

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 14th November 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

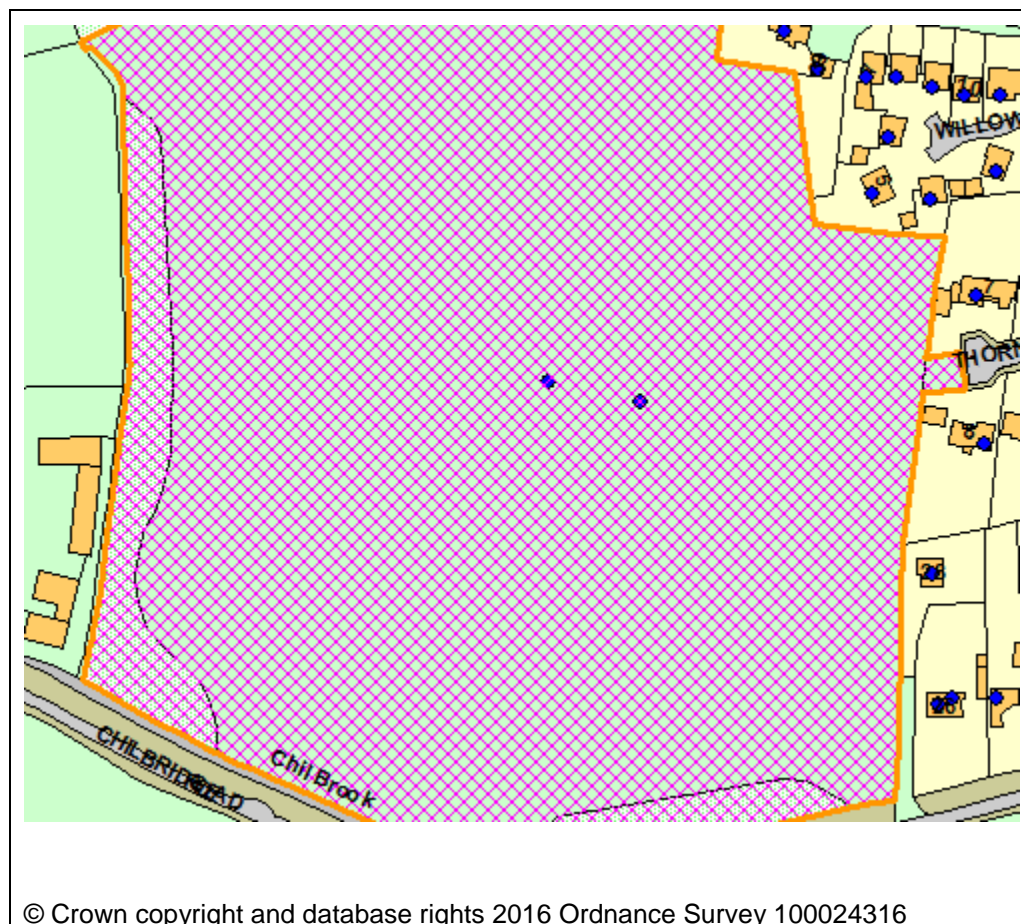
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	I5/03148/OUT
Site Address	Land West of Thornbury Road Eynsham Oxfordshire
Date	2nd November 2016
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham Parish Council
Grid Reference	442549 E 209439 N
Committee Date	14th November 2016

Location Map



Application Details:

Residential development of up to 160 dwellings (means of access only)

Applicant Details:

Sensecall/Wilmshurst/Sherbrooke, C/O Agent, United Kingdom

I CONSULTATIONS

I.1 Parish Council Eynsham Parish Council

1. The Strategic Housing Land Availability Assessment, June 2014 (SHLAA) refers to this Site (179) as 'Suitable in principle for development ... although access is a key constraint. Could potentially come forward as part of a comprehensive scheme including 187a'. Approval as proposed could seriously frustrate a more comprehensive development of the western edge of the village as identified in the emerging local plan and the SHLAA.
2. This is a short-term opportunistic development proposal which is isolated from and does not relate to the village as a whole or other sites in the village identified for future development.
3. The Site should form part of a comprehensive master plan for the longer term growth of Eynsham with other landowners of sites for sustainable development, which takes into consideration emerging plans by Oxford County Council for improvements to the A40 and identifies key infrastructure provision for local transport (in co-ordination with A40 improvements), schools, healthcare, utilities and social amenities.
4. Little weight should be given to the submitted Traffic Assessment (TA) which fails to identify adequately or at all when the base manual survey data in the Study Area (TA Appendix G) was collected and takes no consideration of term times of Bartholomew School, which has the biggest impact on traffic on Witney Road and Thornbury Road. It is also noticed that the automatic traffic count points selected do not reflect the key congestion points of limited access to the village (for example, Witney Road was sampled between Thornbury Road and Acre End Street but not between Thornbury Road and the A40, which would reflect the additional traffic from Old Witney Road and Spareacre Lane).
5. Likewise, the comments of OCC on transport should be accorded little weight as these rely on the same flawed procedures and data which it approved in pre-application discussions.
6. The proposed sole access for all vehicular traffic through Thornbury Road to Witney Road is totally unrealistic and impractical. The Applicant is clearly wrong when it asserts the buses parking in the vicinity of the Bartholomew School layby 'do not impede traffic flows on Witney Road' (TA 3.6) or that there is 'excellent visibility' and 'the development is unlikely to conflict with the operation of the layby' (TA 3.7). This is directly contrary to the experience of residents in the vicinity and users of Witney Road, as is reflected in the comments posted on this Application. The addition of 630 vehicles a day (TA Table 5.7) into the mix of school buses, scheduled buses, school generated car traffic, pedestrian and cycle traffic of hundreds of students and others, together with the regular commuter and commercial traffic on Witney Road would not be 'modest' but unsafe and would have an unacceptable degree of impact on the local highway network contrary to BE3, T1 and T6 of LP 2011 and T2 of the draft LP 2031.

7. EPC agrees with the objections of OCC as to the impact the development would have on both the Eynsham primary school and Bartholomew School, both of which are at capacity. It is unacceptable that pupils should be bussed out of the village because development has exceeded the schools' ability for expansion, which would not be satisfactorily remedied by s106 contributions.

8. The Application is further flawed in that it fails to adequately assess the capacity of local healthcare facilities. Eynsham Medical Centre (and its branch at Long Hanborough, which is also subject to significant development proposals) is already rationing patient appointments. The practice has in excess of 13,600 patients and is under strength with most doctors only working part-time.

9. The submitted Flood Risk Assessment (FRA) admits that the Chil Brook presents a flood risk to the southern end of the Site which cannot be used for development. The site has a drop to the Chil Brook of approximately eight metres and further falls off towards a drainage ditch which forms the western boundary of the Site. This ditch runs into the Chil Brook, which subsequently flows through the village to the Wharf Stream and ultimately the Thames. It is intended to use a SUDS drainage system (6.0) but the FRA states (at 2.6) that 'Generally soils are relatively impermeable, resulting in greater run-off towards the watercourse.'

10. The FRA wrongly states (at 4.11) that surface water flooding has not led to flooding of property and omits any reference to associated fluvial flooding by the Chil Brook of properties on Station Road on various occasions (Appendix E, historic flood map). The Site is upstream from known settlement areas at flood risk in the village. These have not been adequately taken into consideration in the SUDS proposals contrary to NPPF 100 and 103.

11. The Design and Access Statement at 5.1.3 proposes up to three storey development on the middle to high ground of the Site (see also Indicative building height zones drawing). This, and a density of 35 dph would have an adverse visual impact upon the soft western edge of the village that would stand out as a hard, incongruous urban extension contrary to BE2, BE4, H2 and H7 of LP 2011 and OS2 and EW2 of draft LP 2031.

12. The Application as proposed should not be approved as its adverse impact on future growth and infrastructure of Eynsham would significantly and demonstrably outweigh the benefits contrary to NPPF 14, LP 2011 BE1 and draft LP 2031 OS1 and EW2.

If the Application is approved:

A comprehensive Construction Travel Management Plan should be required due to the limited and residential nature of Thornbury Road, the nature of Witney Road as a scheduled bus route and the safety aspects of the adjacent Bartholomew School.

The Parish Council requests a developer contribution in the amount of £496,000, indexed linked, towards street furniture, play and recreation areas and facilities or other appropriate village amenities to reflect the additional strain on existing community infrastructure the development will represent.

I.2	Major Planning Applications Team	<p>Transport No objection subject to conditions and S106 and S278 legal agreements</p> <p>Archaeology No objection subject to conditions</p> <p>Education Objection Based on the information currently available, this proposed development has been estimated to generate 49 primary pupils, 36 secondary pupils (including 4 sixth formers) and 0.9 pupils requiring education at an SEN school. Primary school capacity in this area is not sufficient to meet the needs of housing development on this scale. There is not currently an identified solution to increasing primary school capacity in a satisfactory and sustainable manner. The Eynsham Academy Trust and the county council will continue to explore options, but at this stage, the county council does not consider that this scale of growth can be supported.</p> <p>NB In a very recent update to this initial response OCC has now withdrawn its education objection- see main body of report for details</p> <p>Property Request £35, 190 towards library infrastructure</p>
I.3	WODC - Arts	Request 16800 towards public art to enhance on site POS
I.4	Wildlife Trust	<p>The Ecology Report has concluded that there are few ecological constraints to development at this site, however in section 5.2 it does make a number of recommendations that, should planning permission be granted, I suggest are secured through planning conditions to ensure that the development is compliant with regard to protected species, and that areas of value to wildlife within the development footprint (particularly the Chil Brook and hedgerows) are conserved and enhanced in line with national and local planning policy (NPPF para's 109 and 118, West Oxon Local Plan 2011 NE13 and NE15, and the emerging West Oxon Local Plan 2011-2031).</p> <p>I also suggest that the Council request a Biodiversity Impact Assessment to be undertaken using the DEFRA Biodiversity Metric</p>
I.5	Ecologist	No Comment Received.
I.6	WODC Community Safety	No comments.
I.7	WODC Drainage Engineers	No Comment Received.

I.8 Environment Agency We have no objections to the proposed development, subject to the inclusion of the following conditions on any planning permission granted.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Glanville ref. TR8140921/DB/ES/017 Issue 2, dated August 2015) and the following mitigation measures detailed within the FRA:

- 1. No built development within Flood Zones 2 and 3; and
- 2. Finished floor levels are set no lower than 64.54m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the Chil Brook, and 8 metre wide buffer zone alongside the drainage ditch alongside the western boundary, shall be submitted to and agreed in writing by the local planning authority.

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water, in accordance with the approved FRA (Glanville ref. TR8140921/DB/ES/017 Issue 2, dated August 2015), has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

I.9 WODC Env Services - Car Parking No Comments.

I.10 WODC Env Health - Lowlands No comments to make on the above application.

I.11 WODC Head Of Housing There are currently in excess of 270 households who would qualify for affordable housing in Eynsham were it available. In policy terms the council would seek as a guide, an overall mix of affordable housing in the following proportions;

- o 65% to be one and two bedroom homes to meet the needs of younger single and couple households, older people and small family households
- o 35% to be three and four bedroom homes

Of this overall mix, and since there is a significantly greater need for rented housing than for intermediate housing, the favoured ratio is 2 :

I affordable rent to shared ownership.

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| I.12 | WODC Env Services -
Landscape | No Comment Received. |
| I.13 | WODC Landscape And
Forestry Officer | No Comment Received. |
| I.14 | WODC Legal And
Estates | No Comment Received. |
| I.15 | Thames Valley Police
Licensing Office | No Comment Received. |
| I.16 | WODC Planning Policy
Manager | <p>In terms of the District's settlement hierarchy, Eynsham is identified as a service centre in the adopted West Oxfordshire Local Plan 2011 and a rural service centre in the emerging Local Plan 2031. The Council's assessment of settlement sustainability gives Eynsham a high score, with the village having a range of services and facilities, including secondary and primary schools, a large number of offices and industrial units, shops, library, public houses and access to a good public bus service.</p> <p>Whilst the application does not fulfil the criteria of adopted Policy H7, it is accepted that this policy is more restrictive than the NPPF which post-dates it and the Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites on the edge of settlements. This is reflected in Policy H2 of the submission draft Local Plan 2031. The strategy of the draft local plan looks to deliver about 1,600 new homes in the Eynsham-Woodstock Area (2011-2031), the majority of which are likely to be delivered in the three rural service centres (Eynsham, Woodstock and Long Hanborough).</p> <p>Land to the west of Eynsham (which includes the application site) is identified in the emerging Local Plan as one of a number of 'SHLAA' sites that are considered suitable in principle for delivering new housing within the District. In particular, careful consideration needs to be given to the likely need for a new primary school to cater for major new development, to the need to minimise traffic congestion in the village centre and on the A40, to plan, integrate and enhance a network of Green Infrastructure and to minimise the impact of development on the local landscape.</p> |
| I.17 | WODC - Sports | No Comment Received. |
| I.18 | Thames Water | <p>Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like a Grampian style condition imposed.</p> |

1.19 WODC Env Services - No Comment Received.
Waste Officer

2 REPRESENTATIONS

2.1 42 representations have been received objecting to the proposal on the following grounds:

- The road exit is opposite Bartholomew School Lay-by.
- A zebra crossing has just been installed next the exit.
- 9 School coaches use the lay-by and overflow into the Witney Road temporarily reducing the width of the Witney Road to one lane whilst dropping off and picking up pupils at the beginning (8.30 am) and end of each school day (3.00 pm).
- At the same time the S1 service drops off nearby in the morning and picks up in the afternoon numerous pupils from the school.
- All vehicles travelling from the development towards Oxford will have to use Spareacre Lane or the centre of Eynsham, both already heavily congested.
- In addition to the S1 and the 11 bus services and the 9 coaches mentioned above there are numerous private cars and some taxis which park in both the Witney Road and Thornbury Road and drop off their charges in the morning and again in the afternoon these same vehicles park up and wait until the children arrive. Whilst the cars /taxis are parked they of course reduce the road width of both Witney Road and Thornbury Road.
- That means an extra 450-500 cars using Thornbury Road as a means of entering and leaving the development. That is way too many for this small close which was originally built to service only EIGHT houses!!
- Residents are in the main older retired people who have lived there for more than 40 years enjoying the peace and that a CUL-DE-SAC brings.
- As a parent of a pupil of Bartholomew School, Eynsham, I am extremely concerned for the safety of the pupils at the beginning and end of each school day if the above planning application is passed allowing as it will additional traffic from 160 houses to join the already existing chaotic situation.
- There are currently 3 or 4 planning applications on the table. It might be a good idea to construct a new road from Station Road to the A40 creating a western by-pass to alleviate an increase in village traffic.
- WODC policy in the draft Local Plan 2031, SHLAA states that this site is only suitable for housing development if it is part of a comprehensive scheme that resolves access problems. The access from Thornbury Rd was clearly seen as unacceptable in the SHLAA.
- The Village does not have the infrastructure in terms of roads, schools and shops to support a development of this size.
- The wider implications of the proposed development are the impact on both schools, both of which are at full capacity and already having to expand to accommodate existing pupils; the effect on the medical centre with already long waiting lists for appointments; the parking situation in the village; loss of green space which will have a negative impact on wildlife as well as spoiling a popular area for walking.
- The application proposes three storey housing on some of the site. This is not appropriate for this area.
- Unnecessary and oppressive proximity to our boundary.
- A piecemeal development such as that proposed is not in line with the strategic planning for the future of Eynsham. Applications should be more co-ordinated to allow for the provision of infrastructure needed i.e. perimeter road which by-passes the village linking the A40 to

Stanton Harcourt Rd., a new primary school, shopping units, further medical facilities, full-size leisure centre etc.

