% reduction in peak runoff volume. We are however happy for the applicant to design a new surface water drainage system to accommodate all return periods up to and including a 1 in 100 year storm + 30% CC.

General

We welcome the use of Rain Water Harvesting.

A drainage plan will need to be submitted, showing the location, Form and sizing of the proposed surface water drainage system/s. An exceedance plan must be submitted, showing the route At which surface water will take, if the existing/ proposed surface water drainage system/s were to over capacitate and surcharge. This must however have no profound effect on any neighbouring, private property or land. In addition, we would like to see existing/proposed levels incorporated onto this plan. A construction detail will be required for any proposed permeable/granular construction.

I.4 Environment Agency

The site is located entirely within flood zone 3 as indicated by our Flood Maps for Planning, and is bordering the Madley Brook which is designated as a main river.

Environment Agency Position

We have reviewed the submitted documents and in the absence of an acceptable Flood Risk Assessment (FRA) we object to the application

and recommend refusal of planning permission on this basis for the following reasons: Reason 1 The FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA fails to demonstrate:

1. The climate change allowances used are not in line with current guidance.
2. An unsatisfactory range of climate change allowances have been assessed based on the type and lifetime of the development, without a satisfactory explanation.
3. The loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development has not been adequately mitigated for.
4. Level for level flood plain compensation is not achievable at this site.

Reason 2 The proposed development is unacceptable because it involves building within 8 metres of a main river and would be unlikely to receive Environment Agency consent for the works for the following reasons:

1. The current proposal restricts essential maintenance and emergency access to the Madley Brook. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works.
2. The building/ structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/ erosion.

- | | | |
|-----|------------------------------|--|
| I.5 | Town Council | Mrs S Goth Witney Town Council has no objections to this application. |
| I.6 | WODC Planning Policy Manager | A North East Development Area was identified within the adopted West Oxfordshire Local Plan as a Comprehensive Development Area (Proposal 8). This area has been developed and is now known as Madley Park. An important element of this mixed use site was the relationship of development to Madley Brook; the brook forms the basis of a linear park that runs through the area, providing a central 'lung' of green space and structural landscape - a valuable area of Green Infrastructure in the town. It also forms an important component of the improved footpath/cycleway network both within the area and linking Madley Park to Church Lane/Langel Common and the town centre - this connection and, in particular, the safe and pleasant environment to the town centre was an important consideration when originally allocating land for development at NE Witney. |

The linear park runs from the northern end of Jubilee Way, through Madley Park to Newland. It is identified as Amenity Open

Space/Structural Landscaping Area in the Witney Inset Map. Adopted Policy BE4 seeks to protect open space, particularly those areas that contribute to the visual amenity or character of the locality or provide a facility for local residents. The pedestrian/cycle route through the linear park is identified as a route for improved pedestrian and cyclist provision in the Witney Inset Map. Adopted Policy T2 seeks to protect, improve and extend such routes. Given the importance of this area of Green Infrastructure, any proposal which undermines its role, particularly in terms of openness and access, should be resisted. In addition, Madley Park has ecological value and is lined by trees which significantly contribute to the character of the area.

A further important consideration is that of flood risk. It would appear that this site lies within Flood Zone 2 and 3. National and local planning policy directs housing development to area of low flood risk.

Key planning policy consideration:

Adopted Policies BE2, 3, 4, NE6, 7, 13, T2, H2

Draft Policies OS2, 4, H2, T3, EH1, 2, 3, 5, 6

One further policy consideration is that of protecting existing community services and facilities (Policy TLC12). Has evidence been provided to justify the loss of this community facility?

2 REPRESENTATIONS

2.1 Two letters of representation have been received to date and are summarised below:

Mrs C Myrdal - 83 Newland

After visiting WODC today I would like to list my concerns.

Highways

The lane runs past our house, garden and parking area, which may make day to day use during building and when completed an issue. The lane is narrow and would need radical cut back to make room for pedestrians and traffic which will spoil the present peace and quiet, compared with the noise of the main road itself. Also I was wondering what and where provision for waste collection would be. Although I have looked at the plans I believe the risk of flooding may be increased further around our house which is not built on stilts. The strip of land behind 83 provides a certain amount of protection from flooding as the overgrown 10% open space required by wodc for the Kingsfield development, although our house did flood quite badly in 2007 when the stream and drains overflowed. Without wanting to sound like a nimby resident, there is new housing to the left and right of our property, one more may not be harmful. I would like you to consider the points I have raised.

Mr Enright - 85 Newland

Replacing the clubhouse makes sense. The design looks OK as long as it does not add to flooding concerns (83 and 85 Newland were flooded badly in 2007). Access is via a footpath and

needs careful consideration and design to allow this while letting foot traffic continue. Paving and improvement including lighting are required. The neighbouring strips of land are not maintained. Are they WODC land? In any case a plan for surrounding areas would be needed presumably by the new residents.

3 APPLICANT'S CASE

As stated in the Design and Access Statement:

The building has been designed with the use of traditional materials and adheres to the guidance within the West Oxfordshire Design Guide.

The dwelling has been designed to be highly sustainable in terms of its construction and carbon footprint. It has been designed to achieve Code Level 5 of the code for Sustainable Homes, which is a very high target in terms of sustainability and energy efficiency.

The application proposes a contemporary designed house with an L-shaped plan on the site of the existing unsightly redundant sports club which is to be demolished. In this respect there will be a net visual benefit to the appearance of the Conservation Area.

In all respects, the project is highly beneficial both providing a dwelling on this redundant site, and improving the appearance of the site by demolition of the current unsightly building. It will also clear the existing site and will also be significant contribution to the character and distinctiveness of the conservation area and Witney as a whole.

The planning application is therefore in full compliance with relevant policies of the current Local Plan and the proposed Local Plan of West Oxfordshire District Council and would create a series of planning benefits and therefore should be approved.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE8 Development affecting the Setting of a Listed Building
TLC12 Protection of Existing Community Services and Facilities
H7 Service centres
OS2NEW Locating development in the right places
OS4NEW High quality design
T4NEW Parking provision
EH7NEW Historic Environment
E5NEW Local services and community facilities
H2NEW Delivery of new homes
BE4 Open space within and adjoining settlements
NE6 Retention of Trees, Woodlands and Hedgerows
NE7 The Water Environment
NE13 Biodiversity Conservation
T2 Pedestrian and Cycle Facilities
EH2NEW Biodiversity
EH3NEW Public realm and green infrastructure
EH5NEW Flood risk

EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal relates to Newlands Sports Club which is a fairly dilapidated building with an uncharacteristic slack pitched form, set back from Newland Road. The proposal is to replace this building with a two storey three bed dwelling, constructed with a flat roof and L shaped form.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Neighbouring Amenity;

The surrounding street scene;

The loss of a community facility;

Flooding;

Highways.

Principle

- 5.3 In relation to principle of development, the main issue would be the loss of an existing community facility.
- 5.4 Policy TLC12 of the adopted West Oxfordshire Local Plan 2011, refers to the protection of such facilities and states that these should not be lost unless the existing use is not viable or there is adequate and accessible alternative provision remaining or will be provided elsewhere. In terms of the emerging Local Plan 2031, the Council is continuing its approach with Policy E5 where the Council seeks the retention of community services to meet local needs and to promote a social wellbeing, interests, interaction and healthy inclusive communities. Proposals that would result in the loss of community facilities and services will only be supported where it can be clearly shown that: a) appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain, or: b) in the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise will be required to demonstrate that the use or premises is unviable in accordance with separate guidance published by the Council.
- 5.5 The National Planning Policy Framework (NPPF) also promotes healthy communities and aims to guard against unnecessary loss of valued facilities and services. In addition, access to opportunities for sport and recreation should be made available and existing sports and recreational buildings should not be built upon unless assessment has been undertaken which clearly shows the building space to be surplus to requirements, or that the loss could be replaced by equivalent or better provision.

- 5.6 The applicant has chosen not to submit any further justification or marketing information to demonstrate that the use is unviable and therefore officers are of the opinion that the proposed development could not be supported in principle.

Siting, Design and Form

- 5.7 Due to the location of the site the dwelling would be significantly set back from the existing street scene, although there are surrounding residential properties in close proximity, these are located on established residential streets and the proposed development would not be forming an attachment to these but instead would be located individually with a separate access. The dwelling would therefore form part of a clear stretch of land that has been undeveloped apart from the existing Sports Club. Officers are therefore of the opinion that the proposed development would not reflect the existing settlement pattern or scale of the surrounding properties. It would also have a much more prominent form which would be highly visible from Kingsfield Crescent to the west. The proposed dwelling does not draw from its surroundings nor reflect the design and style in the vicinity.
- 5.8 In terms of policy it should also be noted that a North East Development Area was identified within the adopted West Oxfordshire Local Plan as a Comprehensive Development Area (Proposal 8). This area has been developed and is now known as Madley Park. An important element of this mixed use site was the relationship of development to Madley Brook; the brook forms the basis of a linear park that runs through the area, providing a central 'lung' of green space and structural landscape - a valuable area of Green Infrastructure in the town. It also forms an important component of the improved footpath/cycleway network both within the area and linking Madley Park to Church Lane/Langel Common and the town centre - this connection and, in particular, the safe and pleasant environment to the town centre was an important consideration when originally allocating land for development at NE Witney.
- 5.9 The linear park runs from the northern end of Jubilee Way, through Madley Park to Newland. It is identified as Amenity Open Space/Structural Landscaping Area in the Witney Inset Map. Adopted Policy BE4 seeks to protect open space, particularly those areas that contribute to the visual amenity or character of the locality or provide a facility for local residents.
- 5.10 The pedestrian/cycle route through the linear park is identified as a route for improved pedestrian and cyclist provision in the Witney Inset Map. Adopted Policy T2 seeks to protect, improve and extend such routes.
- 5.11 Given the importance of this area of Green Infrastructure, any proposal which undermine its role, particularly in terms of openness and access, should be resisted. In addition, Madley Park has ecological value and is lined by trees which significantly contribute to the character of the area.

Flooding

- 5.12 As part of the application process the Environment Agency were consulted on the application and have objected to the application on the basis it is located in flood zone 3 as indicated on their flood maps and is bordering the Madley Brook which is designated as a main river.

- 5.13 They reviewed the submitted documents and in the absence of an acceptable Flood Risk Assessment (FRA) and therefore object to the application and recommend the refusal of the application for the following reasons:

Reason 1:

The FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to demonstrate:

1. The climate change allowances used are not in line with current guidance.
2. An unsatisfactory range of climate change allowances have been assessed based on the type and lifetime of the development, without a satisfactory explanation.
3. The loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development has not been adequately mitigated for.
4. Level for level flood plain compensation is not achievable at this site.

Reason 2:

The proposed development is unacceptable because it involves building within 8 metres of a main river and would be unlikely to receive Environment Agency consent for the works for the following reasons:

1. The current proposal restricts essential maintenance and emergency access to the Madley Brook. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works.
2. The building/ structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/ erosion.

- 5.14 Given the above objections officers are also of the opinion that the proposed development could not be supported due to the potential for flooding and the objections raised by the Environment Agency.

Highways

- 5.15 The local highways authority were consulted on the application and have provided the following comments:

The proposed use, if permitted, will reduce the vehicular and pedestrian movements associated with the site. Access is proposed to be taken from the existing public footpath. The site has a right of vehicular access to the property. 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 parking as plan.