- The developers have no interest in the future or the wellbeing of the local community.
- To allow this application to go through without considering the bigger picture would be irresponsible.
- If Eynsham is to become a town then it would need investment and development as has happened at Carterton in a measured way.
- We urge those responsible for considering this proposal to make a site visit between 2.50 pm to 3.20 pm on a school day before making a decision.

2.2 The Eynsham Society object for the following grounds:

- Traffic generated by the proposed access would increase congestion and consequent danger to pupils and others
- the SHLAA of June 2014 acknowledges the access is a constraint and considered it viable only as part of a larger scheme involving adjacent sites with other means of access
- The Witney Road junction with the A40 does not provide access to the eastbound A40. No further development of the west side of Eynsham should be permitted until a comprehensive solution to traffic flow has been provided
- The A40 has been running well beyond capacity for a number of years, no further significant development should be permitted until a comprehensive solution to the traffic flow has been provided
- The proposed site has severe drainage problems which are unlikely to be solved by sustainable drainage
- essential village facilities are at capacity and do not have room to expand
- The western side of Eynsham is the only soft edge where it is possible to walk into open countryside without crossing a main road. the design of the proposed dwellings with 3 storey buildings on high ground would be incongruous in this setting

2.3 Local County Member Charles Mathew made the following comments:

- The access through Thornbury Road is completely unacceptable; Thornbury Road is too narrow esp during development; it meets Witney Road just by the new Zebra Crossing (next to Bartholomew School) and Witney Road itself is heavily congested at rush hours. It also means that all traffic will go through Acre End Street and the middle of Eynsham- also unacceptable (the other end has a left turn only onto A40 at lights).
- In my opinion this development will cause a dangerous access and exit onto Witney Road and granting of PP on the current plans would be very regrettable.
- It is also very important that all sites West of Eynsham (Fruitlands/Evenlode Nursery/this site) are coordinated and work together in the interests of all parties including residents.

3 APPLICANT'S CASE

3.1 Several supporting documents have been submitted with the application as follows:

Planning Statement
Design and Access Statement
Transport Assessment
Foul Water and Utilities Assessment
Tree Report

3.2 Planning statement conclusion:

In terms of paragraph 7 of the NPPF, the application will:

- Fulfil an economic role by helping to ensure that sufficient land of the right type is available in the right place and at the right time to support growth;
- Provide a social role in helping to provide the supply of housing needed to meet the needs of present and future generations in a location that provides accessible local services;
- Fulfil its environmental obligations through the planned landscape, open space, utilities, transport and drainage strategies, which are an integral part of the scheme;
- The applicants have shown also that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. It is evident therefore that it accords with paragraph 14 in the NPPF and that consequently there is a clear presumption that this application should be granted permission.

3.3 Design and Access Summary:

In summary, this Design and Access Statement has demonstrated how the Land West of Eynsham can be developed as a high quality residential area which:

- Is located in a sustainable location within easy walking distance of village facilities;
- Accommodates an appropriate number of dwellings which reflects densities established in recent developments elsewhere in Eynsham;
- Can support a diverse mix of housing types and markets, including affordable and senior living;
- Provides homes needed for the local area;
- Protects areas identified as being at risk of flooding;
- Provides pedestrian and cycle links to existing routes and networks;
- Can accommodate potential links and connections to any larger west Eynsham extension should it proposals come forward at a later date; and
- Provides usable open space which can have a variety of functions, from natural green space to play area.

4 PLANNING POLICIES

4.1 The following policies of the adopted and emerging WOLP are of relevance.

West Oxfordshire Local Plan 2011

Policy BE1 Environment and Community Infrastructure

Policy BE2 General Development Standards

Policy BE3 Provision for movement and parking

Policy BE4 Open space within and adjoining settlements

Policy NE1 Safeguarding the countryside

Policy NE3 Local landscape character

Policy NE6 Retention of trees, woodlands and hedgerows

Policy NE13 Biodiversity conservation

Policy NE15 Protected species

Policy T1 Traffic generation
Policy T6 Traffic management
Policy H2 General residential development standards
Policy H3 Range and type of residential accommodation
Policy H7 Service centres
Policy H11 Affordable housing
Policy TLC7 Provision for Public Art

Pre-submission draft Local Plan 2031
Policy OS1 Presumption in Favour of Sustainable Development
Policy OS2 Locating Development in the Right Places
Policy OS3 Prudent Use of Natural Resources
Policy OS4 High Quality Design
Policy OS5 Supporting Infrastructure
Policy H1 Amount and Distribution of Housing
Policy H2 Delivery of New Homes
Policy H3 Affordable Housing
Policy H4 Type and Mix of New Homes
Policy T1 Sustainable Transport
Policy T2 Highway Improvement Schemes
Policy T3 Public Transport, Walking and Cycling
Policy EH1 Landscape Character
Policy EH2 Biodiversity
Policy EH5 Flood Risk
Policy EW2 Eynsham-Woodstock Sub-Area Strategy

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

5 PLANNING ASSESSMENT

- 5.1 This application is in outline with access and principle to be determined at this stage. The site is an area of open land adjoining the existing western edge of Eynsham and the proposed site would be served via an extension of Thornbury Road. It is beyond the Eynsham Conservation area. Part of the site falls within Flood Zones 2 and 3.
- 5.2 Members will recall that at the application was deferred to enable a Formal Site Visit to be undertaken late last year and in the interim period the applicants have been working with OCC to address the education implications of the development and to await the decision as to whether the West Eynsham site would be proposed for allocation.

Background Information

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

Principle of development
Piecemeal or comprehensive development west of Eynsham?
Relationship to other recently refused schemes west of Eynsham
Relationship to the emerging Neighbourhood plan
Education impacts

Landscape impacts
Adequacy of the access to serve this or potentially larger developments
Drainage, archaeology, ecology etc
Impact on capacity of village services and infrastructure
Impact on A 40 congestion
Extent and adequacy of any mitigation package

Principle

- 5.4 As Members will be aware from the recent full Council discussion as regards the emerging local plan the planning policies for the District are in a state of flux. The policies of the adopted plan are increasingly out of date, were prepared in advance of the NPPF and did not promote the development of greenfield sites as these were not needed to meet the housing targets then in place. The proposals do not conform to the definitions of the forms of acceptable housing development set out in the adopted plan but these policies have far less than full weight in the planning balance for both the reasons set out above and because at the present time the Council is unable to demonstrate a full 5 year housing land supply. The emerging plan seeks to set out the method whereby the Council will seek to address the 5 year land supply position but again the policies and allocations set out in that document will only start to attract greater weight as the plan progresses through its public consultation and examination phases. However the policies of the emerging plan are instructive in that they do allow for greenfield developments on the edge of the larger settlements and indeed the wider land of which this site forms part is specifically allocated in the emerging plan as one of the sites that the Council is promoting as a mechanism to improve the 5 year land supply position. It is also relevant to note that the Council has recently lost a series of appeals for major housing developments where the issue of the 5 year supply was considered by the Inspectorate to outweigh the other objections to those schemes, including another element of the wider allocation at the Nursery site to the north of this scheme.
- 5.5 Thus in order to reinforce the credibility of the emerging allocations as a means to address the 5 year land supply position, because the site is part of an allocation in the emerging plan, because the adopted plan is not given particular weight in appeals and to address the current housing shortfall your officers are of the opinion that the principle of development on this site is now acceptable.

Piecemeal or comprehensive?

- 5.6 In that the wider site allocation has only just been agreed for wider public consultation much of the master planning work that would be required to bring forward the whole site has yet to be undertaken. The question thus has to be addressed as to whether determination of this application at this stage would be premature or prejudicial to the wider allocation. In that regard the recent appeal at the Nursery site is instructive as the Council was seeking to make the argument that sites such as that one should only come forward comprehensively if the proper planning of the locality and securing the optimum form of sustainable development is to be achieved. As a general principle officers hold to that view but that was not however an opinion shared by the Inspector for the Nursery appeal (who indeed awarded costs in favour of the appellant in terms of the Council seeking to make that argument) nor by the Parish Council who gave evidence to that effect to the Inquiry. In that this is a similar edge of settlement site as was considered acceptable by the Inspector at the Nursery your officers would advise that providing that the scheme makes its appropriate share of the contributions that will be required to mitigate the impacts of the wider development and that it allows suitable through routes to be

created to facilitate the wider scheme that arguments as to prematurity or prejudicial impact are unlikely to be considered of sufficient weight to justify refusal.

Relationship to other schemes recently determined in Eynsham

- 5.7 Reliance has been placed in this report thus far as to the outcome of the appeal at the Nursery and its implications for this scheme. Members will however recall that there have been two other appeals on peripheral land at the edge of the settlement recently where the decision has been found in favour of the council- namely at the Fruitlands and Station Road sites. However both of these sites had specific harms in terms of ecology and heritage assets that the 'tilted balance' does not apply to. This site (and the Nursery site) does not have those self same specific objections and as such whilst those appeals were determined in favour of the Council they are not considered directly analogous to the situation on this site. The appeal in central Eynsham did have Conservation Area harms but notwithstanding these the Inspector found that they were insufficient to justify refusal when the benefits of housing provision were taken into account.

Neighbourhood Plan

- 5.8 The local community has undertaken and continues to undertake much work on the preparation of a Neighbourhood Plan which when completed will sit alongside the emerging local plan as the key development management documents for this part of the district. However the legal position is that at present the work undertaken does not have the benefit of any status in the decision making process and as such it cannot be given any weight in the determination of this application. This was a view also promoted by the Nursey Inspector who advised that "the ENP is still at an emerging stage, and I heard evidence from one of the Parish Council representatives that it was considered as being at a 'preliminary consultation' stage, with a referendum in May 2017, although it was conceded that this could be later. The land to the south and west is one of the options for future development in the emerging ENP, and in the most recent version of the ENP a large housing site on the land to the north of the A40 has been considered to be less likely in the near future. It was not in dispute that the ENP is evolving in co-ordination with the eLP and that the EiP for the eLP has been adjourned to December 2016. Consequently it is not likely that a Neighbourhood Plan for Eynsham will be adopted until 2017 at the earliest, and neither was it in dispute that the appeal proposal if successful would not prevent the larger housing options in the emerging ENP on land to the south and west of the appeal site from being developed." In such circumstances any conflict or otherwise with the eNP is not considered sufficient to justify refusal

Education

- 5.9 This is a key issue. The County Council has revised its position on a number of occasions throughout the time period that this application has been live because education capacity in the settlement, and indeed in this part of the District generally, is close to capacity and as such individual applications being either approved or refused have very significant implications for the ability of the education system to cope with the pupils generated from the new housing. The most up to date position was set out very recently where OCC advise that "Oxfordshire County Council is changing its education response on application 15/03148/OUT from an objection to no objection subject to a s106 agreement that includes a contribution towards Eynsham Primary School. The previous response on the Thornbury Road proposal was based on pupil forecasts produced in summer 2015. These showed that Eynsham Primary School, despite a recent expansion, was not expected to have any spare places to accommodate the impact of a

further 160 homes on Thornbury Road, which has been estimated to generate 49 additional primary pupils. As the school can't be expanded further on its current site, we therefore objected on the basis that further significant housing development in Eynsham is dependent on a long term solution to primary school capacity, which needs to be informed by the scale of growth which emerges from the Local Plan process. We are in the process of producing revised pupil forecasts for Eynsham using the latest demographic evidence and these indicate a reduction in pupil numbers from that previously forecast. These new pupil forecasts are yet to be validated by the DfE and may yet be subject to further checks. However, the new forecasts suggest that there is likely to be capacity within Eynsham Primary School (which was recently expanded in anticipation of new housing) to accommodate the children expected to be generated by this proposed development. The pupils generated by this site will therefore benefit from the recent expansion of Eynsham Primary School. This was expanded from a 1.5 Form Entry (FE) to a 2FE school (providing an additional 105 places) at a cost of £520,000. This equates to a cost per additional pupil place of £4,952. The proposed development is expected to generate an additional 49 primary school pupils, a proportionate contribution is required towards the cost of the expansion of Eynsham primary school. The contribution calculation is as follows: 49 (number of primary pupils) x £4,952 (cost per place of recent expansion) = £242,648 at 4th quarter 2014 values. This sum would need to be index linked using the PUBSEC index. Contributions were sought on this basis towards Eynsham Primary School from the recent Eynsham Nursery appeal (APP/D3125/W/15/3136815) and also the Newland St appeal (APP/D3125/W/16/3143881). In both cases the primary education request was found to be compliant with the Community Infrastructure Levy Regulations."