Residential Amenities

- 5.16 In terms of neighbouring amenity officers consider the proposed development would not cause an undue adverse effect in regards to the loss of light but there would be an increased amount of overlooking to the neighbouring properties.

Conclusion

- 5.17 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is not acceptable on its planning merits and therefore should be refused.

6 REASONS FOR REFUSAL

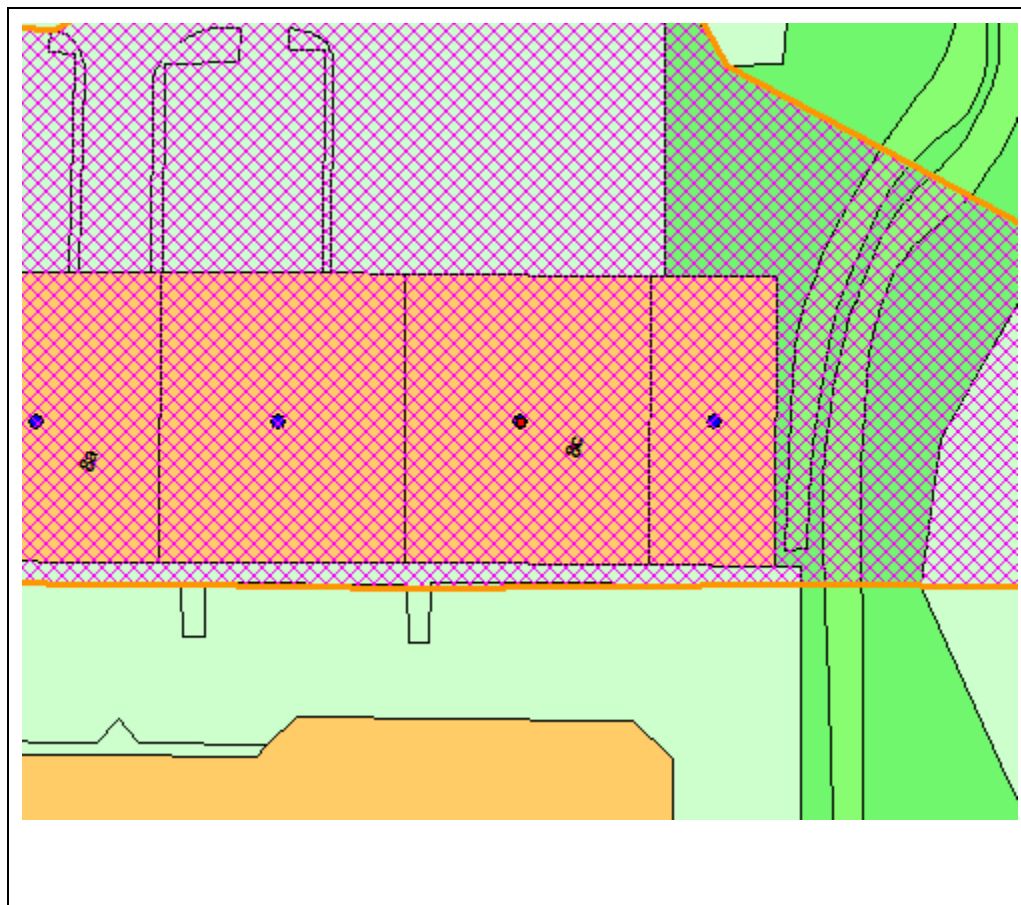
- 1 By reason of its prominent siting in the area designed as part of the Madley Park development brief to be open space, the proposed dwelling would appear visually incongruous and harm the rural appearance of this key off road transport route and would be contrary to policies BE2, BE3, BE4, NE6, NE13, T2 of the adopted West Oxfordshire Local Plan 2011 and OS2, EH7, EH1, EH2, EH3 of the emerging Local Plan 2031 and the relevant policies of the National Planning Policy Framework.
- 2 The proposed development involves building within 8 metres of a main river and would restrict essential maintenance and emergency access to the Madley Brook. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works. Furthermore the building/ structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/ erosion. As such it is contrary to policies NE7 and NE10 of the Adopted West Oxfordshire Local Plan 2011, EH5 and EH6 of the Emerging Local Plan 2031 and the relevant policies of the National Planning Policy Framework.
- 3 The FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA fails to demonstrate:
 1. The climate change allowances used are not in line with current guidance.
 2. An unsatisfactory range of climate change allowances have been assessed based on the type and lifetime of the development, without a satisfactory explanation.
 3. The loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development has not been adequately mitigated for.
 4. Level for level flood plain compensation is not achievable at this site.

Additionally no information has been provided to demonstrate that the sequential test can be passed. As such it is contrary to policies NE7 and NE10 of the Adopted West Oxfordshire Local Plan 2011, EH5 and EH6 of the Emerging Local Plan 2031 and the relevant policies of the National Planning Policy Framework.

- 4 By reason of the lack of an adequately detailed marketing exercise, the application fails to demonstrate that the operation of the premises as a sports club is not viable or that an alternative community use has been fully explored. As such, the development is contrary to Policies BE2, H7 and TLC12 of the West Oxfordshire Local Plan 2011, Policies OS1, OS2, and E5 of the emerging Local Plan, and the relevant policies of the National Planning Policy Framework.

Application Number	16/01849/FUL
Site Address	8C Witan Park Industrial Estate Witney Oxfordshire OX28 4FH
Date	3rd August 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435868 E 208754 N
Committee Date	15th August 2016

Location Map



Application Details:

Erection of extension and car park extension (amended description).

Applicant Details:

E-Z-Rect Ltd C/O Agent
8C Witan Park Industrial Estate
Witney OX28 4FH

I CONSULTATIONS

- 1.1 Town Council Mrs S Goth Witney Town Council objects to this application on the grounds that the development appears to be building over a drainage ditch, giving rise to concerns about fluvial flooding. and also on the grounds that trees are due to be removed, which is contrary to policy NE6 of the WOLP.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

No objection
- 1.3 WODC Drainage Engineers Further information required.
- 1.4 Thames Water No Comment Received.

2 REPRESENTATIONS

- 2.1 No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 The application was submitted with a design and access statement which can be viewed online alongside the rest of the application. The conclusion states:

This statement has set out in detail the design rationale to the proposal in the context of current Development Plan policy. The Statement has described how the location of the site and the associated site opportunities and constraints have influenced the design process and how the scheme proposed follows an iterative examination of these issues.

The outcome is an appropriate design and layout that will facilitate the continued growth and success of this important local business. Furthermore, the proposal will result in much needed job creation within Witney.

The design and layout would safeguard the amenities of the surrounding properties and provide a safe and secure environment.

Most importantly, the proposal is an essential requirement to ensure the success and longevity of this existing important enterprise and is therefore entirely supported by the Local Plan and the NPPF (2012).

4 PLANNING POLICIES

E7 Existing Businesses
BE2 General Development Standards
BE3 Provision for Movement and Parking

T4NEW Parking provision
OS4NEW High quality design
E1NEW Land for employment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for the erection of a two storey extension to the side of the existing industrial building as well an extension to the existing car parking area.

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

Principle

5.3 The application site is located in Witney within one of the industrial estates. Policy E7 of the local plan refers to existing businesses. The policy states that proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality will be permitted.

5.4 The application site is located at the end of one of roads in the industrial estate and is surrounded by a number of other business and commercial premises. Officers are of the opinion that the expansion of the site in the proposed location would be logical given the nature of the site and surrounding development, and the scale would be considered commensurate with the character of the area. The expansion of the site is therefore considered acceptable in principle.

Siting, Design and Form

5.5 The extension will be highly visible from the street scene but is well screened from more public long views due to the level of screening which is present on the land adjoining the site.

5.6 The extension has been designed to be in keeping with the existing design, height and general arrangement of the main building. Whilst the extension will feature a significant footprint and would not be read as a subservient addition to the main building, officers are of the opinion that the extension would create a visually appropriate relationship with the main building. The extension would also be viewed against the existing commercial buildings in the vicinity which already vary in terms of their design scale and position. It is considered that the extension would not have an unacceptable impact on the site or wider area.

5.7 The extension to the car park would form a logical addition to the existing car park arrangement and is not considered to have an adverse impact on the character and appearance of the street scene in this position.

5.8 The Town Council also object to the scheme due to the removal of the trees. At the time of the site visit a number trees had already been removed and given that they aren't protected there is no control on their removal.

Highways

- 5.9 Oxfordshire County Council Highways have been consulted on the application and raises no objection to the increased building size or the extension to the car parking area.

Residential Amenities

- 5.10 The building is well distanced from residential properties as well as other commercial buildings. The scheme is therefore not considered to be overbearing, nor will it impact on the outlook or light available to the neighbouring businesses.

Other Matters

- 5.11 The Town Council has objected to the application on flooding grounds. The Council's drainage engineers have requested further details relating to the issue of the drainage ditch and bund which is likely to be affected by the development. Officers have therefore requested that these details be provided for consideration and in order to ensure that the development will not exacerbate any drainage issues. These details have not been provided at the time of writing the report and will therefore be reported either via the late reps or verbally at the meeting.

Conclusion

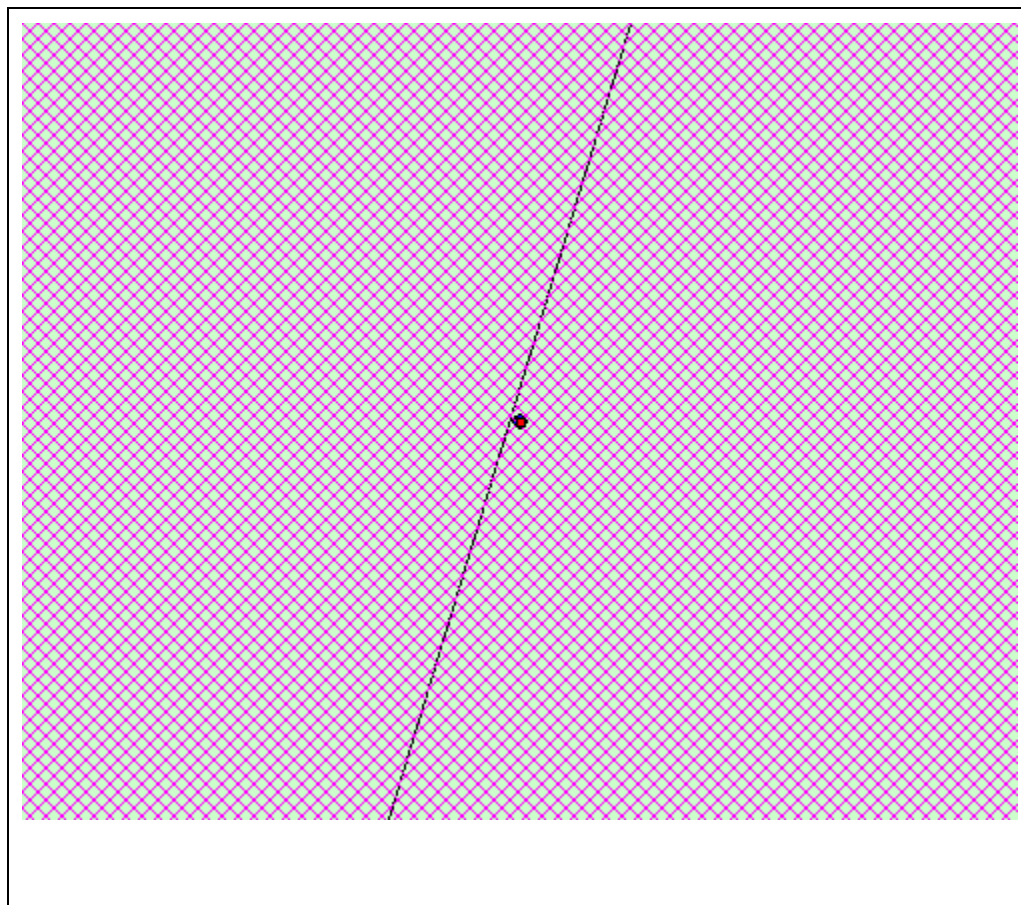
- 5.12 Having taken into account material planning matters, and balancing the concerns raised with regard to drainage officers are recommend that subject to acceptable drainage details being provided, the application should be approved.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 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 materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.
REASON: To safeguard the character and appearance of the area.

Application Number	I6/01902/OUT
Site Address	Land North of New Yatt Road North Leigh Oxfordshire
Date	3rd August 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	North Leigh Parish Council
Grid Reference	438125 E 213146 N
Committee Date	15th August 2016

Location Map



Application Details:

Residential development comprising of up to 40 dwellings together with access, open space and associated works.

Applicant Details:

Kier Group
CO Agent

I CONSULTATIONS

I.1 Parish Council

1. A significant loss of hedgerow along the frontage to create sight line which will open the site up and make new houses very visible and thus impact on rural setting and landscape on the edge of the village; with long term damage to other hedgerows and undisturbed habitats ideal for nesting birds etc. The winter photos do not show site as it is in summer - verdant green from foliage- Green Lane says it all! The house in Green Lane is called Verdant Cottage.

2. A devastating impact on old pasture rich with wild flower species, habitat for barn owls and other flora and fauna. Badger set down green lane not far away- this is ideal forage area for badgers - undisturbed. Applicant suggests management plan for transferred flower rich turf but who would ensure proper management and what would the cost be in perpetuity?

3 Surface water drainage not clear where water goes after balancing pond- ditches along Green Lane are very poor so could lead to flooding in Green Lane.

4 The Kier Group are not house builders - this is an outline application the only reliable detail being the proposed access - all the rest could and probably will change - there are no real means of judging the height of new dwellings and how they relate to the local landscape and any properties nearby.

5 The site and proposal does not relate well to the village- it is out on a limb well away from the main facilities of the village so in breach of policies BE2 and 3. It also fails, under the same policy, to respect the existing scale pattern and character of the surrounding area. Further it fails to create a satisfactory environment for people to live in or visit, and existing features are either irreparably damaged or severely impaired. The surrounding area which is largely rural is adversely affected- the site is part of the Wychwood Project area. The form and scale of the dwellings and the materials cannot be assessed in all the above as there is little information provided - being an outline application where plans are purely illustrative and not binding.

6 Policies H2 and 3 - proposals should not erode character or appearance of surrounding area- scheme most certainly does exactly that - so in breach.

7 No bus stop that close and pedestrian access assumes connection to existing footways which are not there because the site is beyond the edge of the village. The access onto Green Lane is onto a single track lane where there is no path at present until 50 yards east where one starts- so children will have to walk along the road to start with- surely unacceptable in safety terms. The access onto New YATT ROAD shows a footway which is not there and would have to cross a number of household driveways on that side of the road- the plan shows a path leading to the junction with Green lane further east where there is not room to put a 1.8m footway without narrowing the road - we question whether the proposal can be delivered safely, let alone who would pay for the work should it be allowed. The

applicants own transport and access consultant sums up the audited risks very clearly on page 16 para 4.9 but the scheme fails to address the risks - see also page 4 para 5.1 and 5.2 of road safety audit. New Yatt road is a well-known rat run and not somewhere to be taking children along in the morning rush hour.

8 Remarkably the applicant claims there will be a negligible impact on traffic on New Yatt Road. If 40m houses are built then there are likely to be 80 plus cars most of which will move twice a day so we cannot believe their desk top figures. The survey figures show heavy west bound traffic but we wonder if this should not be eastbound as many people come from Witney and other villages from the west to get to the A4095 thru the village. Traffic speeds are already all at 30mph or just over so risk is higher than if average speeds were nearer 25mph.

9 The access is very close to a blind bend with poor cambering and observation of vehicle movements makes it clear that both to the east and west of the site access vehicles come over the white lines and traffic from 40 dwellings being introduced at this point on top of possible traffic from the Gladman site opposite - if approved on appeal could be up to 76 houses - this would be beyond madness! This road is a country lane C road already unsuited to the level of existing traffic (with fair proportion of HGVs and vans accessing New Yatt business park. Surely the sight lines should be 90 metres in both directions?-

10 The applicant suggests the open space proposed would benefit the whole village and that the village already has an excellent range of public open spaces- I would disagree completely- Cuckamas Green and the adventure playground are scarcely enough for NL.

11 Thames Water have said the sewage system is not capable of taking extra flows. This and another 76 houses on Gladman site if approved and the system has endless problems with bursts and leaks and pumping failures over recent years- it was originally designed for when the village was probably 2/3rds its current size.

12 No mention of affordable housing element - so in breach of policy requiring that a percentage are affordable.

13 Part of the field where the electricity transformer is on a pole is excluded from the proposal- what is going to happen to that strip of land, what is its proposed use and how will it be accessed? -Surely the existing gateway will be closed off if a new access is created - having a stay from an electricity pole across part of the splay already makes it unsuitable.

In short the scheme should be rejected.

I.2 Major Planning
Applications Team

Objection.

The access road should be a width of 5.5m and clearer details should be provided of all the accesses showing vegetation to be retained and to ensure that visibility splays can be achieved. Vehicle tracking has not been submitted.

Despite the 30mph speed limit, as the proposed site access is on a

rural road on the edge of a village, I would argue that the Design Manual for Roads and Bridges (DMRB) is more appropriate when determining the visibility splays necessary for a safe junction layout. Therefore, the required visibility splays are 70m in both directions. The applicant has provided a drawing demonstrating visibility splays in both the east and west directions from the x distance of 2.4m at the access. Using the 85th percentiles of 32mph and 31mph, from the ATC speeds recorded, they have suggested they need a 90m visibility splay to the east (for vehicles approaching going westbound) and a 70m visibility splay to the west (traffic going eastbound).

On a recent site visit, the vegetation observed on the western side of the proposed access is extremely well established and dense and will need clearing if any such visibility splay is to be achieved. The applicant states however, that this will be removed, as they say it is on land within the application site.

What looks to be a drainage ditch was also observed to the west of the access, which would therefore mean that some of this vegetation falls within the highway boundary, which finishes at the ditch roadside edge. The applicant should submit more detailed plans showing the access, drainage ditch and visibility splays, to ensure that they can be achieved, especially given the location of the access just after a bend on New Yatt Road. I would advise that conditions be attached that ensure the adequate maintenance of these visibility splays prior to any approval given. I note that tree T19-B2 from the Tree Constraints Plan in the Tree Report, is to remain, which will be very close to the access and I wondered if some of the trees to the west of the access would be subject to a tree preservation order, thus affecting the ability to achieve adequate visibility splays. As there are currently no footways that link the development to the rest of North Leigh, the developer is proposing to construct a footway that links the access road to Green Lane, further to the east. The footway proposed will run along the northern side of the carriageway and be a width of 1.8m. This footpath will have to be deliverable for this development to be sustainable and be justifiable and it should be up to the developer to justify its deliverability prior to any approval.

Looking at the highway boundary along New Yatt Road, on the whole, the verge is wide enough to easily accommodate a 1.8m footway; however, there are concerns nearer to the site access and at the meeting with Green Lane.

Archaeology

There are records of medieval pottery being found within or adjacent to the application area. There is evidence of medieval ploughing across the application area. An early Anglo Saxon sunken feature building has been identified to the east in the garden of Greystokes. We would recommend that a predetermination archaeological field evaluation is undertaken to establish whether archaeological features are located within the application area and to provide a suitable level of information upon which an appropriate mitigation strategy can be established. This is in line with the NPPF and Local Plan policy and

our advice provided for pre-application 15/01719/PREAPP.

Education

Based on the unit mix stated in the application, this proposed development has been estimated to generate 14.18 primary pupils, 11.82 secondary pupils (including 1.62 sixth formers) and 0.29 pupils requiring education at an SEN school.

Primary education

- £179,576 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at North Leigh CE Primary School, an academy. The school has an admission number of 20, but its actual intakes have fluctuated in recent years, as is common in village schools. To manage growing pressure on the school's accommodation, the county council installed a temporary classroom in 2012. The school - now an academy - would be able to permanently increase its admission number if this temporary accommodation were to be replaced with permanent.

This would then enable the school to meet the needs of this proposed development in a sustainable manner. Contributions are therefore sought towards additional permanent accommodation at North Leigh CE Primary School at a rate proportionate to the expected pupil generation from this development and based on the estimated cost per pupil of building permanent school accommodation.

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| I.3 | WODC - Arts | No Comment Received. |
| I.4 | Ecologist | I had no option but to recommend it for refusal even though it is at outline one due to the proposed priority habitat destruction, I couldn't see how they could fit 40 dwellings on the site and still maintain any of the identified priority habitats. |
| I.5 | WODC Community Safety | No Comment Received. |
| I.6 | WODC Architect | No Comment Received. |
| I.7 | WODC Env Consultation Sites | The following condition is recommended for this development:-
1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be 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.

2 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 ensure any contamination of the site is identified and appropriately remediated, these details are required prior to the commencement of development as any on site works could have implications for the environment and human health.

I.8 WODC Env Health - Lowlands No Comment Received.

I.9 WODC Head Of Housing No Comment Received.

I.10 WODC Landscape And Forestry Officer No Comment Received.

I.11 Natural England No Comments

I.12 WODC Planning Policy Manager No Comment Received.

I.13 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 x 40 = £43,520 off site contribution towards community/sport/recreation facilities within the village. This is indexed 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 x 40 = £32,720 for the enhancement and maintenance of existing play/recreation areas within the village. This is indexed using the BCIS All in Tender Price Index published by RICS.

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| 1.14 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| 1.15 | Thames Water | No objection subject to a Grampian condition |
| 1.16 | WODC Env Services - Waste Officer | No Comment Received. |

2 REPRESENTATIONS

2.1 Over 120 representations have been received raising the following summarised points:

- Once gone the fields are lost forever.
- Fields are needed for food.
- Light pollution in a dark area.
- Sewerage capacity is inadequate.
- Will increase traffic through the Eynsham Hall junction where there have been fatalities.
- Overdevelopment of the site.
- It is too far from the village proper.
- It is out on a limb.
- Contrary to planning policies.
- Urbanisation of the setting of the village.
- There are no street lights.
- Has not addressed issues raised in pre application consultation.
- Highway danger will increase.
- Traffic speeds through the village.
- There are no/inadequate pedestrian facilities.
- Increased traffic noise.
- Extra traffic through the pinch point.
- No bus services now.
- Too dense and out of character.
- Loss of ecology/wildlife value.
- Services and facilities will not cope.
- Will increase rat running.
- Vehicles cause damage to old properties.
- School cannot expand/cope.
- Extends built up limits
- Coalescence with New Yatt.
- Access is dangerous.
- Should be assessed alongside the Gladman appeal.
- Less social interaction due to lack of integration.
- Roads suffer from on street parking problems.
- Loss of character as a village.