- 5.10 With the education authority having withdrawn its objection and 2 recent inspectors having found in favour of the contributions methodology being suggested this aspect is no longer considered to justify refusal.

Landscape impacts

- 5.11 The site is currently open agricultural land that sits beyond the existing established edge of the settlement at this point. Its development will thus be an incursion into the landscape setting of the village that would in the past have been seen as sufficiently harmful as to justify refusal. That is not however the current position. Of key relevance is the proposal for the wider allocation such that whilst in advance of that development coming forward any development on this site will appear somewhat incongruous, in the medium term it will be wrapped around and screened by that development. Additionally the land form is such that whilst there are some longer distance views into the site, the views of the site are mainly localised and where it is seen it is in the context of a backdrop of existing houses or where existing development is also visible in the same view. For these reasons the landscape impact is not considered such as would warrant refusal provided that the details of the reserved matters application pay due regard to the need for appropriate screening and open space provision.

Access

- 5.12 Again this is a key issue. The objectors to the application fear that the increase in use of the cul de sac will disgorge the estate traffic onto the main road network at a point immediately opposite the secondary school where there is heavy congestion, children crossing the road and parents fly parking awaiting pick up of children. Objectors fear the impact on child and pedestrian safety of such interactions of the estate cars and the existing traffic and pedestrians and suggest a recommendation for refusal should be made as a result. Members made a site visit at school pick up time and a number of the poor parking practices and issues of children

crossing the road were clearly evident at that time. The County Member has advised that in his view the access through Thornbury Road is completely unacceptable; Thornbury Road is too narrow esp during development; it meets Witney Road just by the new Zebra Crossing (next to Bartholomew School) and Witney Road itself is heavily congested at rush hours. It also means that all traffic will go through Acre End Street and the middle of Eynsham- also unacceptable (the other end has a left turn only onto A40 at lights). In his opinion this development will cause a dangerous access and exit onto Witney Road and granting of PP on the current plans would be very regrettable.

- 5.13 Members will be aware that in assessing the weight to be attached to highway objections the formal views of OCC in its capacity as Highway Authority are crucial. If the County Council as the formal highways consultee are satisfied as to the access arrangements then refusing an application in the absence of support from the technical consultee is highly likely to open this Council up to the risk of an award of costs were such a refusal to be the subject of an appeal. Their comments are thus set out in some detail below:
- 5.14 The County Council advise that the site is located on the western edge of Eynsham but its centre is less than 1km from the heart of village via Thornbury Road. Bus stops for the frequent SI service to and from Witney and Oxford are situated on Witney Road just south of the junction with Thornbury Road. Bartholomew School is almost directly opposite the site access from Thornbury Road and the local primary school is about 1.5km from the centre of the site so despite the site being on the edge of the settlement, it is well located for shops and facilities that are on offer locally and it has excellent access to a bus service for potential residents to travel to destinations that lie further afield.
- 5.15 They advise that the access from the site to the public highway would be taken from Thornbury Road which is currently a cul-de-sac serving less than 10 residential properties. Whilst traffic and pedestrian/cycle movement from 160 dwellings will of course significantly change the character of Thornbury Road, it is felt that this can be safely accommodated without the need for any changes to the highway layout. Indeed the bend in the road should serve to ensure vehicle speeds are kept low as they enter or leave the development - there should not be any need for additional vertical or horizontal traffic calming features. A S278 agreement will be needed to allow the changes to the western end of Thornbury Road where it would join with the estate road. The applicant has proposed that double yellow lines are laid along Thornbury Road from its junction with Witney Road as far as the western boundary edge of number 2. This would ensure that cars do not park (particularly when parents arrive to pick up children from Bartholomew School) and cause an obstruction to larger vehicles. Double yellow lines are also proposed opposite the junction of Thornbury Road on Witney Road to complement the zig-zags of the newly constructed zebra crossing. Removing the possibility of on street parking in the vicinity of the junction of Thornbury Road and Witney Road will mean that the visibility splays for the junction should be kept clear at all times (the site access plan shows adequate visibility splays of 2.4m by 43m can be achieved in line with the 30mph speed limit). The county council believes that the junction would operate satisfactorily from a safety point of view with the level of traffic that the development is predicted to generate. A S106 financial contribution will be needed to pay for the legal and consultation processes for the double yellow line Traffic Regulation Orders.
- 5.16 The applicant has submitted a Transport Assessment (TA) that amongst other things seeks to estimate the amount of traffic that the development would generate and what impact this might have on the surrounding transport network. The methodology and scope of the traffic generation work was discussed and agreed with the county council ahead of the submission of

the planning application. As such it is considered that the volume of traffic as set out in the TA is a reasonable prediction of what might arise on an average weekday.

- 5.17 The TA goes on to predict what routes that traffic might take (based on census journey to work data) and the impact it would have on the key junctions affected. Again, the methodology for this aspect of the traffic work was discussed ahead of the submission of the planning application. This was considered to represent a reasonable assessment of how things would work out if the development were to go ahead.
- 5.18 The TA considers what impact the traffic would have in the future taking into account background traffic growth. The conclusions are that in 2025, the junction of B4449 and the A40 will be operating beyond its capacity in the morning and evening peaks with the development although it would have been over capacity anyway without the development. The work also highlights that in 2025 with the development, in the morning peak only, the junction of Witney Road and the A40 would also be operating above capacity.
- 5.19 The do something scenario in 2025 shows that queuing on the A40 westbound in the pm peak increases by approximately 80m. The TA suggests that this significant increase could be a result of the inability of the modelling software to accurately model queue lengths as higher Ratio of Flow to capacity (RFC) values are reached. This inadequacy of the model could equally mean that the additional queue is in fact underestimated. The TA also suggests that the modelling doesn't adequately allow re-routing behaviour of drivers to avoid the increase in queuing. In reality, the re-routing options for drivers (particularly those living in or travelling to Eynsham) are limited and involve significant detours (via the A44 and A4095 or via Botley and Farmoor) and different congestion issues.
- 5.20 The county council is also not convinced by the approach in the TA taken to address the additional pressure that the development traffic will add to the A40/Witney Road signalised junction. Increasing the cycle time of the traffic light sequence from 90 seconds to 120 seconds may improve the Practical Reserve Capacity and degree of saturation but queues are shown to increase; in nearly all cases queue lengths, and in many cases delay figures, are higher. In the case of the queues, these can be quite significantly higher (the Mean Max figure for Lane 1/1 for example, rises from 27.8 PCU to 33.9 PCU in the 2025 AM peak, and from 23.9 PCU to 28.3 PCU in the PM peak). The wait time for pedestrians could reach the point where the experience becomes very unattractive. Indeed, it may be so long as to cause more cyclists and pedestrians to unsafely cross against the red man, particularly if the latter see a bus approaching that they need to catch.
- 5.21 The county council does not believe that adding capacity to these junctions for general traffic is a sustainable solution to the existing capacity problems and the extra pressure likely to be brought to bear by the 160 dwellings at Thornbury Road. Indeed, the county council has strategic plans for travel along the A40 corridor towards Oxford that focus heavily on improving operating conditions for public transport. There are two schemes that are part of these strategic plans part funded by Local Growth Fund and existing developer contributions that are of particular relevance to this development:
- Inbound bus priority on the A40
 - Inbound bus priority on the approach to Swinford Toll bridge
- 5.22 Further funding is needed to allow the schemes to be delivered and as such the county council requires new developments adding to existing problems to contribute S106 funding towards

these schemes. The delivery of these schemes would significantly improve the attractiveness of bus travel towards Oxford for people living in Eynsham (including the proposed Thornbury Road development) and as such would relieve pressure on the A40 junction with B4449 and Witney Road. The contribution would of course need to be in proportion to the scale of the development and the impact it might have on the transport network.

- 5.23 The A40 bus priority is clearly a very strategic scheme and is estimated as costing £16.5m. The Swinford Toll Bridge scheme is arguably addressing more localised transport issues and as such a contribution should be sought from each of the 1,600 dwellings planned for the Eynsham-Woodstock sub area, as set out in the WODC Local Plan 2031 submission. The latest estimate for the Swinford Toll Bridge bus priority scheme is £1.06m, so a per dwelling contribution would be £662.50.
- 5.24 A total per dwelling contribution to be applied to this proposal for 160 dwellings would therefore be £2,233.90, making a total S106 contribution towards the A40 and Swinford Toll Bridge bus priority schemes of £357,424.
- 5.25 This is clearly only a small amount of the total cost of these schemes but it is proportionate to the scale of the transport impact of the proposal and would in the medium to longer term help to make non car travel significantly more attractive. This is a benefit to the wider travelling public but would also make the Thornbury Road more attractive as a place to live.
- 5.26 As regards pedestrian and cycle access OCC advise that the site is close to shops, services and other facilities, it has the potential to encourage walking and cycling. In particular, there is a well-developed network of footways and footpaths to cater for pedestrians. The recently introduced zebra crossing just south of the junction of Thornbury Road is helpful to pedestrians, particularly those wanting to get to Bartholomew School or catch the bus to Botley and Oxford. The site layout appears acceptable in principle to encourage walking for journeys off the site although the two connections indicated onto Chilbridge Road and therefore the right of way that runs along there should be shown as committed if a reserved matters application is submitted. These connections and routes to them should be designed to accommodate both pedestrians and cyclists. The location of the senior living accommodation to the south east corner of the site is welcome but this gives more weight to having formal non-car links through the site boundary to Chilbridge Road to keep the walking distance to the village centre to a minimum. The site is located favourably for the high frequency S1 bus service between Witney and Oxford. The nearest bus stops are only a short walk away. The bus stops on the A40 that are served by the S2 service between Carterton and Oxford via North Oxford are a longer walk away (approx. 850m) but do offer further choice in terms of destinations for journeys to Oxford. There are strategic plans to improve the S2 bus service from 2 buses to 4 buses an hour i.e. a truly premium route bus service. However, it is considered that the proposed S106 financial contribution towards the A40 bus lane set out earlier would help to support the delivery of the aspirations to improve bus service frequency along the A40 into Oxford east of Eynsham, rather than requiring the developer to also contribute towards improving the service itself directly.
- 5.27 Having regard to the above extensive analysis undertaken by OCC your officers, whilst acknowledging the concerns raised, are not persuaded that there are grounds to state that the Highway Authority has erred in its assessment of the traffic and access impacts and as such would not recommend refusal on highways grounds.

Drainage

- 5.28 Neither the Environment Agency, OCC nor Thames Water has objected on flooding or drainage grounds and as such with the imposition of conditions the flooding/drainage aspects are considered acceptable.

Archaeology/Listed building

- 5.29 OCC Archaeology advise that there is the potential for buried archaeology but that this can be addressed by way of a suitably worded condition. The Chill Bridge sits close to one corner of the site and is a listed building. The impact upon the setting of this has statutory protection and the development of the adjoining site will clearly have the potential to impact to some degree upon its setting. This harm is deemed by your officers to be less than substantial given the context and ability to provide a substantial landscaped buffer between the houses and the bridge. Having applied the balancing exercise at paragraph 134 of the NPPF your officers have concluded that the public benefits of the development in terms of affordable housing, housing numbers and the additional infrastructure provision outweigh the limited harm to the setting of the bridge.

Ecology

- 5.30 The Phase I Habitat survey and desk study provided by the applicant indicates that overall, the site is of relatively low ecological value. The grassland habitats are species-poor and have undergone significant agricultural or horticultural improvement in the past. The rough grassland is dominated by common grass species and ruderal species, and is considered to be of low ecological value as a result. The ecological valuable features of the site are all associated with the site boundaries and peripheral areas and include the hedgerows, mature trees and the Chil Brook. The most significant habitat features within the wider landscape are the unimproved meadows of the Thames Valley that are included within the Oxford Meadows SAC.
- 5.31 The site is also considered to be unsuitable for the majority of protected species, including water voles, otters, and amphibians; and there is no evidence of badger activity. Although the rough grassland habitat appears sub-optimal for reptile species, the presence of very small numbers of grass snakes and slow worms has been confirmed. These species appear to be very much limited to the southern boundary of the site. Hedgerows, scrub and trees support a typical assemblage of breeding birds although this includes a small number of priority species that are listed under the UK Biodiversity Framework.
- 5.32 Given the proposed layout of the development, it is considered that the ecological impacts will be minimal. With the adoption of a suitable drainage and hydrological strategy, residential development within the area will have no foreseeable impacts on the ecologically valuable resources of the Oxford Meadow SAC. Species-rich meadow habitats will not be affected directly or indirectly by the proposals and it is considered unlikely that an Appropriate Assessment will be required under the Conservation of Habitats and Species Regulations 2010. This is mainly due to the distance of the development from the SAC, as well as the scale and nature of the development. Furthermore, the Chil Brook will be buffered from the development by an area of open space, further reducing the potential for inadvertent impacts on watercourses, and thus, the valued habitats of the SAC. The proposals include an area of open space, habitat creation and planting along the southern boundary and in association with the Chil Brook. In addition, the mature trees and hedgerow along the western and northern boundaries of the site will also be retained. This will retain and protect the most valued habitats and

ecological features of the site, as well as retaining habitats for slow worms and grass snakes within the development. Given this, the proposals are considered to have no significant ecological impacts on valued habitats and species and there is scope for habitat and species enhancement.

- 5.33 Thus with the imposition of conditions to ensure the retention and enhancement of the ecological value of the site ecology is not considered a reason to refuse development.

Village services

- 5.34 Concerns have been expressed as to whether a settlement of the size of Eynsham can satisfactorily accommodate significant growth without adversely affecting its existing service infrastructure. Clearly this concern is of most relevance in the context of the assessment of the merits of the wider allocations but it is also important to ensure that any adverse impacts arising from this scheme are addressed. In that regard the sewerage, highways, transport and education issues have been addressed to the satisfaction of the relevant technical consultees and the mitigation package outlined below will ensure that the development drives improvements to other infrastructure within and beyond the settlement.