- Will harm rural appearance of Green Lane.
- Green Lane is poor quality access
- Impact on horses, cycles and children
- 4 or 5 would be better.
- Site lies near highest point of the village
- Precedent for further expansion.
- Will increase population by 10- 15 percent.
- Doctors surgery is full
- Fumes from traffic.
- Children and cars do not mix.
- It is a finger of development towards the AONB.
- It is not in the village
- Too high a density for a village edge location
- A roundabout will be needed
- Will increase flood risk.
- Road is impassable in winter.
- Developer claims regarding lack of housing have been rejected at other appeals.
- Brexit will decrease confidence in house building.
- WODC approve applications but developers will not build them.
- Loss or recreational value.
- Hailey Parish Council endorses and fully supports the objections submitted by North Leigh Parish Council. Whilst the application is within North Leigh Parish, it has a direct impact on New Yatt, given its close proximity and the consequential likely effect on traffic. The delivery traffic and rat running through Church Rd, Common Rd and New Yatt Road will also significantly increase traffic along New Yatt Lane.

2.2 One letter of qualified support has been received advising that affordable housing is welcomed but speculative housing is not.

3 APPLICANT'S CASE

3.1 Writing in support of their proposals the applicants have tabled a full suite of technical and other reports which may be viewed in full on line. The summary of their planning statement is reproduced below:

Paragraphs 14 and 49 of the NPPF are therefore applicable and the presumption in favour should apply, unless significant and demonstrable adverse impacts indicate otherwise. The site meets the three strands of sustainable development defined within the NPPF. In the event that the Council can demonstrate a 5 year supply of housing land it is our case that the site and its location is sustainable and should proceed, as advocated by the NPPF and recent case law.

Whilst North Leigh is classified as a medium sized village within the adopted Local Plan, we consider that the village has sufficient services and facilities and is within close proximity to rural service centres of Woodstock and Long Hanborough and the Main Service Centre at Witney by car and by bus.

The Emerging Plan has been suspended due to housing numbers not being properly justified and not having taken account of the shortfall that will inevitably come from Oxford City.

The Council has subsequently undertaken a further call for sites and is gathering further evidence to put back before the Inspector in December 2016.

Supporting documents do not identify any material constraints to development or any significant and demonstrable adverse impacts that could outweigh the benefits of meeting the housing requirement in North Leigh and addressing the housing shortfall. Importantly, the Transport Assessment demonstrates that there will be no harm to highway safety on the local and strategic highway network and in particular the development will not cause a nuisance or disturbance on the local roads in the vicinity of the site.

The site is deliverable and sustainable and will assist the LPA in meeting the outstanding housing requirement in West Oxfordshire District. The site forms a logical extension to the village and can be accommodated without causing demonstrable harm to the character of the area. In light of the housing land supply and the site credentials, it is respectfully asked that these proposals are supported.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
BE1 Environmental and Community Infrastructure.
BE12 Archaeological Monuments
BE13 Archaeological Assessments
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
EH1NEW Landscape character
EH2NEW Biodiversity
EH6NEW Environmental protection
EH7NEW Historic Environment
H11 Affordable housing on allocated and previously unidentified sites
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4 Construction of new dwellings in the open countryside and small villages
H6 Medium-sized villages
NE1 Safeguarding the Countryside
NE13 Biodiversity Conservation
NE15 Protected Species
NE3 Local Landscape Character
NE6 Retention of Trees, Woodlands and Hedgerows
OS4NEW High quality design
OS5NEW Supporting infrastructure
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a site located between the New Yatt Road and Green Lane. It is currently in agricultural use and is mainly bounded by other agricultural land albeit that part of

the Southern boundary of the site wraps around an outlier of development between the sharp corners of the New Yatt Road. The application is in outline and proposes up to 40 units with 50 % as affordable units. A vehicular access would be taken direct to the New Yatt road with a separate pedestrian access to Green Lane. Illustrative plans show a scheme mostly comprising 3 and 4 bedroomed detached houses with some of the existing trees, hedgerows and open areas retained but it is only access and the principle that are to be determined at this stage.

- 5.2 The key plans will be presented as part of the officer presentation to committee.
- 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 As Members are aware the position regarding the 5 year housing land supply is currently very fluid. Members are already fully aware of the various twists and turns but in summary the Council had argued that the appropriate figure was 525. The local plan Inspector did not accept this but found that the figure lay between 525 and 660. He also invited the Council to undertake further work to ascertain if some demographic factors meant a figure lower than the SHMA could be justified but advised that if it took that route we would also need to consider meeting the unmet needs of Oxford City as part of this plan rather than as part of an early review of the Plan. WODC decided to undertake this work and has recently published the revised figure resulting from the updated demographics which has resulted in a downward pressure on the overall number. The parallel work with the other 4 Districts in Oxfordshire is proceeding largely to timetable and will result in the apportionment of a portion of Oxford City's unmet need to WODC. There will also be a need to address affordable housing delivery. These latter two elements, along with the publication of the revised local plan setting out how the Council will seek to address the new number is likely to be in the public domain in September/October.
- 5.5 However, in the interim WODC are not in a position to "demonstrate" a 5 year housing land supply (HLS) as required by the NPPF. We have accepted as part of recent appeals a worst case scenario of approx 2.6 years (with a probability that when the exact number is eventually known the supply will be somewhat higher than that) and the majority of Inspectors have accepted this position. What it does mean however is that where a LPA cannot demonstrate a 5 year HLS paragraph 49 of the NPPF is invoked with housing supply policies deemed out of date. That being the case paragraph 14 of the NPPF is in turn invoked whereby the so called tilted balance applies such that the Governments policy is that planning permission should be granted unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits when assessed against the policies of the NPPF taken as a whole or where there are specific policies of the NPPF that indicate that development should be restricted.
- 5.6 The above paragraphs set the context for assessing the proposals but planning law also requires proposals to be assessed against the policies of the development plan- albeit applying due weight dependant on the degree of conformity with the NPPF and whether they are out of date. In this regard your officers would advise that the proposals are clearly contrary to the policies of the adopted plan but that given the age of the plan and the fact that it pre dates the NPPF and that we cannot currently claim a 5 year HLS would advise that little weight should be given to this fact. Similarly the proposals do not strictly conform to the policies of the emerging plan but given the stage in preparation of the ELP little weight should be given to that factor either.

- 5.7 Taking all the above into account the proposals are considered acceptable in principle provided that the impacts do not significantly and demonstrably outweigh the benefits.

Siting, Design and Form

- 5.8 The application is in outline accompanied by illustrative details for all matters other than access. In and of itself the layout has sought to respond to some of the constraints of the site and to incorporate existing site features within the illustrative layout. In that regard officers would not object to the layout per se but there are a series of consequences arising from the location that mean that the scheme will not settle easily into its context - almost irrespective of the design. Essentially the access lies well beyond the village limits such that the proposed scheme will not integrate well or appear as an organic evolution of built form but rather as a "bolt-on". This harm is exacerbated in that the location of the access on the inside of a tight bend necessitates the extensive removal of tree and hedge cover that currently contributes in a very positive way to the rural approach to the settlement with this land reading as part of the agricultural setting of the village. In that context the engineered form of the junction will exacerbate the incongruous appearance of this form of development in this location and would significantly erode a key part of the rural gap between North Leigh and New Yatt leading to a much greater visual coalescence than is currently the case. It is not considered that these harms can be overcome as no better access position exists that would not result in highway harms and the site is physically located in a key part of the gap between the settlements. Additionally in order to seek to make the pedestrian access to this isolated site more amenable and safer OCC are requiring a series of footway provisions and improvements which of themselves will harden the currently soft and rural "village" character of this part of the approach to the settlement and again these harms cannot be lessened without parallel increased highway danger. These harms are considered significant enough to warrant refusal albeit it should be noted that whilst the site will be visible/harmful in the public domain from the public footpath and road network in the vicinity of the site the existing screen planting (which is largely shown as capable of retention) should ensure that impacts of the development in the wider landscape beyond the adjoining road and footpath networks is more limited in your officers assessment.

Highways

- 5.9 As advised above OCC are requiring highway works to seek to improve pedestrian and vehicular safety. However as things stand it has not been demonstrated to their satisfaction that the access arrangements are safe and adequate or that the land is all available to undertake the necessary improvement works. As such they are recommending refusal on highway safety grounds and your officers would concur with their assessment and reasons as set out earlier in this report. Other respondents have cited the additional traffic through the pinch point and thereafter using the poor access at Eynsham Park to access the A 4095. Your officers would concur with the sentiment lying behind these concerns but would not advise that they be included in a refusal reason as in the absence of support from OCC as Highway Authority it may open the authority up to an award of costs.

Residential Amenities

- 5.10 Given the isolated and rural location there are very few residential properties directly affected by the proposals. The illustrative scheme has demonstrated that it would be possible to meet the usual privacy etc standards to the houses located in the outlier of development along part of

one boundary and the scheme is for "up to " 40 units so if a scheme that failed to meet these standards were submitted at Reserved Matters stage the numbers could be reduced to secure compliance. As such neighbour amenity is not considered to justify refusal.

Ecology

- 5.11 It will be noted that a number of respondents have cited ecological value as a reason to object with a wide variety of species noted as being seen on site. The applicants own ecological assessment advises that there is some high value grassland, several species that are important to invertebrate biodiversity, that the hedgerows are important, that badgers were using the site, that the hedges were used by bats and could be Dormice territory and is suitable for Great Crested Newts, Common Lizard, Grass snakes and Slow worm. Various of the flora species were identified as near threatened, declining or as priority habitats. To address this high quality baseline position the applicants propose some translocation of the grass sward and to retain as many hedges and trees as possible.
- 5.12 However the Councils retained ecologist advises that at least 4 adjacent ponds are suitable as habitat for GCN and that the site itself provides suitable terrestrial habitat. She advises that the dense scrub may have prevented a badger sett being discovered and that whilst some effort has been made to incorporate the trees and hedges, no real effort has been made to retain the grassland in situ. She considers that this would result in an unacceptable loss of lowland meadow habitat of principle importance and that this is contrary to national and local policies as it has not been mitigated enough and is bound to result in the loss of biodiversity, of priority habitats and with an adverse impact on protected species. This factor is considered to be a significant and demonstrable harm in the terms set out in paragraph 14 and footnote 9 of the NPPF.

Archaeology

- 5.13 It will be noted that OCC is objecting on archaeological grounds. The applicants reports note that there is early medieval pottery but considers this to be of limited interest- along with the heavily eroded ridge and furrow and earthwork ridge. In contrast OCC advises that:
- "There are records of medieval pottery being found within or adjacent to the application area. There is evidence of medieval ploughing across the application area. The village of North Leigh has its origins in the early medieval period and there is evidence of Romano British and later prehistoric settlement and activity in the immediate area. Recent investigations to the east in the garden of Greystokes have revealed evidence of early Anglo Saxon settlement in the form of a sunken feature building. We would recommend that predetermination archaeological investigation is undertaken. A geophysical survey and archaeological field evaluation should be undertaken to establish whether archaeological features are located within the application area and to provide a suitable level of information upon which an appropriate mitigation strategy can be established. This is in line with the NPPF and BE13 Of the Local Plan."
- 5.14 In that it appears that there are heritage assets at risk but their full value is not known in advance of a more detailed investigation the proposal does not follow the advice of para 128 of the NPPF and it is not possible to make an informed judgement against the test of paragraphs 135 and potentially 139 of the NPPF. The harm is potentially significant and demonstrable in the terms set out in paragraph 14 of the NPPF and the absence of sufficient information is considered to justify refusal in its own right.