A40 congestion

- 5.35 This is a key issue cited by many respondents with a widely held belief that the A40 is incapable of accommodating additional growth and that no more houses should be permitted until such time as the A 40 congestion and capacity issues have been addressed. Whilst this viewpoint is acknowledged it must also be borne in mind that much of the funding for resolving the problems can only be secured by seeking contributions from housing developers, that the responsibility for resolving the issues lies with OCC as Highway Authority and not the developers and that a development of this size is not considered sufficiently large in terms of its impact upon the overall problems such as would make what is clearly a serious issue into a refusal reason that is capable of being defended at appeal. This is even more the case in that almost wherever development is undertaken within the District at some point the traffic from it is likely to arrive on the approaches to Oxford along either the A 40 or other similar feeder routes such that if development is relocated elsewhere the traffic impacts are still likely to occur in the vicinity of Oxford.

Mitigation package

- 5.36 In response to the requests for mitigation set out in this report suggested heads of terms of some of the key matters to be incorporated into any parallel legal agreement are set out below:

Parish Council Matters

1. Recreational and village improvements

District Council Matters

1. Affordable housing provision on site at 50% as per the emerging Local Plan
2. An obligation to facilitate (without ransom) pedestrian and cycle links to/from the broader West of Eynsham proposed Strategic Allocation
3. Public Art contribution
4. Open space management

OCC Matters

1. Public transport infrastructure
2. Off-site highway works
3. Primary Education (as per the recent letter from OCC)
4. Secondary Education
5. Special Educational Needs
6. Library Infrastructure
7. Waste Management
8. Museum Resource Centre
9. Adult Day Care

Conclusion

- 5.37 This application has been long in the determination with a series of key issues that the agent has sought to address during the course of its processing. It appeared that education capacity issues would preclude the development coming forward but that issue has now been resolved and the very strongly held perception that the access arrangements are not adequate is not supported by OCC who are satisfied that with appropriate mitigation the highway impacts will be acceptable. There are no other technical objections that cannot be addressed by condition.
- 5.38 The planning policy position has changed in that WODC are no longer claiming a 5 year land supply and as such in advance of the ELP getting further through the process the tilted balance in favour of development set out within the NPPF is in place. The site is proposed for allocation in the emerging plan and the houses would address some of the current housing shortfalls. Conditions and the legal agreement can ensure that appropriate mitigation and contributions towards the wider scheme are safeguarded. Thus there are not considered to be "significant and demonstrable harms" that outweigh the approval of the application as advocated by paragraph 14 of the NPPF and as such conditional approval subject to the applicants first entering into a legal agreement incorporating the issues set out in section 5.14 of this report is recommended.

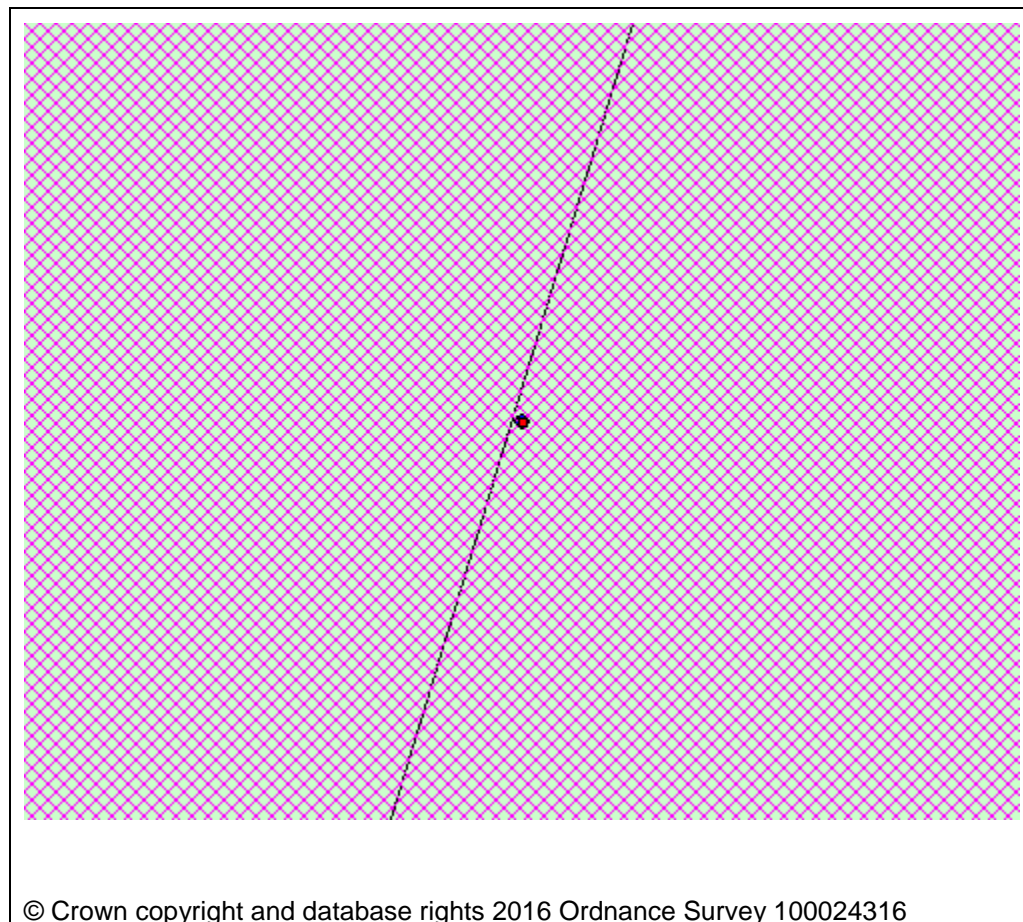
6 CONDITIONS

- I It is hoped that by the time of the meeting a detailed schedule of conditions will have been worked up. It is likely to address such matters as:

Time limits
Ecological mitigation
Materials
Access
Drainage and flooding
Levels
Building heights
Pedestrian access to Chilbridge Road
Archaeological investigation
Status of illustrative plans
Construction traffic management plan to incorporate deliveries etc outside key school congestion times
Etc

Application Number	I6/01902/OUT
Site Address	Land North of New Yatt Road North Leigh Oxfordshire
Date	2nd November 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	North Leigh Parish Council
Grid Reference	438125 E 213146 N
Committee Date	14th November 2016

Location Map



Application Details:

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

Applicant Details:

Kler 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 Kler 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 preapplication 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 | <p>The following condition is recommended for this development:-</p> <p>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.</p> <p>2 The Remediation Scheme, as agreed in writing by the Local Planning</p> |

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).

$£818 \times 40 = £32,720$ 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.

I.14 TV Police - Crime Prevention Design Advisor

No Comment Received.

I.15	Thames Water	No objection subject to a Grampian condition.
I.16	WODC Env Services - Waste Officer	No Comment Received.
I.17	Biodiversity Officer	Consultation on amended plans expires 7th November. Update at committee.
I.18	Parish Council	Consultation on amended plans expires 14th November. Update at committee.

2 REPRESENTATIONS

2.1 Over 120 representations have been received on the original application 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
- Over development 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
- Ecology Appraisal has revealed the site is rich in wildlife
- Development lies within Wychwood and Lower Evenlode Conservation Target Area
- Destruction of significant and important wildlife corridors
- Will increase flood risk
- Area is particularly susceptible to flooding
- 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.

3.2 Amended plans/documents (highways and ecology) were received to address some of the previous concerns in October.

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 bed roomed 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 application was brought to Lowlands subcommittee in August where it was recommended for refusal. Amended plans and documents have since been received and readvertised and the consultation period expires on 14th November so an update will be given at the committee meeting. Please note that several sections below have not yet been updated as additional comments on the revised plans are awaited.

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 will be aware, the position regarding the 5 year housing land supply (5YHLS) is currently in flux. The policies of the adopted plan are out of date and created prior to the publication of the NPPF. The emerging plan seeks to set out the method whereby the Council will seek to address the 5YHLS position, however the policies will only gain further weight as the plan progresses through the public consultation and examination phases. The policies of the emerging plan do allow for greenfield developments on the edge of larger settlements, and it is also necessary to take into account the loss of several appeals for major housing developments where the issue of 5YHLS was considered by the Inspectorate to outweigh other objections.

5.5 Therefore, whilst the Council cannot currently demonstrate a 5 year housing land supply, it is necessary to consider applications in the light of paragraph 14 of the NPPF and apply a planning balance taking account of harm and benefit arising from the scheme.

5.6 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

5.7 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.

5.8 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.

- 5.9 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.
- 5.10 NB Please note additional information has been supplied in respect of this matter and an update will be given at committee.

Highways

- 5.11 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.
- 5.12 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

- 5.13 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

- 5.14 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. Several 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.

- 5.15 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.
- 5.16 NB Please note additional information has been supplied in respect of this matter and an update will be given at committee.

Archaeology

- 5.17 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."
- 5.18 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

- 5.19 Members will note that a number of respondents have sought financial contributions towards mitigating the impact of the development e.g. leisure, schools etc. There would also be a need to ensure that affordable housing was 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

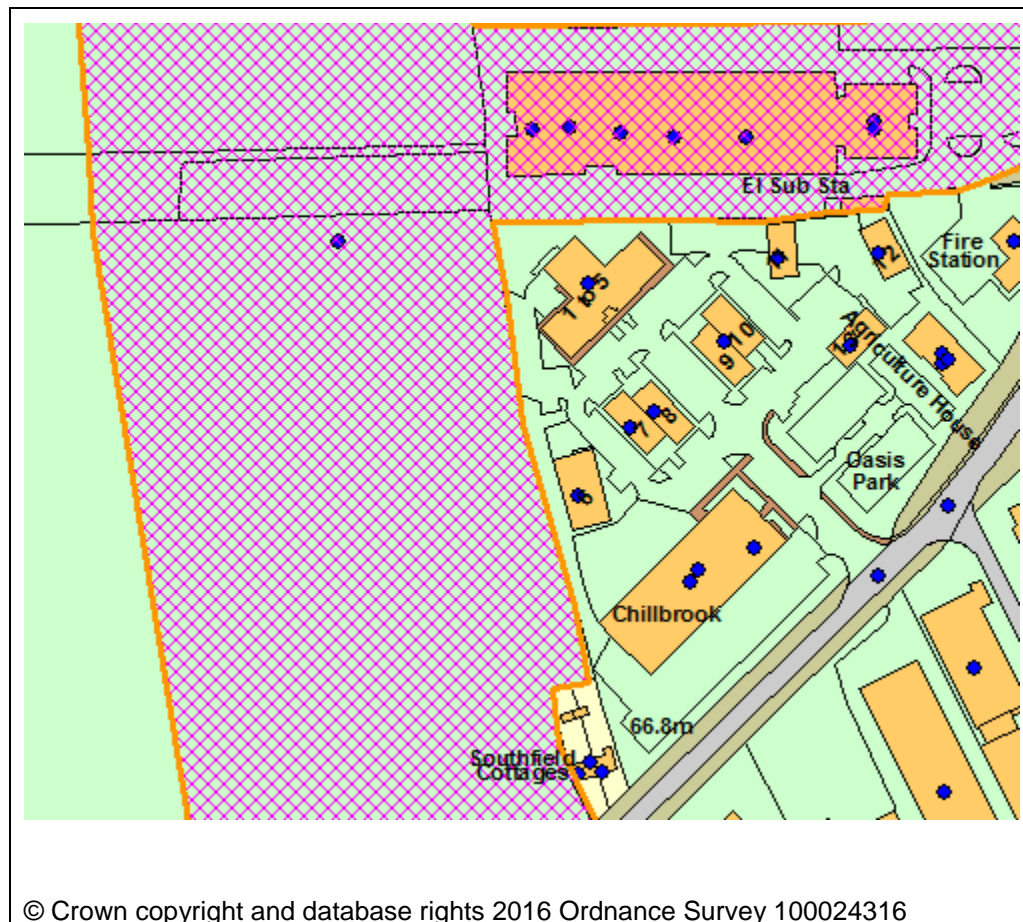
- 5.20 The impact of the development on sewerage capacity and flood risk have been raised by third parties but are not supported by the technical responses of the relevant consultees that have been received thus far. As such officers would not recommend that they be made the subject of a refusal reason. 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

- 5.21 A recommendation will be given at committee once the consultation period on the amended plans and documents has expired.

Application Number	I6/02369/FUL
Site Address	Land on Stanton Harcourt Road Old Station Way Eynsham Oxfordshire
Date	2nd November 2016
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham Parish Council
Grid Reference	442771 E 208819 N
Committee Date	14th November 2016

Location Map



Application Details:

Extension to existing manufacturing building, erection of two storey manufacturing and office building, two storey reasearch and development building and two storey office building. Creation of new vehicular access onto B4449 with associated gatehouse. Provision of 316 car parking spaces, creation of wild flower meadow and diversion of public footpath.

Applicant Details:

Polar Technology Management Group Ltd
Penrose House
67 Hightown Road
Banbury
Oxon
OX19 9BE

I CONSULTATIONS**I.1 Parish Council**

Eynsham Parish Council generally supports the development and expansion of the Polar Technology group in Eynsham, but has the following reservations with regard to the development as proposed in this application:

I. Traffic Generation

The Parish Council is concerned that the applicant proposes a new access to the site on the B4449 Stanton Harcourt Road immediately opposite the entrance to the Oakfield Industrial Estate (319 AR_320_010_D). The Industrial Estate generates a considerable volume of vehicular traffic, particularly heavy goods vehicles. The proposed development will also do so. Given the nature of Stanton Harcourt Road, and the Industrial Estate entrance, articulated lorries require both lanes to turn. Having both entrances at the same point will create an unacceptable and unsafe traffic situation.

It is alleged in the Initial Transport Assessment (ITA) that Stanton Harcourt Road is a '30 mph road'. It is not in practice. This section of this narrow, two-lane road is referred to as 'the straight mile' by local residents and the speed limit is regularly exceeded.