Legal Agreement/benefits

- 5.15 Members will note that a number of respondents have sought financial contributions towards mitigating the impact of the development eg leisure, schools etc. There would also be a need to ensure that affordable housing were delivered. The applicants have indicated a willingness to enter into a 106 but in the absence of a signed agreement this represents a further reason for refusal- albeit one that is capable of being overcome. The provision of these benefits by way of mitigation or to help support local services is a planning benefit that weighs in favour of the scheme. Other factors that weigh in favour of an approval are such matters cited by the applicant e.g. the economic and social benefits that arise from housing developments, the job creation, infrastructure improvements, promotion of the retention of village facilities etc and these matters should also be given due weight as factors that support approval of the application.

Flooding and sewerage

- 5.16 The impact of the development on sewerage capacity and floodrisk have been raised by third parties but are not supported by the technical responses of the relevant consultees that have been received thus far. As such officers would not recommend that they be made the subject of a refusal reason. It will however be noted that Thames Water has requested a Grampian condition that requires further work to be undertaken and as such the impact on both the viability of the scheme and the deliverability within a 5 year time frame is not clear which undermines to some degree the benefit that should be ascribed to this scheme as a means to deliver against the current lack of a 5 year hls.

Conclusion

- 5.17 This proposal is contrary to adopted and emerging policy, but of itself this is not considered to justify refusal. With the LPA unable to demonstrate a current 5 year housing land supply the so called tilted balance is in place and there is a presumption in favour of granting permission unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits. There are additionally economic and social benefits associated with the delivery of new housing which weigh in favour of approval.
- 5.18 To set against these clear benefits there are a series of harms. The loss of trees and hedgerows to create a safe access and further off site highway works would urbanise the soft rural approach to the village. Due to its location, the development would not integrate successfully/organically with the village which may hinder physical and social integration and would lead to greater coalescence of the settlements of North Leigh and New Yatt. Habitats and species of national and regional importance would be lost and the adverse impact cannot be adequately mitigated and the impacts on buried archaeology cannot be properly quantified and assessed against the benefits. There is no adequate mitigation package in place and OCC is objecting on highway safety grounds. . These harms are considered to significantly and demonstrably outweigh the benefits of approval in the terms of paragraph 14 of the NPPF and as such refusal is recommended.

6 REASONS FOR REFUSAL

- 1 That by reason of its location beyond the limits of the settlement in an area of attractive open countryside that contributes in a positive way to the attractive rural approach to the settlement, the proposed development would appear as an incongruous and intrusive element in the approach to the village that would harm its rural character and visually narrow the important gap between North Leigh and New Yatt to the detriment of the rural qualities of the area and contrary to policies BE2, BE4, NE1, NE3, NE6, H2, H4 and elements of H6 of the adopted local plan, policies OS1, OS2, OS4 and H2 of the emerging local plan, the guidance of the West Oxfordshire Landscape Assessment and the provisions of the NPPF. The benefits of the scheme are not considered to outweigh these harms.
- 2 The application would result in the loss of biodiversity on a site which supports Badgers and European Protected species, Great Crested Newts and would result in the loss of a priority habitat (Lowlands Meadows). As such the proposals are contrary to policy NE13 and NE15 of the adopted WOLP, Policy EH2 of the emerging LP and the provisions of the NPPF.
- 3 In the absence of a suitable investigation of the buried remains on site it is not possible to assess the quality of the heritage asset or to weigh the impacts of its loss or alteration against the benefits of development. As such the proposal is contrary to policy BE12 and BE13 of the WOLP, policy EH7 of the emerging local plan and the provisions of the NPPF.
- 4 It has not been demonstrated to the satisfaction of the LPA that the access road has an adequate width, that vehicle tracking is adequate, that the access can be provided with vegetation to be retained and to ensure that visibility splays can be achieved and that all the land to undertake the highway improvements is within the applicant's control. As such the scheme has inadequate and unsafe access arrangements contrary to policy BE3 of the WOLP, OS2 of the emerging local plan and the provisions of the NPPF.
- 5 In the absence of a signed legal agreement the scheme does not deliver an adequate mitigation package in terms of the leisure, education and affordable housing impacts resulting from the development and as such is contrary to policy BE1 of the adopted WOLP, policy OS5 of the emerging local plan and the provisions of the NPPF.

Application Number	I6/02062/FUL
Site Address	86 Spareacre Lane Eynsham Witney OX29 4NP
Date	3rd August 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442908 E 209935 N
Committee Date	15th August 2016

Location Map



Application Details:

Erection of two detached dwellings with access, parking and amenity space (alterations to design of proposed dwellings under existing planning permission 15/01883/FUL) (amended plans)

Applicant Details:

Mr Michael Stevens
9 High Street, Eynsham, Oxford OX29

I CONSULTATIONS

- I.1 Parish Council Eynsham Parish Council objects to this application. The access problems with neighbours have not been resolved. It is suggested that the change from 2 no 3 bedroom houses (15/01883/FUL) to 2 no 4 bedroom houses constitutes overdevelopment of the site and the changes in the plans could constitute overlooking of neighbouring properties.
- I.2 OCC Highways No objection to amended house design. Same conditions apply as previous application.
- I.3 Thames Water No Comment Received.
- I.4 WODC Drainage Engineers No objection subject to condition.

2 REPRESENTATIONS

- 2.1 Two letters of objection have been received from Mr King from 84 Spareacre Lane and Mr Keed from 82 Spareacre Lane which raise the following issues:
- Why 2 x 4 bedroom houses as opposed to the original 2 x 3 houses.
 - Windows to the side of the houses which will overlook 86 Spareacre Lane - this is not allowed with the Spareacre Lane houses as present.
 - The access route at the end my property is not acceptable - see plans - it will lead to vehicles going over my garden - needs to be changed. The Virgin Comms box which I did object to in the last submission has not been addressed - needs moving.
 - Sewerage route - again nothing done - need to see plans before any building takes place - why - previous history of blocked drains with numbers 82.84 and 86 Spareacre Lane - Would welcome a visit by the WODC officer.
 - The move from 3 bed houses to 4 bed houses is over development of this small corner of Spareacre Lane and will lead to parking and access problems as 4 bed houses tend to have more than 2 cars.
 - The original site plan submitted suggested the site occupied land that did not belong as part of the site. How did this occur, and how dependent were the parking and access requirements on this error.
 - Numbers 86, 84 and 82 Spareacre Lane and further on down have had problems with the common sewer pipe I am concerned that the pipe will not be able to handle the extra sewage, and that the laying of any new pipes will cause disruption to gardens and drives.

3 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE6 Retention of Trees, Woodlands and Hedgerows
H2NEW Delivery of new homes
OS4NEW High quality design
OS2NEW Locating development in the right places
T4NEW Parking provision

EH1NEW Landscape character

H7 Service centres

EW2NEW Eynsham-Woodstock sub-area

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

4 PLANNING ASSESSMENT

4.1 The planning application seeks permission for the erection of 2 x 4 bedroom dwellings. The application site is located in a corner position which is located between the residential street and A40 road. The properties within the locality feature a mix of detached and semi-detached dwellings.

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

4.3 The application site is located within the settlement of Eynsham which is considered one of the district more sustainable settlements where new development is considered acceptable subject to compliance with the other relevant policies of the local plan. The development is an amendment to a previously approved scheme for 2 x 3 bedroom dwellings which is currently extant (15/01883/FUL), therefore the principle of developing the site for housing has been established and found to be acceptable.

Siting, Design and Form

4.4 The design and position of the dwellings have been amended since the last application in order to increase the footprint to provide a further bedroom. The dwellings will be set back further in the plot and will be located closer to the boundaries but will still benefit from circulation space around the dwellings. Officers are of the opinion that whilst the scale of the dwellings has increased, given the extant approval, the changes proposed would not adversely impact the character and appearance of the area. The dwellings are considered to create a visually appropriate relationship with the site and the pattern of development in the vicinity and the amendments are not considered harmful enough as to warrant a refusal.

4.5 The same conditions are proposed as those previously imposed with regard to landscaping and boundary treatment so as to retain the level of screening on the site and to preserve views from the A40.

Residential Amenities

4.6 The majority of openings will be in the front and rear elevations in line with the previous application. The design of the dwellings is therefore not considered to unacceptably increase the level of overlooking into surrounding properties given the distances between properties. Additionally, the proposed properties are not considered to result in any undue overshadowing or overbearing impacts taking into account the position of the approved scheme and the distance between the properties.

- 4.7 The side windows proposed in the new dwelling will be obscurely glazed so not to give rise to unacceptable levels of overlooking.

Highways

- 4.8 Oxfordshire County Council Highways have been consulted on the application and raise no objection to the amended house design. The Highways officer looked at the access arrangements as part of the previous scheme and found it to be acceptable on highway grounds. This application is not proposing to change the approved highway arrangement, the same conditions will therefore apply to the revised scheme.

Other matters

- 4.9 The objections refer to the sewerage capabilities on the site. As part of the approved scheme Thames Water were consulted on the application. Thames Water raised no objection with regard to the sewerage infrastructure capacity but advised that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Their reply to the current application had not been received at the time of writing this report.

Conclusion

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

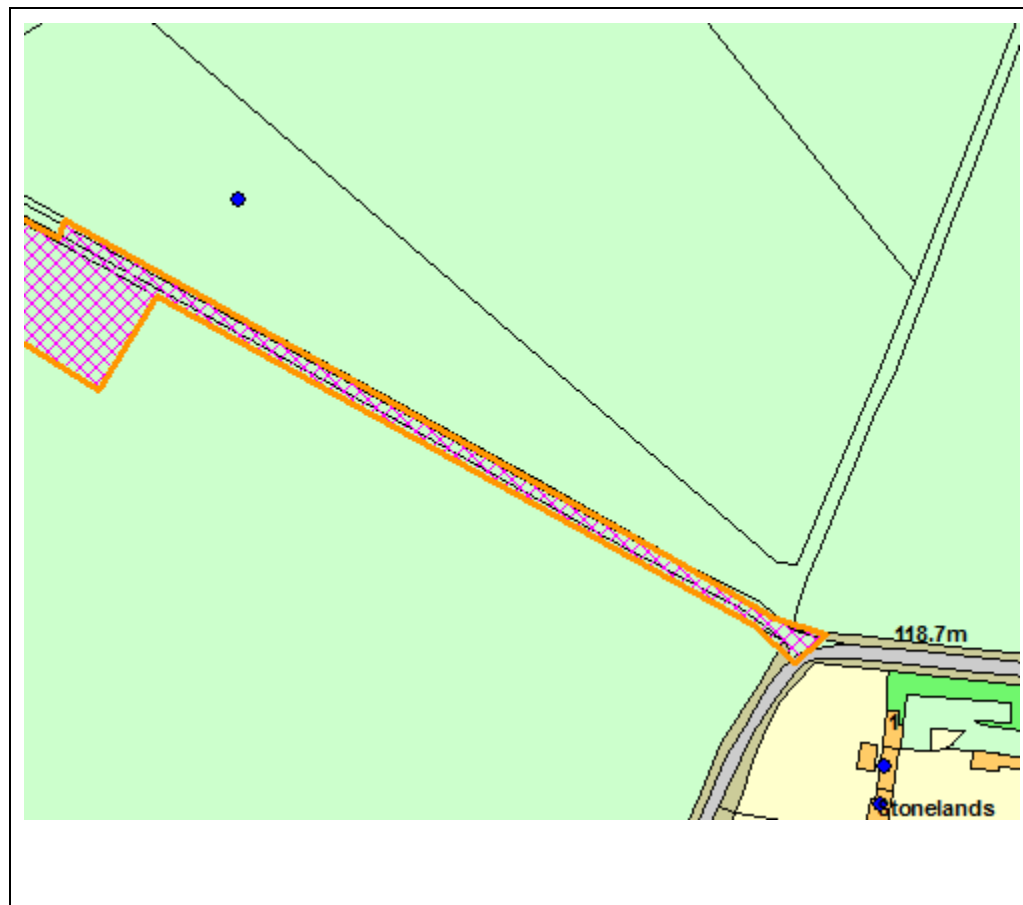
6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 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 roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 4 The external walls of the dwellings shall be constructed with brick, a sample of 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 means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
- 6 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.
- 7 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 first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 8 Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
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).
- 9 The existing vegetation along the northern boundary of the land shall be retained and that any plants which die shall be replaced in the next planting season with others of a similar species and shall be retained. The trees shall be protected whilst development operations are in progress.
REASON: To safeguard a feature that contributes to the character and landscape of the area.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, all trees on the land not shown to be affected by building operations, shall be retained until 3 years from the completion of the development and any trees which die, are removed or become seriously damaged or diseased within that period shall be replaced in the next planting season with others of a similar species.
REASON: To safeguard features that contribute to the character and landscape of the area.
- 11 Before first occupation of the building/extension hereby permitted the window(s) in the side elevations shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

Application Number	I6/02102/FUL
Site Address	Stonelea Farm Land to the North West of Burford Road Brize Norton Oxfordshire
Date	3rd August 2016
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	427449 E 210195 N
Committee Date	15th August 2016

Location Map



Application Details:

Erection of a Permanent Agricultural Workers Dwelling.

Applicant Details:

Mr & Mrs S McCracken
Stonelea Farm, Burford Road
Carterton
Oxfordshire
BRIZE NORTON
OX18 3PA

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|--|
| 1.1 | Parish Council | No Comment Received. |
| 1.2 | OCC Minerals
(Safeguarded Areas) | No Comment Received. |
| 1.3 | OCC Highways | No objection |
| 1.4 | WODC Drainage
Engineers | No objection subject to conditions |
| 1.5 | Ecologist | No Comment Received. |
| 1.6 | WODC Architect | No Comment Received. |
| 1.7 | WODC Rural
Development | I appraised the business plan for Stonelea Farm in the winter and, following that, I met the applicant at Stonelea Farm on 28 January 2016 to further look at the business. It was clear from the site visit and discussions with the applicant that this is a genuine farm business. The pig enterprise is central to the whole operation and I am comfortable from the scale of the farrowing operation that there is a clear welfare justification to support the principle of a house on the site. I am happy to support this application from this perspective. |
| 1.8 | OCC Rights Of Way
Field Officer | No Comment Received. |

2 REPRESENTATIONS

- 2.1 No comments received at the time of writing.

3 APPLICANT'S CASE

- 3.1 The applicant's agent has submitted a Planning Appraisal. The conclusion has been summarised as:

The farming business at Stonelea Farm is both established and continually developing. It is our opinion that a new permanent agricultural workers dwelling is required for the viability and continued expansion of the farm enterprise at Stonelea Farm and will enable the business to develop as intended.

There are no houses on the holding or within sufficient proximity to Stonelea Farm to fulfil the existing functional need of the farming business and based on average house price data, local housing is unaffordable to a first time buyer.

Officers have had sight of accounts and partial budgets for the ongoing and future farming business and have confirmed they accept the functional justification for an agricultural workers dwelling and the financial sustainability of the farming business. The proposed dwelling in our opinion will not have a detrimental impact on the overall viability of the farming business, it will aid in its development and improvement.

Planning policy generally supports the development of the rural economy and recognises the importance of agricultural workers living in close proximity to their place of work. This appraisal concludes that there is sufficient labour requirement at Stonelea Farm for at least one full time worker, and the nature of the enterprises are such that it is essential for a full time stockman to live permanently on site. The farm business has been established for more than three years, and has been profitable for at least one of them, as shown on the business plan, and has a clear prospect of remaining so throughout the development of the enterprises at Stonelea Farm.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H4 Construction of new dwellings in the open countryside and small villages

NE1 Safeguarding the Countryside

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal is for an agricultural workers dwelling located within an open countryside location. The applicants own a farmstead which there is an established pig farming business and also has a herd of cattle.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.3 Policy H4 of the adopted West Oxfordshire Local Plan 2011 only permits new dwellings within the open countryside if there is a genuine essential or operational need for a dwelling.
- 5.4 Extensive pre-application discussions have taken place and officers have visited the site. Your Rural Business officer is satisfied with all of the supporting evidence and costings that have been submitted to support the application.

- 5.5 The case for requiring a dwelling is also considered robust, given the nature of the farming activity.
- 5.6 The holding at Stonelea Farm extends to approximately 43.1 hectares of which 24.3 hectares is rented and 10.8 hectares is owner occupied. There are various buildings on the land which provide accommodation for livestock and hay, straw and fodder storage. A further agricultural building has been approved following the prior notification process. This is a steel portal framed shed, 24.4m and 9.1m which will be used to finish 750 piglets that are produced on the holding and house more cattle over the winter months.
- 5.7 The farming business has been established since November 2011 and has seen significant growth since. The applicant has a herd of named-sire Hereford cattle that are bought in batches throughout the year either as calves on milk to be weaned or as weaned calves, to be sold at 24 months old as strong store cattle. At any one time there will be over 35 cattle on the holding ranging from 3 months to 24 months old.
- 5.8 There are currently 30 breeding sows averaging 25/26 piglets per sow per annum, farrowing all year around, giving a total number of 150 to 200 finishing pigs on the holding at any one time. Each sow is producing two litters a year. The total number produced is approximately 750 per annum.
- 5.9 A dwelling is required to enable the applicant and his family to live on the site. The statement that has been submitted with the application states the reasons why a live on site presence is needed. The reasons have been summarised as:
- The ability to treat animals quickly is particularly important in young, housed animals as otherwise infection will spread quickly amongst the animals in the shed. Pneumonia and coccidiosis are particularly difficult challenges which can affect bought in calves. Treatment must be administered early.
 - It is essential that the breeding sow enterprise is managed well. Special attention is given to pregnant sows before farrowing by providing adequate space, feed and water etc. It is of up most importance that sows and gilts are monitored throughout the night as well as the day, as piglets that are born during the night are especially vulnerable to the cold.
 - The inspections of the different enterprises on the holding are time consuming and require the vigilance of an experience manager to be present on the holding at all times in order to identify any immediate or latent problems. Inspections need to be made during the day and night, and as such it is of up most importance that the manager lives on site.
 - At present, the applicant lives in Carterton, approximately 2 miles away and commutes daily. This could potentially make emergencies difficult to deal with. There are significant welfare benefits associated with the applicant living on the site to aid livestock management and to respond to animal needs as the livestock enterprises develop and more animals are kept on the holding.
- 5.10 The application includes a business plan, which your Rural Business Officer has fully assessed as well as making an independent visit to the farm. Mr Barton is of the opinion that this is a true business which does require the applicant to live on site.
- 5.11 In view of the above, your officers consider that the principle of a new dwelling is justified in this specific case.

Siting, Design and Form

- 5.12 The dwelling will be of a 3 bed scale which includes a farm office, and attached garage. The materials will be of stone, timber and brick with timber framed double glazing windows.
- 5.13 Your officers are of the opinion that the new dwelling which will be located adjacent to the farm buildings will not adversely affect the open countryside location, as it will relate well to the holding. The appearance of the dwelling is simple with traditional features. The use of traditional materials also reflects the use of materials of other dwellings in the vicinity.
- 5.14 The garden area is also modest, and located to the rear of the building, which will help to minimise the impact of garden paraphernalia from the public views across the site.
- 5.15 Landscaping will be kept to a minimum to avoid being too overly domestic in appearance, which would also be detrimental to the visual appearance and character of the area.
- 5.16 Officers have also removed permitted development rights for future extensions, out buildings, sheds, porches, dormer windows and balconies.

Highways

- 5.17 No objections have been received. An access road and gate already exists on the site.

Residential Amenities

- 5.18 Due to the distance that the new dwelling will be located, your officers do not consider that any undue impact will result to neighbouring properties' residential amenities.

Conclusion

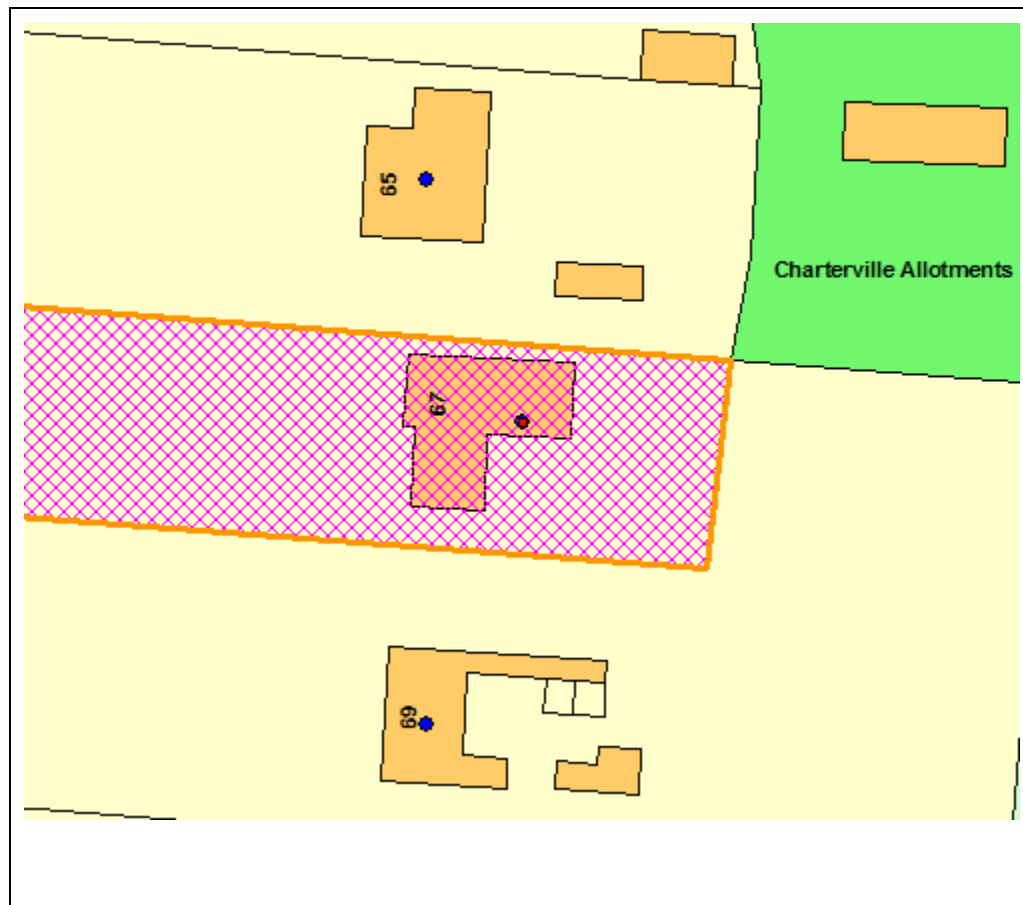
- 5.19 Given the exceptional circumstances of the applicant, and the robust business plan that has been evaluated by your Business officer, officers consider that the justification put forward in support of an agricultural workers dwelling is acceptable, and complies with the main housing policy of the adopted West Oxfordshire Local Plan, and new policies under the Emerging West Oxfordshire Local Plan 2031.
- 5.20 However at the time of writing, officers are yet to receive a response from OCC Minerals. According to the Minerals & Waste Policy Team Leader, the site could sterilise mineral deposits (limestone) within the site and could prejudice the potential working of mineral deposits (limestone) within adjacent land.
- 5.21 As such if an objection is received, officers will update Members at the meeting, and may vary the officers' recommendation.