While it is possible for traffic to the proposed site to travel from the A40 to the site via the B4449 eastern bypass, and there is a through lorry ban in Eynsham, this is seldom, if ever, enforced. There is concern that lorry traffic travelling east on the A40 would access the site through already congested village streets.

The planning application sets out a total of 420 parking spaces and the ITA, at page 6, states the development will generate over 500 new vehicular trips a day. Many of these car journeys will be through Eynsham, particularly along Acre End Street and Witney Road for those travelling west to Witney and Carterton, and over the toll bridge to Botley and Oxford. Witney Road, Acre End Street and the toll bridge are three of the five worst traffic bottlenecks in West Oxfordshire (OCC Highways). This would be contrary to LP 2011, T1.

The ITA is inadequate for a development of this size and impact and a full traffic assessment should be supplied by the applicant. Any planning consent should be conditional on a contribution to new or enhanced highway infrastructure to mitigate the impact, and travel

plans should be provided to both lorry drivers and staff with advice how to avoid the congested village centre (WODC draft LP, T2).

Cycle and pedestrian access from the village centre via Station Road and the B4449 bypass is also unsafe and inadequate and any consent should be conditional on a developer contribution to improve cycle and pedestrian access.

The ITA states bus access to the site is provided by the 18 bus. This ceased on 20 July 2016 as a result of OCC ending bus subsidies, so there are no peak time buses serving the site.

2. Flood Risk Assessment and Drainage Strategy

While the Surface Water Drainage Strategy says the 'rate and volume of runoff from the site will not exceed the Greenfield values' (p4) the Parish Council would question the effectiveness of the proposed measures. The FRA deals only with the impact on the site itself and makes no reference to the previous flood history of the Chil Brook in the village. The buildings adjacent to the Chilmore Bridge on Station Road and the Council's Queen Elizabeth playing field are particularly susceptible to Chil Brook flooding, all downstream from the site. The FRA does not consider the possibility of increased flooding elsewhere, contrary to NPPF, para 100. Consent should not be granted until the applicant produces a satisfactory FRA assessing the impact on the Chil Brook and the village downstream from the development.

3. Pollution

The design and access statement, at p12, makes reference to possible noise pollution, but consideration should also be given to light and smell pollution, complaints of which have been received by the Council from residents adjacent to Oakfield Industrial Estate. Consent should only be granted subject to a satisfactory report from the Environment Officer.

4. Environment and Landscape

This 6ha development would constitute a substantial incursion into the countryside to the south of the village. While it is appreciated that the impact of the existing industrial estate on the other side of Stanton Harcourt Road should be considered, consent should only be granted conditional on a comprehensive landscape agreement to the satisfaction of the LPA to improve or plant, and maintain, adequate screening trees and hedgerows.

5. Archaeology

Considering the proximity of the site to the scheduled ancient monument site, consent should be granted conditional on maintaining a continuous watching brief during the course of construction and the publication of a report at the completion of the development.

If the LPA consents to this application Eynsham Parish Council

reserves the right to claim a s106 developer contribution in respect of this development.

I.2 Major Planning Applications Team

Objection - on the grounds of lack of information regarding the local traffic impacts of the development and the suitability of the proposed main access.

Key issues:

Lack of information on visibility splays and traffic speed surveys completed to inform these.

Incorrect information regarding the existing speed limit on Stanton Harcourt Road from which the applicant intends to access the site.

Lack of information on forecast traffic volumes and their distribution.

The location of the access junction in relation to the accesses to other commercial properties.

The number of car and cycle parking spaces falls below Oxfordshire County Council standards.

The application area contains part of a scheduled ancient monument (SAM). An archaeological evaluation has been undertaken and this has established that most archaeological features are within the SAM but that there are some outside of it.

We would recommend that no development takes place within the SAM and that conditions are attached that will require archaeological recording to be undertaken in advance of the development.

I.3 Ecologist

No Comment Received.

I.4 WODC Architect

The proposed footprints are sizeable, but the buildings are of just two-storey height maximum, they would sit next to existing sizeable buildings that are nearer to the Conservation Area, and they tend to follow the pre-application advice we gave in terms of the general layout. So, the basic idea seems supportable. With respect to the design, I note that there is one extension to an existing building, and three new detached buildings. Considering the proposed extension, I note that they would be following the general section of the existing building, but using an undulating roofline for the new part, taller at the western end, although not greatly so. It appears that the existing building would be re-clad, and possibly re-fenestrated, and that the new cladding would run into the extension, but with a more dramatic angled format, that reminds me of ancient tilted geological strata. I think that the idea is quite successful, I think that the new angled forms would tend to mitigate the impact of the considerable length, and I think that the proposal would bring interest to what is currently a large and dull structure. However, I am somewhat wary of the dominant black colouring, which may well give the massing undue solidity and prominence. I suspect that grey tones (even some darker hues), would be an awful lot safer. Considering the proposed HQ building, I note that this would be on the exposed north-west corner, and would be rather prominent in long views from the north, west and south. Having said that, I think that as this is a nodal corner they could possibly have made a bit more of a statement than they have.

Nonetheless, the building generally lines at roof level with the large building to the east, and has a similar girth, rooting it in the overall composition - although it has a gentle shift in axis, creating interest. The building has a square roof, although the walls are of freer form - and there is a central open courtyard that should make it a pleasant place to be. The design is quietly successful, in my view, although I have the same concerns about the black colouring - although there is rather less of it here. Considering the proposed R&D building, I note that this shares the characteristics of the extension building, with a modeled roofline, and in my view is similarly successful. There is black cladding, as elsewhere, and again I have reservations. Considering the proposed SSTT building, I note that whilst this is of very considerable footprint, the true spread would tend to be masked by the existing buildings to the east, and the proposed buildings to the north and south. And again, the general form chimes with that of the other new development here, with the modeled roof line. I think it works generally, although again I have reservations about the black cladding, which will be particularly strident on the lengthy elevation. Considering the general layout and landscaping, I note that the R&D building is hard by the new road along the south-west boundary, and that there will be very limited opportunities for planting of any significance in this vicinity - whereas buildings of this sort of size are perhaps most happily seen through sizeable trees. There needs to be more breathing room here in my view, and I suggest that the building is set further into the site. It is also notable that there is only nominal greenery in the car parking areas, where hard surfacing dominates - the planting here needs beefing up, in my view.

I.5 WODC Community Safety

Please attach the following conditions to any permission granted:

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 originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must 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 Remediation Scheme 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.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

Relevant Policies: Cotswold District Local Plan Policy 5 and Section 11 of the NPPF

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|-----|----------------------------|--|
| I.6 | WODC Drainage Engineers | No Comment Received. |
| I.7 | WODC Env Health - Lowlands | <p>Following the review of the noise report and a useful site visit this morning, I am able to complete my consultation response by recommending the following noise conditions:-</p> <p>'The level of noise emitted from the site shall not exceed 52 LAeq 1h dB between 07:00 and 23:00 Monday to Saturday and 45 LAeq 15 min dB at any other time as measured freefield on the site boundary'</p> <p>'Any noise emitted from the site shall not contain any discrete continuous note, ie. whine, hiss, screech, hum etc. or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) and measured freefield at any point at the boundary of the site'</p> <p>I have discussed Odour/Smell and Light pollution with the Applicant, but in my view the development would not require conditioning for these elements of the scheme.</p> |
| I.8 | Environment Agency | No Objections. |
| I.9 | Historic England | <p>The below-ground archaeological remains contain extensive evidence from the Bronze Age, the later prehistoric period, and from the Romano-British period. There is also evidence of Neolithic activity which includes graves from the beaker period. This multi-period site thus has the potential to provide detailed information on life in the area across more four millennia.</p> <p>An archaeological evaluation, informed by geophysical survey, and undertaken to inform the current planning application, found a pit within the scheduled area containing struck flint, pottery, animal bone and hazel shells; the pit dates probably to the early Neolithic period. Such pits often occur in concentrations and there is a high probability that further pits exist in the vicinity. Ditches of probable Roman and post- medieval date were also found within the evaluated area of the scheduled monument.</p> <p>(Polar Technology, Eynsham, Oxfordshire. Archaeological Evaluation Report, Oxford Archaeology 6355/1, April 2016.)The evaluation has therefore showed that there is high evidential value within this part of the scheduled monument, even though the greatest concentration of</p> |

archaeology within the monument, according to the cropmark evidence, lies further to the west. (Although the evaluation covered part of the scheduled monument, providing evidence which could inform any future proposed development, it should be stressed that this in no way implies that scheduled monument consent would be granted. Any such proposal would be considered and treated on its merits, according to the legal and policy framework then in force.)

The geophysics and evaluation work also showed that the archaeological remains extend eastwards and northwards, outside of the scheduled area and into the development area. Further (undated) ditches were found here, and a feature containing pottery of fifth- to seventh-century date. As the development area forms part of the setting of the scheduled monument, the contribution of the setting to the significance of the monument needs to be considered, and it would have been helpful if the application documents had covered this matter, eg. by including the monument within the visual impact study. The agricultural land to the north and west of the monument makes a small contribution to the significance as it serves to roughly illustrate the open countryside which would have existed around the monument from the Bronze Age onwards, and possibly earlier. To the south of the monument the open setting is cut by the road, while to the east, where the development site lies, the view is of the buildings of the trading estate.

In terms of the predicted impact of the development, there will be no impact on the evidential value of the monument as the development site lies just outside of the monument boundary. There will be a minor impact (less than substantial harm) on the significance as contributed to by setting in that the proposed buildings will be closer to the monument than the existing buildings of the trading estate, making the setting appear slightly more built-up and less rural than is currently the case.

Historic England does not object, on heritage grounds, to the granting of planning permission for development. We endorse the advice, with recommended conditions, provided by Mr Hugh Coddington of Oxford County Council's Archaeology Service. The recommended conditions would serve to mitigate impact on archaeological remains outside of the scheduled area, and to protect the scheduled monument from accidental impact during construction work.

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

I.11 Natural England No Objections- Consideration should be given to the potential impacts on the adjacent/nearby Thames pathway National Trail. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to

enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

- I.12 WODC Planning Policy Manager No Comment Received.
- I.13 Thames Water Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".
Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

2 REPRESENTATIONS

2.1 Mr and Mrs Seeney have advised as follows:

- We would like to comment on the above application, as residents of Station Road who live adjacent to the proposed development on the northern boundary.
- We do not wish to object to this proposal in its entirety, however wish to raise concerns over potential noise levels, especially given that the proposals will relocate the office/development elements of the company to the new buildings, leaving production and its resultant potential noise in the existing building which is due to be extended.
- In recent months Polar Technology have installed a chimney and several vents on the northern side of the existing building, which may indeed be in breach of the planning conditions attached to the original permission given for this building in the mid-1980s for the protection of residents on the northern boundary. We are already therefore bothered by greater background noise levels than previously; this could be set to increase, given the scale of their plans. We would therefore prefer that production equipment is situated as far away from residents in Station Road as possible, including relocation of some of the existing equipment.
- It is of paramount importance to us that we are protected from undue noise levels, particularly "out of hours" and this remains and always has been our greatest concern.
- With regards to the relocation of the footpath, this is an obvious improvement as the current route around the factory is akin to walking the perimeter fence of a POW camp.

2.2 Mr Courtney advises as follows:

- Both myself and our neighbours at Number One object strongly to aspects of this application.

- Firstly the use of valuable arable land for industrial premises when there is so much similar property lying empty.
- The provision of over three hundred parking spaces accessed via Stanton Harcourt road will lead to congestion and hazards on an already fast and busy road. Not to mention much greater traffic noise and pollution. This is especially difficult to understand when there is already an entrance relevant to the applicants company address a few yards down the road at an existing roundabout.
- The building works and entrance and exit to the site will cause considerable noise nuisance to our properties. There has been no mention of the operating hours of the premises.
- The design and appearance of the buildings is entirely incongruous to the surroundings. The size of the two story units behind our houses would lead to a considerable loss of aspect and certainly block both view and light from our gardens and the rear of our properties.
- Because of their size and position the buildings would overlook both private gardens and directly towards rear windows in our houses.
- A development of this size on land which marks the beginning of open farmland and rural areas is bound to seriously change the fundamental nature and character of the area for some square miles around it.
- We do not wish to discourage employment or business in the area but smaller extensions to the existing premises which are screened and not visible from the road or houses would surely be preferable to such a large building project on valuable farm land in a time when our domestic farms should be priority.

3 APPLICANT'S CASE

Writing in support of the application the agent has provided a comprehensive raft of technical and supporting information that may be inspected in full on line. The summary of the Planning Statement is summarised as the Company is a fast growing and successful technology business based in Eynsham since 2013 looking to expand its workforce from 131 to circa 400 staff. It is proposed to provide 3 additional buildings to enable expansion which lies outside the SAM and where the development causes less than substantial harm to its setting. The buildings lies outside flood zones 2 and 3 and the development would round off the existing industrial estate with landscaping enhancing the setting of the settlement. The proposal conforms to planning policies and the NPPF and permission should be granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE5 Conservation Areas
 BE12 Archaeological Monuments
 BE18 Pollution
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 T1 Traffic Generation
 E2 New Employment Sites in Towns and Larger Villages (Group C)
 E7 Existing Businesses

At the time of agenda preparation the policies of the emerging plan are being reformatted and re numbered following the recent meeting of Full Council. An updated list will be provided if available at the time of the meeting.