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 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.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings (to the front or rear of the new dwelling), porches, windows, roof extensions and balconies other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed to protect the open countryside location.
- 6 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or in forestry, or a widow or widower of such a person, and to any resident dependants.
REASON: Permission is granted only because of the agricultural need for the dwelling.
- 7 That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
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).

Application Number	I6/02288/HHD
Site Address	67 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SG
Date	3rd August 2016
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431303 E 210364 N
Committee Date	15th August 2016

Location Map



Application Details:

Shepherds hut (Retrospective)

Applicant Details:

Mr Kenneth Oswin
67 Brize Norton Road
Minster Lovell, Witney OX29 0SG

I CONSULTATIONS

I.1 Parish Council Minster Lovell Parish Council strongly objects to this application.

It is considered that the historic character of properties along the Brize Norton Road have an open undeveloped frontage relating to the design of the Chartist Estate. Development in front gardens has historically been limited to the extent of the building line only and Minster Lovell Parish Council strongly feels that this practice should continue. To otherwise allow development would be incongruous and set a dangerous precedent that will irreversibly change the 'open aspect' of this area of the Village.

The Council therefore considers that the application is contrary to the National Planning Policy Framework as it does not:-

17 - Take account of the different roles and character of different areas.

58 - Respond to local character and history and reflect the identity of local surroundings.

60 - Seek to promote or reinforce local distinctiveness.

61 - Address the connection between people and places and the integration of new development into the natural, built and historic environment.

It is also considered that the application is contrary to the West Oxfordshire Local Plan 2011:-

BE2 - a) The proposal does not respect the existing pattern and character of the surrounding area.

b) If granted the application could set a precedent for similar development which would adversely affect the setting of the village.

H2 - a) If granted, the application would erode the character and appearance of the surrounding area.

f) It would set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area.

Minster Lovell Parish Council feel that in the event of the application being considered acceptable, the shepherd's hut location should be parallel, directly next to the garage.

I understand from email correspondence that Cllr Robinson has requested that this application is determined by the Lowlands Planning sub-committee.

2 REPRESENTATIONS

2.1 One letter of support has been received from Mr Eric Townsend at 90 Brize Norton Road, Minster Lovell as follows:

- I wish to offer a letter of support to Mr and Mrs K Oswin in their application to have their Shepherds Hut in their garden.
- My wife and I live in No. 90 Brize Norton Road which is directly opposite to No. 67. We have been neighbours for many years.
- Mr Oswin spoke to me last year over plans to have a Shepherds Hut in their garden. Having seen the pictures and watched it being built I was happy to give my support.
- We think its a lovely addition and adds character to the location.

3 APPLICANT'S CASE

3.1 A supporting statement has been submitted by the applicant (see below). A full copy including photographs can be viewed on the Councils website.

'We would like to take the opportunity to highlight the application and to answer some of the misconceptions expressed at the recent Minster Lovell Parish Council meeting which we attended.

The "Shepherd's Hut" is a modern theme on the old fashioned Gypsy Caravan. Its mobile design is intended to provide a stylish location for a small workshop or relaxation area. My wife Lyn has recently started a bespoke Floral design business - not to be confused with a typical florist- for customised floral decorations using the unique characteristics of the Shepherd's Hut for her business.

We positioned the Hut adjacent to our Garage in the front garden as we felt this would be the most suitable location. Unfortunately our rear garden area is very small and the front garden area is almost 3x times larger.

The Parish council made reference in their meeting on Mon 22nd July that the positioning of the Hut would set a precedent by developing forward of the house line. However this is not accurate as there are other examples in the village where Summerhouses, Caravans and other garden structures are currently in position forward of their house line. See attachment

The distance from the front edge of the Hut to the curb on Brize Norton Rd is just over 20m, not 15m as mentioned in the Parish meeting.

I took the time to discuss the positioning of the Hut with my immediate neighbours prior to locating it to ensure they were happy to approve of our project.

I also discussed the potential planning requirements with Mr Pearson - West Oxon Planning Dept, again prior to installation.

Mr Eric Townsend - No 90 Brize Norton Rd is our opposite neighbour and he was very supportive expressing it had character and looked well in its current location. He kindly wrote a letter of support which I attach.

I have been a resident of Minster Lovell for over 28 years and would not wish to do anything to degrade the village style.'

4 PLANNING POLICIES

BE2 General Development Standards

OS2NEW Locating development in the right places

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

- 5.1 This application is to be heard before the Committee as the Parish Council have objected to the proposal and Cllr Robinson has requested it to come before Members.

Background Information

- 5.2 This application seeks retrospective consent for the retention of a Shepherds Hut that sits adjacent to the two bay carport to the front of no. 67 Brize Norton Road. The Shepherds Hut is used ancillary to the main dwelling as a workshop area for the applicant. The commercial use of the site has been questioned and following a site visit and meeting with the applicant Officers can confirm that the use of the hut as a floristry workshop does not constitute a material change of use at this time because the level of commercial activity is so low; the hut is used only occasionally and on an ad hoc basis, for the applicant to meet clients and to arrange flowers and make bouquets. Most of the activity associated with the applicant's floristry business takes place off site. If the level of onsite activity increases such that a material change of use is evidenced in the future then planning permission would be required for the use. Officers are aware of that there is an advertisement on the hut which is the subject of a separate investigation and discussion with the applicant.

Planning History

13/0397/P/FP - Erection of single storey extension - APP CON

14/0530/P/FP - Erection of two bay detached car port - APP CON

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

Principle

- 5.4 Officers consider that in principle, the siting of the small ancillary shepherds hut, located adjacent to the car port, is an acceptable form of development along the Brize Norton Road. The site does not fall within the Minster Lovell Conservation area, nor is it affecting the setting of any Listed Buildings. Although the majority of properties along this part of Brize Norton Road

have long and open frontages, this small scale shepherds hut is not considered to encroach on the open visual character and appearance of the area.

- 5.5 In terms of the comments raised by the Parish Council in respect of the development setting a precedent, each site and proposal is considered and assessed separately and on their own planning merits.

Siting, Design and Form

- 5.6 By virtue of the siting of the hut some distance back from the main road adjacent to the existing garage, it is considered by Officers that the hut which is subsidiary in scale to the garage building to the rear, does not visually intrude upon the open character and appearance of the front garden and as such is not detrimental to the visual amenity of the Brize Norton Road street scene, which is generally characterised by dwellings set back in the plot with relatively long open front gardens. In light of this assessment the retrospective development does not, in terms of its siting, design and form result in demonstrable harm to the character and appearance of the area such that permission should be refused.

Residential Amenities

- 5.7 By reason of the modest scale and siting of the hut, the low level use of it and existing boundary treatments, officers do not consider that the retention of the Shepherds Hut will result in any adverse effects on the neighbouring properties residential amenity such as loss of light or privacy and is therefore considered acceptable.

Conclusion

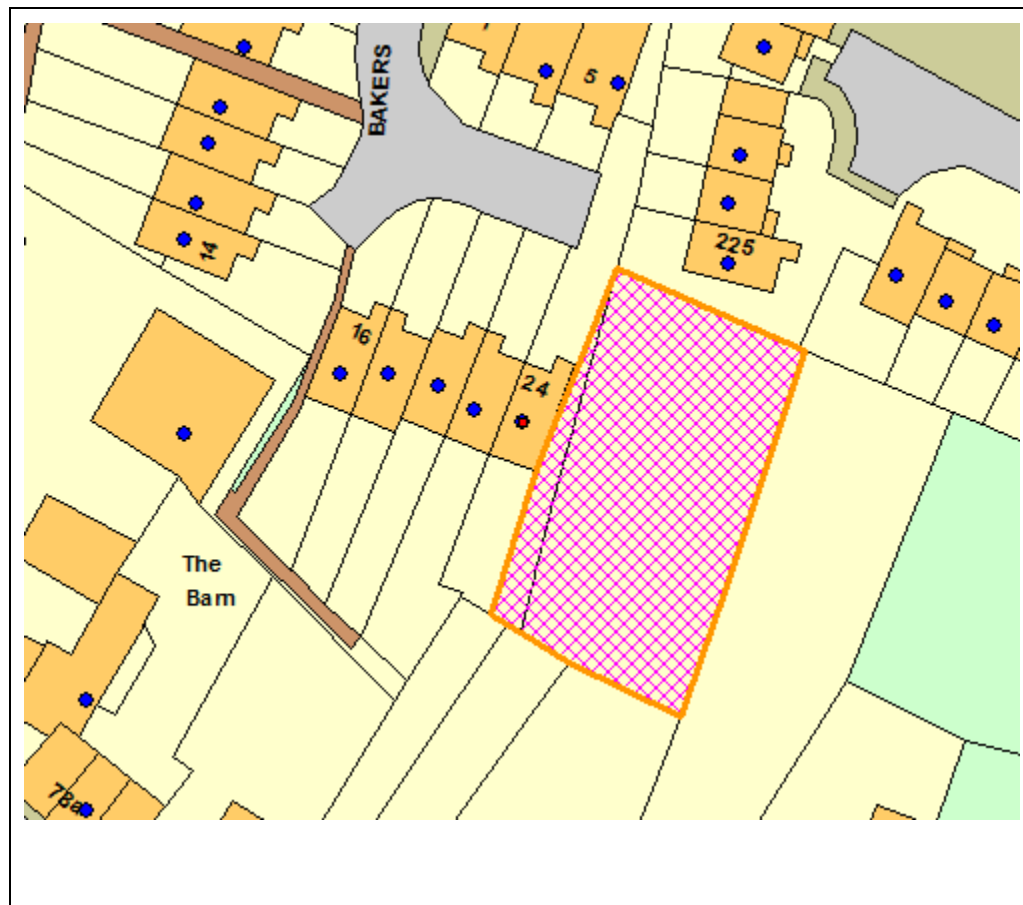
- 5.8 Given the above, officers consider that the application is acceptable and compliant with policies BE2 of the adopted WOLP 2011, OS2 and OS4 of the emerging WOLP 2031, and relevant paragraphs of the NPPF.

6 CONDITIONS

- 1 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.
- 2 The development hereby permitted shall only be used as accommodation ancillary to the existing dwelling on the site.
REASON: In the interests of the residential character of the area.

Application Number	I6/02183/FUL
Site Address	24 Bakers Piece Witney Oxfordshire OX28 1PQ
Date	3rd August 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435677 E 210623 N
Committee Date	15th August 2016

Location Map



Application Details:

Construction of three dwellings with associated access (amended plan)

Applicant Details:

Mr Brian Cade
C/O Agent

I CONSULTATIONS

- I.1 Environmental Health (Public Protection) Thank you for consulting me on the above application.
- o I have no objection to the above application.
 - o I would be grateful if the following condition is considered
- I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- I.2 OCC Highways Given the location close to the town centre I cannot demonstrate that the parking provision as shown would cause such harm as to warrant the refusal of a planning permission on grounds of highway safety and convenience.
- The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
- No objection subject to
- G36 parking as plan
 - G11 access specification
 - G31 drive etc specification
 - G47 SUDS sustainable surface water drainage details
- I.3 WODC Drainage Engineers No Comment Received.
- I.4 WODC Architect No Comment Received.
- I.5 Town Council Mrs S Goth Witney Town Council objects to this application on the grounds that there is insufficient parking for the number of houses which is contrary to Policy BE3 of the WOLP and the access to and from the site is insufficient.

2 REPRESENTATIONS

- 2.1 At the time of writing the report 28 letters of objection have been received which raise the following issues:
- Access to these 3 properties would have a major impact on the present residents of Bakers Piece.
 - Object to the destruction of a listed wall.

- There will be a devaluation in house prices.
- Increased dust and noise and stress.
- Applicant did not consult with neighbours.
- Loss of an important ecological site.
- Increased construction traffic.
- Increased traffic.
- Bakers Piece has no footpath.
- We object to any development going on the site due to disruption to the residents of Bakers Piece.
- There is a lack of parking.
- Development will destroy peaceful life.
- Result in a lack of privacy.
- Increased overlooking between the site and those in Farmers Close.
- Overdevelopment of the site
- Not in keeping with Listed properties in West End.
- Development will spoil the Conservation Area.
- Nature, wildlife and flora will be affected.
- It is understood that there is a Dormouse family in the garden.
- Building noise will be a distress and annoyance.
- Access and egress of emergency vehicles will be impeded.
- Increased risk of flooding.
- Parking proposed is minimal.
- Will there be visitor parking.
- Will create unsafe highway conditions.
- There will be an increased risk to pedestrians.
- Why was the site notice not posted sooner/ Why was there a delay in posting the site notice?
- Parking is inadequate.
- Developer has not listened to concerns and has not address previous concerns.
- Bakers Piece not wide enough as it is.
- Construction traffic will damage road.
- Where will the construction traffic park.
- The close is already crowded with cars.
- Removing part of the wall will impact is structural integrity.
- Why weren't neighbours consulted directly?

3 APPLICANT'S CASE

3.1 The application was submitted with a design and access statement which can be viewed online alongside the rest of the application. The conclusion states:

- The proposal is for three small homes on former garden land within the built-up area of Witney. The specific concerns raised in relation to the previous scheme for a block of four flats on the site have been addressed. The current proposal is a high quality scheme in a highly sustainable location, and it will add to the local housing stock and provide a modest contribution towards the Council's 5 year housing land supply.

- The site is currently unused and has an unkempt appearance which detracts from the Conservation Area. The proposal, therefore, will positively enhance the character and appearance of this part of the Witney & Cogges Conservation Area.
- Therefore, in accordance with the positive emphasis the NPPF places on new housing development in sustainable locations and, in particular, paragraph 14 of the NPPF, the scheme should be approved as there are no adverse impacts which would "significantly and demonstrably" outweigh the substantial benefits of granting planning permission.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

BE8 Development affecting the Setting of a Listed Building

H2NEW Delivery of new homes

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH7NEW Historic Environment

BE5 Conservation Areas

H7 Service centres

WIT4NE Witney sub-area Strategy

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

5 PLANNING ASSESSMENT

- 5.1 The planning application seeks permission for the erection of 3 x2 bedroom dwellings to be accessed via Bakers Piece. An amended plan has been submitted in order to address parking concerns. The dwellings have been moved back in the plot and an additional 3 parking spaces have been created.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
- 5.3 The application site is located within the settlement of Witney which is a main service centre and the district's most sustainable settlement.
- 5.4 Local Plan 2011 Policy H7 allows for infilling and rounding-off within existing service centres and the proposal is considered to be broadly consistent with this. However, in the context of the Council currently being unable to demonstrate a 5 year supply of land for housing, this policy is considered out of date with reference to paragraph 49 of the NPPF.
- 5.5 Emerging Local Plan 2031 Policy OS2 allows for new homes, within and on the edge of main service centres. Emerging Policy H2 similarly allows for housing development within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria in the policy, and is consistent with other policies in the plan.

- 5.6 The site is within the built up area of Witney. Therefore, on the basis of emerging policies for the supply of housing, the development proposed would be acceptable in principle. However, with reference to a range of policy considerations, and the balancing of considerations required under paragraph 14 of the NPPF (along with footnote 9), the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.7 Bakers Piece is a small cul-de-sac located within Witney and Cogges conservation area which benefits from a stone boundary wall at the end of the road. The application seeks to introduce a new access to the site through the cul-de-sac by removing a section of boundary wall. Bakers Piece is characterised by terrace housing which benefits from small frontages which accommodate vehicle parking.
- 5.8 The proposed dwellings have been designed as a terrace with the properties being located broadly in line with the houses located in Bakers Piece. In terms of the scale and appearance, the houses will feature a similar design to those located in Bakers Piece. Officers are of the opinion that the properties would form a logical compliment to the pattern of development in the area and the plot would be of a size which can comfortably accommodate the 3 new dwellings. The dwellings would benefit from good sized gardens and would allow for adequate circulation space. The properties will be visible within the context of the conservation area from the street scene but given the similarities between the proposed dwellings and those already in Bakers Piece, the development is not considered to have an adverse impact on the character and appearance of the Conservation Area.
- 5.9 A section of the boundary wall is proposed to be removed in Bakers Piece to gain access to the site. The wall is not listed and whilst it has some merit, officers are of the opinion that part of its removal would not have an adverse impact on the street scene to such an extent that the development would warrant a refusal on this basis.
- 5.10 The plot of land appears to have been historically linked to the properties located in West End a number of which are listed. The garden sized of the proposed properties allows for a good separation distance between the proposed dwellings and those located in West End and the relationship between the properties would not be dissimilar to the relationship which already exists between the properties located to the South of Bakers Piece. Officers are therefore satisfied that the additional dwellings would not have an unacceptable impact on the setting of the Listed Buildings located in West End.
- 5.11 Given the above officers are of the opinion that the development would form a visually appropriate addition to the pattern of development in the area and the introduction of the new housing would not have an unacceptable impact on the street scene or the wider Conservation Area.

Heritage

- 5.12 The site is within the Witney-Cogges Conservation Area and there are listed buildings within a short distance of the site, particularly at West End, which need to be considered in terms of setting. In this regard, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.

- 5.13 Local Plan Policy BE5 states that the character and appearance of Conservation Areas should not be eroded by the introduction of unsympathetic development proposals within or affecting their setting. Policy BE8 requires that development should not detract from the setting of a listed building.
- 5.14 Section 12 of the NPPF deals with the historic environment and addresses the impact of development on heritage assets. Emerging Local Plan Policy EH7 has been drafted in the light of the NPPF and promotes the conservation and enhancement of West Oxfordshire's historic environment.
- 5.15 The application site is an undeveloped area which sits landlocked by existing historic and modern development within the centre of Witney.
- 5.16 Although the site shares a boundary with the curtilages of Listed properties at West End, the buildings proposed would not be sited in close proximity to the Listed Buildings. In the context of the existing relationship between modern development here and heritage assets, the setting would be preserved in accordance with the Act, Policy BE8 of the Local Plan and Policy EH7 of the emerging plan. With regard to paragraph 134 of the NPPF, the impact would be less than substantial and in this case is outweighed by the benefit of the delivery of new housing in a sustainable location.
- 5.17 Although the site lies within the Conservation Area, the development would have a physical and visual relationship with existing modern development at Baker's Piece. The site is on the edge of the Conservation Area and is not within its historic core. It is considered that the character of the Conservation Area would be preserved, consistent with the Act and the proposal would also conform with Local Plan Policy BE5, and emerging Policy EH7. With regard to paragraph 134 of the NPPF the impact of the development would be less than substantial and in this case is outweighed by the benefit of the delivery of new housing in a sustainable location.

Highways

- 5.18 Oxfordshire County Council Highways were consulted on the application and the original parking layout which included a total of 5 parking spaces. Highways raised no objection to the level of parking provided for the new housing or the proposed access through Bakers Piece. The highways officer stated that given the proximity to the Town Centre and the maximum parking standards which they apply, the scheme would provide satisfactory parking spaces for the development and would not have an adverse impact on pedestrian safety. Given this, the scheme is therefore not considered to cause such harm as to warrant the refusal of a planning permission on grounds of highway safety and convenience.
- 5.19 A number of objections have been received relating to highway and pedestrian safety. Officers have tried to address the parking concerns by contacting the applicant to see if additional parking can be included within the site as to try and improve the parking provision. The applicant has agreed and has therefore provided an amended plan showing a total of 8 parking spaces to serve the three dwellings as well as no. 24 Bakers Piece. At the time of writing the report highways had not commented on the amended plan and therefore any additional comments will be included within the late reps report.

- 5.20 A number of the comments refer to the disruption that will be caused whilst the development takes place. There is always likely to be some disruption when any development takes place and this in itself would not be reason enough to refuse a planning application.

Residential Amenities

- 5.21 The dwellings will be located next to those in Bakers Piece and will face on to the properties on Farmers Close. Comments have been received with regard to increased overlooking between the new dwelling and those in Farmers Close. The proposed dwellings will face on to the side of no. 225 Farmers Close and the rear of no. 224 and the other properties within that terrace. The front to side distance between the properties will exceed the minimal standard of 12m and therefore officers are of the opinion that whilst there will be increased overlooking, the level of overlooking between the properties would be one that would be acceptable in built up residential areas. The terrace of properties in Farmers Close which include no. 224 would also be well separated from the front elevation of the development. Furthermore due to the layout of the properties, at first floor level there will only be 3 bedroom windows which may give rise to overlooking taking in to account the en-suite windows will be conditioned to be obscurely glazed. The distance between the properties also means that the development would not be considered overbearing or adversely impact the light available to the properties.
- 5.22 The application site and land is set higher than the properties located in West End. The properties located in West End benefit from large gardens. Taking in to account the distance between the properties and the existing arrangement between the existing properties in Bakers Piece and those in West End the development is not considered to be overbearing, impact the light or unacceptably impact privacy to those properties located in West End.
- 5.23 The properties would be located alongside no. 24 Bakers Piece and would not extend excessively behind the properties, the dwellings are therefore not considered to be overbearing or impact the light afforded to neighbouring properties.

Ecology and Flooding

- 5.24 The site is situated within floodzone 1 where development of this type is considered acceptable. A drainage condition has been added to ensure that the development provides adequate drainage provisions for the proposed dwellings.
- 5.25 There has been no evidence of protected species within the site. Notwithstanding this, the biodiversity officer has been consulted and their comments will be included within the additional representations.

Conclusion

- 5.26 Having taken into account material planning matters, and balancing the concerns raised in the objections, it is recommended that the application is approved.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roof 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.
- 4 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.
- 5 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
- 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
- 7 That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
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).

- 8 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 9 Before first occupation all bathroom/ en-suites shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy of neighbouring properties
- 10 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 development permitted under Classes A, B, C, D, E, and G of Schedule 2, Part 1 and Classes A and C of Schedule 2, Part 2 shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to maintain the character and appearance of the dwellings and amenity of neighbouring properties.
- 11 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.