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a site located beyond the built up limits of Eynsham in open countryside to the south of the settlement. Part of the land in the applicants control forms part of an extensive area of archaeological deposits that are of national significance and have been designated as a Scheduled Ancient Monument (SAM). The built form, access etc that is comprised in the development sits outside of the scheduled area which itself encompasses all major periods of human activity from neolithic through to medieval and including funerary arrangements and as such attracts major weighting as a planning consideration in the determination of this application.
- 5.2 The applicant is a major local employer who has been particularly successful and needs additional capacity to expand their existing premises in order to fulfil a number of new contracts. The site lies in the location where the proposed link road (to help serve the proposed western expansion of Eynsham as agreed for public consultation in the context of the emerging plan) will join the B4449 but a corridor has been reserved as part of the proposed form to try to enable that link to be made.
- 5.3 The built form is a series of substantial modern buildings that would wrap around the existing employment uses already in the area. A car park and the first section of the link road sit on the western side of the site. The link road would act as a site access road until such time as it was completed whereupon the access to the site would be taken from a new roundabout. There are two residential properties located close to the B4449 frontage of the site which will be enclosed by the development site but not the built form. Officers will be making extensive use of the submitted plans to more fully explain the site and context at the meeting.
- 5.4 The application has been brought before members earlier in the process than would normally be expected as there are a number of issues which at the time of agenda preparation are unresolved. However, in order to ensure that the contracts that the applicants are currently in the process of securing can be delivered in the new buildings the applicants and clients need some degree of comfort that if the outstanding matters are resolved then the contracts can be fulfilled as the buildings will be there. Officers will therefore be seeking Delegated authority to continue negotiations on these outstanding matters (assuming that Members endorse the recommendation) in parallel with the completion of the parallel legal agreement. The outstanding matters will be flagged as part of the report below but in the main relate to the line and width of the proposed link road and the consequences for the exact layout detailed on the plans currently tabled and the SAM.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 The site is open countryside and the proposed development sits beyond the existing built up limits of the settlement. It is not allocated in the adopted plan for development and as such its development would be contrary to the policies of the adopted plan (eg NE1). That having been said policies in both the adopted and emerging plan do allow for the expansion of existing businesses on or adjoining their existing premises (eg policy E7) subject to a series of environmental criteria relating to the scale and impact of the proposals. This scheme is however somewhat larger than would conventionally have come forward through that policy route and as such when assessed in the round it is considered contrary to the policies of the adopted plan.
- 5.7 However the applicants have been in extensive pre application discussions with your officers regarding their desire to expand the existing site and to maintain their presence locally- which your officers would in principle entirely support. This process has coincided with the need for the Council to increase its housing numbers and during the course of negotiations it became clear that if the applicants were to secure the link road corridor that will in part help serve the proposed western housing allocation as part of this application this would represent a planning benefit that could justify departing from adopted policy. The policies of the emerging plan have also been framed with this eventuality in mind such that, as outlined above, whilst the scheme is considered contrary to adopted policy it is in tune with emerging policy - because that policy has been framed specifically to seek to facilitate the development. However as yet the emerging policy does not carry full weight in the planning balance.
- 5.8 With neither adopted nor emerging policies carrying full weight the provisions of paragraph 14 of the NPPF are invoked with the presumption in favour of sustainable development applying. In that regard determining whether any harms identified would be significant and demonstrable enough to outweigh the benefits of approving the development will be critical. From your officers perspective this means that this proposed development is capable of being acceptable in principle, dependant on the extent and nature of the harms.

Siting, Design and Form, Landscape Impact

- 5.9 The buildings will sit within a relatively flat landscape and are of a substantial scale. That having been stated the form of the structures is akin to the existing buildings on the former railway site in terms of scale and whilst they are closer to the road the existing roadside hedges and backdrop of existing commercial buildings mean that, whilst clearly visible (and provided that substantial ameliorative landscaping to soften the appearance of the buildings is provided) the impact is on balance considered acceptable. The modern form reflects the cutting edge nature of the commercial processes being undertaken and whilst they will clearly be a striking addition to the built form of the settlement the context is such that with a landscape framework they are not considered harmful. With the construction of the new link road they also offer the opportunity to be an iconic building complex that will be a landmark feature for the settlement. Members will however note that your architects have suggested some minor tweaks to the design and materials and this is one of the matters that Officers will be seeking delegated authority for.

Highways/ Archaeology

- 5.10 This is a key issue. A development of this scale clearly has the potential to give rise to substantial additional traffic movements. The agent and the County Council are in ongoing negotiations as regards the traffic impacts and this is one of the matters that will need to be

resolved if a resolution to approve is secured. However matters are more complicated than that. At pre application stage your officers advised that the presence of the SAM was likely to be a major impediment to any construction activities and that as such the proposals should avoid any physical works in that area. The applicants also made assumptions as to the likely width of the link road. However it has become clear during the processing of the application that the width of the road may need to be greater than allowed for - potentially almost double the existing proposed width. The applicants have sought to persuade the LPA that the additional width required can be taken from the land within the SAM. This may be possible if the land were just verge, may be possible with specialist techniques to avoid any ground disturbance or may be possible if there were more certainty as to the archaeology that would be destroyed. However at the present time OCC are only just starting to work up the specifications for the link road. Once the technical requirements have been ascertained your officers can follow up upon initial meetings held with Historic England as to whether there is any prospect of such a road gaining SAM Consent from the Secretary of State. If such advice is that it is not possible then the scheme as currently configured will need to be redesigned to facilitate the retention of the necessary corridor that is the principle planning reason that helps unlock the development of the site. Building across the line of the road would potentially represent a significant and demonstrable harm that would justify refusal. Your officers are therefore suggesting that the Heads of Terms of the I06 are framed to allow for a number of eventualities - some of which may require some redrafting of the layout as currently configured, such that if agreement can be reached as regards the impacts of relocating some or all of the road into the SAM then this eventuality is provided for. Equally however it is essential that if that eventuality fails that a corridor of sufficient width to provide the road is secured as i) this represents one of the key reasons to allow the scheme and ii) the provision of the link road land has been agreed as a key mitigation and if that is not secured then the highway impacts of the development may not be adequately or fully addressed. The concerns of the Parish Council about traffic impacts are relevant in this regard.

Residential Amenities

- 5.11 Two existing dwellings sit in the SE extremity of the site and currently enjoy an outlook across the open fields at the edge of the settlement. Clearly erecting a series of substantial buildings in their outlook has the potential to substantially alter that outlook and the operations themselves in terms of lights, noise, traffic movements etc are potentially unneighbourly. The applicants have sought to address these concerns by separating the nearest buildings away from the rear outlook of the houses and by not proposing any built form to the west of the houses. An area of landscaping is proposed to help screen the properties from the proposed link road. Environmental Health Officers are satisfied that with conditions the impacts are not such as would justify refusal and your officers would concur with that assessment. Whilst the adjoining commercial buildings will be much more affected their amenity is not so heavily safeguarded in planning law as for residences and the distances involved are such that this is not considered to represent a reason for refusing the scheme.

Technical matters

- 5.12 A number of technical and other consultees have raised issues regarding pollution, drainage etc. These matters are in your officer's opinion capable of being addressed by condition.

Impact on the setting of the CA and SAM

- 5.13 As well as protecting the fabric of the SAM there is also a duty to ensure that its setting is preserved. Similarly there are legal duties as regards the setting of the Conservation Area closer to the heart of the village. These heritage assets are given greater weighting in the planning balance. It will be noted that the relevant consultees (Historic England, County Archaeologist, WODC Architect) are satisfied that no undue harms would be caused and your officers assessment is that even after applying the additional weighting any less than substantial harm to the setting of these heritage assets would be more than outweighed by the public benefits arising from the development were it to proceed.

Conclusion

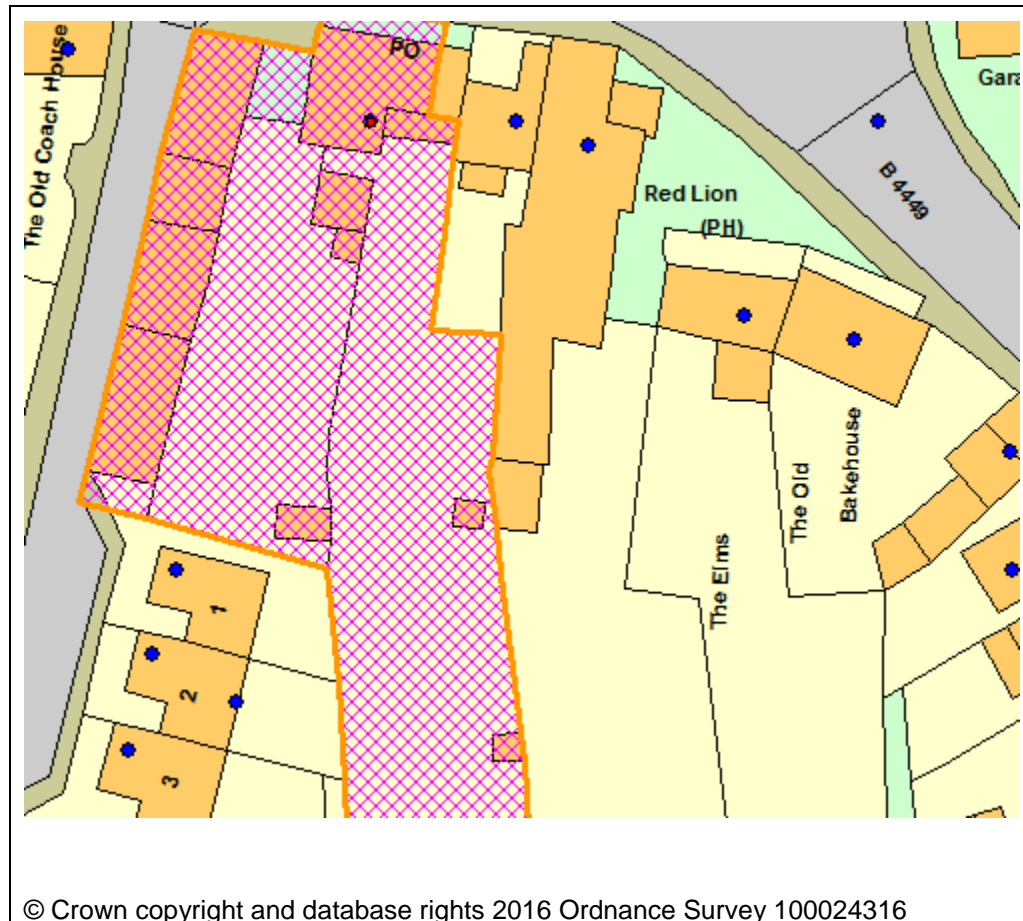
- 5.14 This is a major application where negotiations are still ongoing which may necessitate alterations to the plans as currently configured. Members may thus decide that they have insufficient information or certainty to determine the application in which case it should be deferred. However that is not what Officers are recommending. The applicants are an innovative and important local employer that your Officers consider are an asset to the District. They can potentially secure some major contracts that will underpin their importance to the economic base of the District for years to come but in order to do so the clients need some certainty that the buildings will be there to fulfil those contracts. As such Officers have worked in concert with the applicants to get the site allocated in the emerging plan and to bring this application before Members at the earliest opportunity. However it is critical that there is greater understanding than is currently the case as to the highway impacts, the highway requirements for the proposed link road (which is needed to unlock the development potential of the site) and the consequent impacts of the link road work upon what is a very important archaeological deposit. This is unlikely to be resolved in the very short term but works are in hand with the various agencies to bring that matter to a conclusion. Officers are therefore seeking delegated authority to conclude those negotiations and agree the exact materials and layout of the site and form of the link road route with those negotiations to be concluded in parallel with work on drafting the I06. Members are of course perfectly at liberty not to agree to that extent of delegation and if that is the case then the application will need to be deferred whilst the matters are more fully resolved- albeit with a significant risk that the clients may take the outstanding contracts to other businesses who are further advanced with the means to produce the equipment whom are located outside the District.
- 5.15 It is recognised that for clarity Officers have sought to concentrate the report on the key issues. That is not to state that other matters such as drainage etc have been ignored but rather that they do not bear upon the crux of the matter as outlined earlier in the report- namely road design and location and impact on the SAM. However if there are any key issues that Members consider have not been fully addressed in the written report officers will seek to address them in writing with the Member before the meeting or verbally at the meeting.

6 CONDITIONS

- 1 Conditions to be Delegated to Officers but to include drainage and flood mitigation, materials , amended plans, noise and lighting controls, levels, provision and maintenance of structural landscaping, B1 use only and withdrawing pd rights for change of use, pollution mitigation strategy, highways access and parking, ecological mitigation, CTMP, etc

Application Number	I6/02723/FUL
Site Address	Penny Black House High Street Aston Bampton Oxfordshire OX18 2BY
Date	2nd November 2016
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434030 E 203013 N
Committee Date	14th November 2016

Location Map



Application Details:

Conversion of outbuildings to create two dwellings.

Applicant Details:

Mr A Long
Penny Black House
High Street
Aston
Bampton
Oxfordshire
OX18 2BY

I CONSULTATIONS

- I.1 WODC Architect This has been subject to a fair amount of pre-app. There are a number of things to say here. In respect of the proposed treatment of the existing single-storey range, this has been amended following pre-app. and is now supportable, subject to details (with e.g. new openings and glazed areas minimised, and outer/ W elevation left largely intact).
Regarding the proposed extension, while the principle of a modest return was accepted at pre-app., the amount proposed here (20m) is too much, and not sufficiently secondary. I would recommend this needs to be shortened in order to extend no further than the line of the rear elevation of the properties to the S.
Regarding the proposal to remove the C19 curtilage Listed detached outbuilding structure, this is a good, locally characteristic structure with a clear physical and functional relationship with the house and workshop structures, and we cannot support its removal (which would cause clear harm).
- I.2 Biodiversity Officer No Comment Received.
- I.3 OCC Highways Refuse that the proposal, if permitted, will result in the intensification of a vehicular access lacking adequate visibility.
Use of the proposed entrance to Ham Lane given the proximity of the carriageway is hazardous.
Detrimental to the safety and convenience of highway users and that of the occupants of the proposed dwelling.
- I.4 WODC Drainage Engineers No objection subject to condition.
- I.5 Parish Council The Parish Council does not wish to comment on, nor object to, the application.

2 REPRESENTATIONS

- 2.1 Mr Tom Leonard of 4 Redmayes, Ham Lane, Aston. The comments have been summarised as:
- For 5 bedroom house only 2 parking spaces are outlined. For the 2 bedroom house only 1 garage space is outlined.
 - The 5 bedroom house will have more than 2 cars.

- I believe this will end up with extra cars parking on ham lane dangerously narrowing the road significantly causing damage to the verge and restricting large vehicles.
- This is also replicated by the new doorway onto ham lane. This opens straight onto the road with no plans of a footpath. This is asking for an accident with a car passing. I understand they will be at a slow speed but a kid could quite easily walk outland the driver would be unable to do anything.
- I've never seen a door opening straight onto a road before.

3 APPLICANT'S CASE

The applicants have submitted a Design and Access Statement and ecology statement. The Design and Access Statement has been summarised as:

- The conversion and extension will provide annexe accommodation for the owner's daughter who needs specialised facilities and a separate 4 bedroom dwelling for a family known to the owner who also needs specialised and flexible facilities for one of their children who has special needs. The new units will retain and convert the existing buildings including existing windows and door openings and add on an extension to form an L shape with the same ridge height and style of the existing building.
- The roof line of the existing buildings will be restored to their original profile (they are currently distorted and partially collapsed). The extension allows for spacious ground floor accommodation without intruding too far into the existing garden areas.
- New parking areas and access will be permeable pavers and gravelled areas. Vehicular access to the units is proposed through the existing access alongside Penny Black House.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE7 Alterations and Extensions to Listed Buildings
 H2 General residential development standards
 BE10 Conversion of Unlisted Vernacular Buildings
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 T1NEW Sustainable transport
 EH2NEW Biodiversity
 EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located within the centre of the village, and the Conservation Area. The existing building is listed, with a range of curtilage listed outbuildings, which are visually prominent within the streetscene. The previous use of part of the main dwelling, was the post office. The proposal is to convert part of the outbuildings to ancillary accommodation, and the other part of the outbuildings to a separate dwelling, including a new extension. Other elements included a pedestrian access from the rear of the outbuildings onto Ham Lane, and the

demolition of another outbuilding. These latter elements have now been withdrawn from the proposal.

- 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 conversion of appropriate buildings are permitted within the adopted and emerging West Oxfordshire Local Plans as long as they are considered worthy of retention. As a range of buildings, which officers consider contribute significantly to the historic character of the conservation area, officers are of the opinion that the principle of conversion to ancillary and separate occupation is acceptable subject to other matters being resolved. However the proposal to extend a barn or similar building, is contrary to Local Plan policies, and the proposed extension by reason of its scale is considered to be an inappropriate addition. However given the circumstances of this site, officers may accept some form of extension on balance, but not of the scale as currently proposed.

Siting, Design and Form

- 5.4 The actual treatment of the proposed conversion of the existing buildings are considered acceptable. New openings and areas of glazing have been kept to a minimum, which helps to reflect the historic character and appearance of the buildings. However the proposed extension is not sufficiently secondary or subservient and as such officers consider that this element is unacceptable.
- 5.5 Given that the site is within the Conservation Area and the existing building is listed, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed extension is considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is not considered to be preserved or enhanced.
- 5.6 As the site is within the curtilage of a listed building, officers are also required to take account of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard the proposed extension is considered to have a detrimental impact to the character and setting of the listed building, given the nature of what is proposed and its location. As such, the character or setting of the listed building is not preserved.

Highways

- 5.7 Since the original response from OCC Highways, the applicant's agent has put forward further supporting information. However OCC Highways have revisited the site and taken appropriate measurements, and has the following comments to make:

"I measured the height of the railings adjacent to the access to be 1.1m above the footway and therefore consider the railings to cause obstruction to visibility from the access.

The speed limit on the adjacent road network is 30 mph. My survey of the speed of vehicles approaching the access from the east showed the 85th%ile wet weather speed to be just short of the speed limit even though vehicles were negotiating a series of bends adjacent to junctions in a built up area.

I would like to see a vision splay measuring 2.4 x 43m at this access but accept Manual for Streets offers guidance for a 2.0m 'x' distance.

A 2.0 x 43m cannot be achieved at this access and hence the application is recommended for refusal."

Residential Amenities

- 5.8 Officers have concerns regarding the scale of the proposed extension upon the residential amenities of the neighbouring properties, in terms of overbearing and loss of light. The total length of the extension is 20m with approximately 9.3m extending past the rear elevation of the neighbouring property. In addition the garden area serving the proposed separate dwelling is located directly to the rear of the neighbouring properties, which officers consider will have a detrimental impact to the residential amenities to all of the occupiers of these dwellings, in terms of noise and disturbance.
- 5.9 Officers have suggested that the extension is reduced in scale, however this has not been accepted by the applicants.

Conclusion

- 5.10 Whilst officers have no objections to the principle of conversion to ancillary and separate occupation, the proposed form and scale of the extension is considered to adversely affect the setting and form of the curtilage listed building, and does not preserve or enhance the character of the Conservation Area. This coupled with the adverse impact that the scale of the extension would have to the residential amenities of the neighbouring property, results in the proposal being contrary to the relevant policies as cited above.
- 5.11 OCC Highways have maintained their objection, and with this and other matters unable to be resolved, the current proposal cannot be supported.

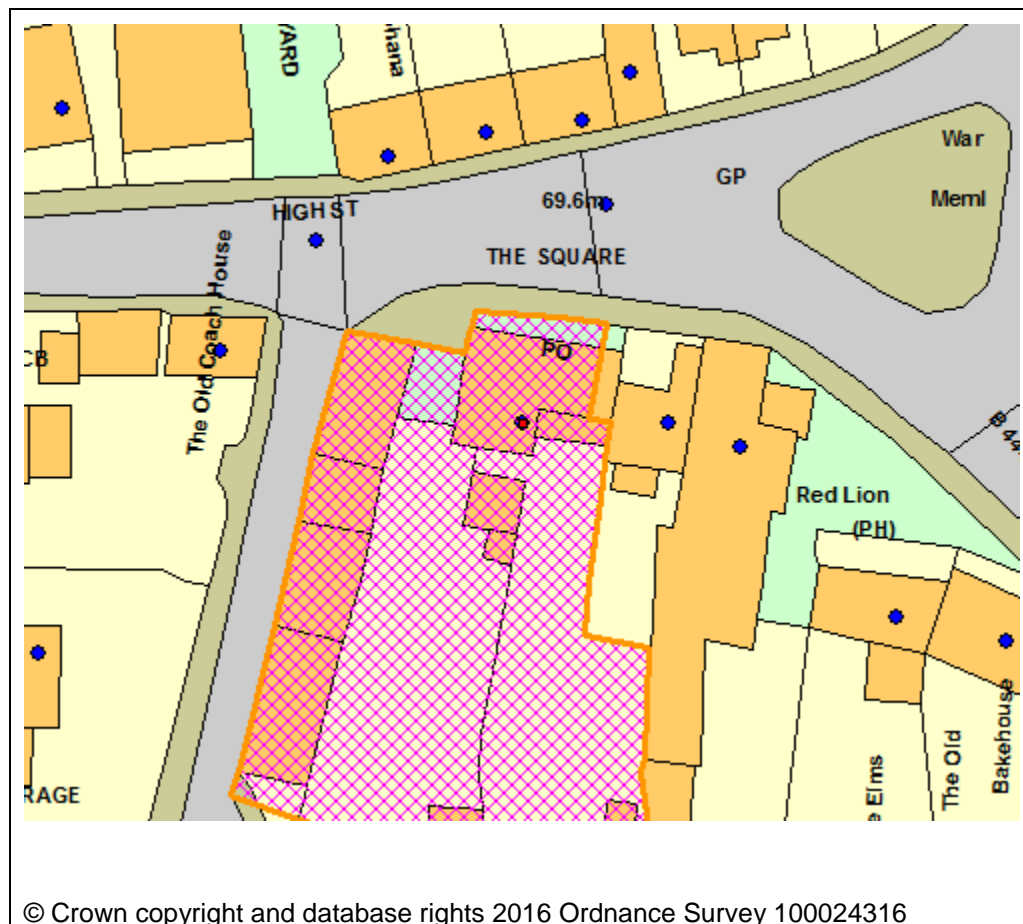
6 REASONS FOR REFUSAL

- 1 The proposed extension to form additional accommodation in association with the conversion of the outbuildings by reason of its scale will adversely affect the residential amenities of the neighbouring properties in terms of overbearing issues and loss of light. In addition the proposed form and scale of the proposed extension does not appear sufficiently secondary to the main barn and as such would erode the historic former character and appearance of the range of barns and outbuildings and adversely affect the setting of the Listed Building. As such, the proposal is considered to be contrary to Policies BE2, BE5, BE7, BE8, BE10 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies OS4, EH7, OS2 and E3 of the Emerging West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

- 2 The proposal will result in the intensification of a vehicular access lacking adequate visibility and as such will be detrimental to the safety and convenience of highway users and that of the occupants of the proposed dwelling. The proposal is contrary to Policies BE3 of the adopted West Oxfordshire Local Plan, Policies T1 and T2 of the emerging West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF.

Application Number	I6/02724/LBC
Site Address	Penny Black House High Street Aston Bampton Oxfordshire OX18 2BY
Date	2nd November 2016
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434030 E 203013 N
Committee Date	14th November 2016

Location Map



Application Details:

Internal and external alterations of outbuildings to create two dwellings.

Applicant Details:

Mr A Long
Penny Black House
High Street
Aston
Bampton
Oxfordshire
OX18 2BY

I CONSULTATIONS

- 1.1 Parish Council The Parish Council does not wish to comment on, nor object to, the application.
- 1.2 WODC Architect This has been subject to a fair amount of pre-app. There are a number of things to say here. In respect of the proposed treatment of the existing single-storey range, this has been amended following pre-app. and is now supportable, subject to details (with e.g. new openings and glazed areas minimised, and outer/ W elevation left largely intact).
Regarding the proposed extension, while the principle of a modest return was accepted at pre-app., the amount proposed here (20m) is too much, and not sufficiently secondary. I would recommend this needs to be shortened in order to extend no further than the line of the rear elevation of the properties to the S.
Regarding the proposal to remove the C19 curtilage Listed detached outbuilding structure, this is a good, locally characteristic structure with a clear physical and functional relationship with the house and workshop structures, and we cannot support its removal (which would cause clear harm).

2 REPRESENTATIONS

- 2.1 Mr Tom Leonard of 4 Redmayes, Ham Lane, Aston. The comments have been summarised as:
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 - The 5 bedroom house will have more than 2 cars.
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 - I've never seen a door opening straight onto a road before.

3 APPLICANT'S CASE

- 3.1 The applicants have submitted a Design and Access Statement and ecology statement. The Design and Access Statement has been summarised as:

- The conversion and extension will provide annexe accommodation for the owner's daughter who needs specialised facilities and a separate 4 bedroom dwelling for a family known to the owner who also needs specialised and flexible facilities for one of their children who has special needs. The new units will retain and convert the existing buildings including existing windows and door openings and add on an extension to form a L shape with the same ridge height and style of the existing building.
- The roof line of the existing buildings will be restored to their original profile (they are currently distorted and partially collapsed). The extension allows for spacious ground floor accommodation without intruding too far into the existing garden areas.
- New parking areas and access will be permeable pavers and gravelled areas. Vehicular access to the units is proposed through the existing access alongside Penny Black House.

4 PLANNING POLICIES

BE2 General Development Standards

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located within the centre of the village, and the Conservation Area. The existing building is listed, with a range of curtilage listed outbuildings, which are visually prominent within the streetscene. The previous use of part of the main dwelling, was the post office. The proposal is to convert part of the outbuildings to ancillary accommodation, and the other part of the outbuildings to a separate dwelling, including a new extension. Other elements included a pedestrian access from the rear of the outbuildings onto Ham Lane, and the demolition of another outbuilding. These latter elements have now been withdrawn from the proposal.
- 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 conversion of appropriate buildings are permitted within the adopted and emerging West Oxfordshire Local Plans as long as they are considered worthy of retention. As a range of buildings, which officers consider contribute significantly to the historic character of the conservation area, officers are of the opinion that the principle of conversion to ancillary and separate occupation is acceptable subject to other matters being resolved. However the proposal to extend a barn or similar building, is contrary to Local Plan policies, and the proposed extension by reason of its scale is considered to be an inappropriate addition. However given the circumstances of this site, officers would accept some form of extension on balance, but not of the scale as currently proposed.

Siting, Design and Form

- 5.4 The actual treatment of the proposed conversion is considered acceptable. New openings and areas of glazing have been kept to a minimum, which helps to reflect the historic character and appearance of the buildings. However the proposed extension is not sufficiently secondary or subservient and as such officers consider that this element is unacceptable.
- 5.5 As the site is within the curtilage of a listed building, officers are also required to take account of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard the proposed extension is considered to have a detrimental impact to the character and setting of the listed building, given the nature of what is proposed and its location. As such, the character or setting of the listed building is not preserved.

Conclusion

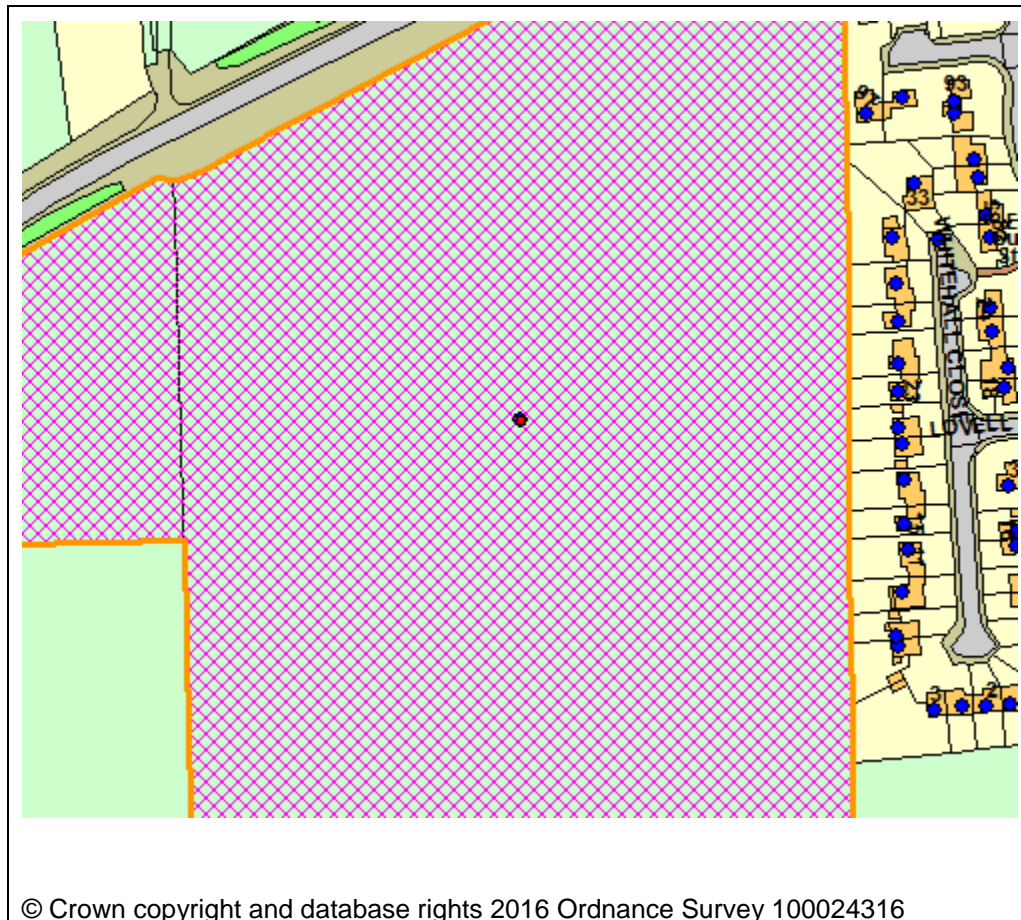
- 5.6 Whilst officers have no objections to the principle of conversion to ancillary and separate occupation, the proposed form and scale of the extension is considered to adversely affect the setting and form of the curtilage listed building.

6 REASON FOR REFUSAL

- I The form and scale of the proposed extension does not appear sufficiently secondary to the main barn and as such would erode the historic former character and appearance of the range of barns and adversely affect the setting of the Listed Building. As such, the proposal is considered to be contrary to Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011, Policy EH7 of the Emerging West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Application Number	I6/02588/OUT
Site Address	Land West of Minster Lovell South of Burford Road Minster Lovell Oxfordshire
Date	2nd November 2016
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	430851 E 210716 N
Committee Date	14th November 2016

Location Map



Application Details:

Residential development of up to 85 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space, children's play area, landscaping and land for potential burial ground (means of access only).

Applicant Details:

Mr & Mrs Martin and Jenny Kinch
C/O Strutt & Parker LLP

I CONSULTATIONS

I.1 Cotswolds Conservation Board

The site is outside the AONB but has the potential to impact on its setting (see attached revised Setting Position Statement 2016). In the preparation of the application including the submitted landscape and visual impact assessment there has been due consideration to the potential for this development to impact on the setting of the AONB. The Board supports the proposed native/tree hedgelines around the development and in addition the proposed public open space buffer along the northern boundary. Should the Council be minded to approve this application therefore, the Board would expect the boundary landscaping and northern public open space buffer to feature in any future approval of reserved matters application (and accordingly be secured by planning conditions and protected during construction and be suitably managed to ensure this site is visually well contained and screened from views from the edge of the Cotswolds AONB). It is also recommended that some form of height parameter is agreed at this point in time to avoid future approval of reserved matters applications coming forward with tall structures which may increase the possibility of the development impacting on the AONB. The rural character of this part of the Burford Road should also be maintained so new pavements, street lighting etc should all be within the development not on the roadside edge directly adjacent to the AONB boundary. Street lighting within the development should also be of a modern dark night skies compliant design to minimise light overspill and light pollution into the AONB. In conclusion, subject to detailed landscaping mitigation and care over maintaining the rural character of this part of the Burford Road, the impact on the setting of the AONB is capable of being kept to a minimum.

I.2 Parish Council

Minster Lovell Parish Council strongly objects to the application because it is contrary to the following planning policies:-
National Planning Policy Framework (NPPF)
Policy 7 - The three dimensions to sustainable development:-
(1) Economic Location
The proposed arable site is not in the right place to consider it sustainable and compatible with the existing Chartist settlement and Village of Minster Lovell. It is a 'tacked-on' development which will be unconnected with the Village as there is no access available via Ripley Avenue, Whitehall Close or Wenrisc Drive into the existing Village. It should be noted that this site has never been included in WODC's Strategic Housing & Economic Land Availability Assessment which forms part of the Local Plan and should therefore not be considered and objected to in the strongest terms. Development of this site does not form a logical complement to the existing scale and pattern of development; it is 'tacked-on.'
It should be noted that the Parish Council own Ripley Avenue Amenity Area and wish to clarify that the Council:- (1) will not permit

its western boundary to be altered; (2) will not permit any access into or across the Amenity Area for any purpose and (3) has no intention of selling the Amenity Area. For avoidance of doubt, pedestrian access cannot be secured through the open space to the East of the site.

Potential new residents will be required to travel, most likely by car, out of the Village to meet their employment needs. There are no details included in the application that support the local infrastructure - rather infrastructure will be eroded by this development.

Whilst it could be considered that the site is within easy walking distance to the nearest bus stop on the B4047 (located 553m away), the road is an extremely busy route for vehicles including HGV's accessing the A40 and Witney and therefore footpath users feel vulnerable and unsafe. It should also be noted that the tarmac footpath in between Minster Lovell and Worsham is now unusable due to lack of maintenance by Oxfordshire County Council (OCC). The footpath/cycle track between Minster Lovell and Winey is also of a declining standard due to OCC budget cuts.

Precedent

The Council notes that the Southern boundary has been designed to be in alignment with Ripley Avenue so that the Chartist Estate is not affected by this development thereby mirroring the existing design of this part of the Village. However, in the event that the application is approved, a precedent for other sites would undoubtedly be set where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character, setting and environment of the Village. Development of this site would most likely lead to the expansion of the Village South towards the A40 (to the rear of Brize Norton Road properties) and West (towards Worsham). Development in either direction would have irreparable consequences to the existing linear, historic structure and character. New applications for development could further 'mirror' the existing pattern of that part of the Village in order to comply with design policies that would not be classified as infilling. Population increase/scale According to the Planning Statement submitted by Strutt & Parker, 85 new dwellings will increase Minster Lovell's population by an average of 200. Minster Lovell's population was 1409 in 2011. If this application is approved, Minster Lovell's population will therefore increase by an average of 15%. Minster Lovell Parish Council feel this is an unacceptable increase (regardless of previous years' modest number of new homes) which will cause problems and put pressure on the community and its infrastructure. Village car parks for the shops, St Kenelm's Church, Wash Meadow and Crescent Stores Spar Shop are regularly full to capacity. WODC's lack of a Local Plan or 5 year housing land supply should not be to the detriment of our community. It is considered that the population increase is out of proportion and balance to the scale of the Village.

Highways

It is felt that the vehicle movements specified on page 10 of the

Statement of Community Involvement is wholly inaccurate. 80 trips during the morning and afternoon peak hours are inaccurate given that the majority of households have at least 2 vehicles. Children are staying at home or returning to live at their parent's home for an increasing number of years due to the inability to afford a home of their own. This aspect will impact on vehicle movements which do not appear to have been a consideration. The increased number of vehicles using the Burford Road is not an immediate concern. However, if the new residents wish to access the A40 they will use the Brize Norton Road which is of great concern given existing vehicle volume and speed data at peak times. Upper Crescent and Wenrisc Drive will become a rat-run for those wishing to avoid the Burford Road/Brize Norton Road junction, which will be unacceptable to existing residents. The safety of residents is at risk.

(2) Social

The application does not support a strong, vibrant and healthy community. There are limited accessible local services.

Public transport

The Parish Council has met with Stagecoach Oxfordshire several times over the recent years due to its reduction in viable bus services. This issue continues to be a concern with the withdrawal of the S2 (through Minster Lovell to Oxford) and more recently the S7 (Minster Lovell to John Radcliffe Hospital) leaving the 233 (Burford to Woodstock) and Swanbrook Coaches (Cheltenham to Oxford) only. Public transport does not meet the need of a development of such a scale and will exacerbate traffic problems.

Amenities

The most local convenience shop is located 602m from the closest point of the development. It is not unreasonable to expect that the majority of the new residents will drive to the shop instead of walking.

The closest bus stop is a similar distance on the Burford Road. Minster Lovell does not have the amenities in place to support the increase in residents. The closest doctor's surgery is 2 miles away at Deer Park; there is no chemist, library service or other amenities unlike neighbouring parishes of a similar size.

Education

It has been noted that St Kenelm's Primary School could be internally reconfigured to increase its pupil quantity by 15 - there are 106 places for the 2015/16 academic year. An increase in pupil numbers greater than 15 will add pressure to the existing school infrastructure and facilities; the school's outside space is limited. Children from Minster Lovell already have to attend school outside of the Village because the school has insufficient places.

Green space

The Council does not have the ability or capacity to maintain further green spaces or grass verges. In the event that the application is approved, this aspect will need to be overseen by a management organisation or the District Council. The Council will take no responsibility.

(3) Environment

The application does not contribute to protecting or enhancing the natural, built or historic environment. Little consideration is given to the listed Chartist properties in close proximity whose settings will be negatively impacted. Minster Lovell is one of four Chartist settlements in the Country.

Development by Fergus O'Connor in 1847 as part of a social reform movement, the Village was built of linear design with identical bungalows on large open plots. Further development of this nature erodes this historic character and uniqueness of Minster Lovell and damages the design and concept forever.

Biodiversity will undoubtedly be impacted by the development when considering the local SSSI, other non-protected species, visiting barn owls and other birds.

Other relevant NPPF policies

Policy 14 - Approving the development, without a development plan would significantly and demonstrably outweigh the benefits.

Policy 17 - One of the core planning principles is to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings. The application is considered contrary to this policy as the design elements of the applications do not reflect local surroundings. The development is not in the right area and does not contribute to conserving or enhancing the natural environment. The application does not protect the Green Belt land and does not recognise the intrinsic character and beauty of this area of our countryside.

Policy 35 - The application does not create a safe and secure layout which will minimise conflicts between traffic and cyclists/pedestrians or consider the needs of people with disabilities by all modes of transport.

Policy 38 - It could be argued that this development is not within walking distance of local shops or the primary school (located 448m away from the corner of the site). Parents will automatically use their cars to travel to school thereby adding pressure on the estate roads.

Other considerations

(a) Burial Ground

Minster Lovell Parish Council is not in favour of a Burial Ground at the proposed area. It is in the early stages of confirming a Burial Ground site close to St Kenelm's Church. Please refer to Appendix A.

(b) LEAP

A further play area in the proposed area is not needed.

(c) Attenuation basin

The grey water attenuation basin should not be located next to the LEAP for health and safety reasons.

(d) Pedestrian crossing - Burford Road

A pedestrian crossing for the Burford Road is considered extremely dangerous given the speed and size of vehicles accessing the Village. The Council does not support this proposal.

(e) Statement dwellings

The Council strongly objects to any dwellings above 2 storey height. Most local properties are bungalow or 2 storey. Proposed dwellings above this height are considered out of character and of inappropriate design.

Additionally, for the reasons outlined in this response, the application is also considered contrary to the following policies of WODC's emerging Local Plan 2031:-

OS1 - Presumption in favour of sustainable development

OS2 - Locating development in the right places /SHLAA

OS4 - High quality design

H2 - Delivery of new homes (1, 3)

T3 - Public transport, walking and cycling

EHI - Landscape character

EH2 - Biodiversity

- I.3 Natural England Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.
- I.4 Adjacent Parish Council Brize Norton Parish Council object to this application until such time as foul drainage for the 85 dwellings is designed and committed to by Thames Water without impacting the falling main into Brize Norton pumping station which is currently over capacity.
- I.5 Major Planning Applications Team Objection - on the grounds that the applicant has not shown that they can provide a safe access to the site for motorists within the highway boundary and has not used speed surveys to inform the proposed visibility splays.
The application site is within an area of archaeological potential as highlighted in the desk based assessment (DBA) submitted by the applicant as part of the application submission.
- We would recommend that predetermination investigation is undertaken in line with the NPPF 2012, Local Plan Policy and the conclusions of the submitted DBA.
- OCC is not seeking Education contributions to mitigate the impact of this development on primary school infrastructure. Existing school capacity is forecast to be sufficient.
- In response to REVISED details provided OCC advise that the county council previously recommended an objection to the above proposal on transport and archaeological grounds on 2 September 2016. The applicant has now provided information that allows the transport recommendation to be revised. An objection on archaeological grounds remains.
- I.6 WODC - Arts A S106 contribution to the maximum value of £10,710 to be utilised to enhance public spaces by creating artist-led bespoke features and introducing community arts activity.

I.7	Wildlife Trust	No Comment Received.
I.8	Ecologist	I object to this application until additional information is submitted before determination of the applications providing justification for the location of the site access road through the northern boundary hedgerow that qualifies as "important" under the Hedgerow Regulations 1997.
I.9	WODC Architect	No Comment Received.
I.10	Environment Agency	<p>In accordance with paragraph 109 of the National Planning Policy Framework (NPPF) we OBJECT to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to groundwater and surface water quality can be safely managed. We recommend that planning permission should be refused on this basis.</p> <p>In response to REVISED details they advise that the applicant has confirmed that the cemetery no longer forms part of this planning application and that provision will be made for the sewerage system for this development to connect to the foul sewer. We are, therefore, in a position to remove our objection.</p>
I.11	Historic England	Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.
I.12	WODC Env Health - Lowlands	<p>I have no objection to the above application in principle. I note that there is no noise report with the application. Notwithstanding this fact, a commensurate level of protection against ambient noise sources will be afforded if the recommendation of British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings are followed.</p> <p>I have no contamination objection to the above application.</p>
I.13	WODC Head Of Housing	I can confirm that were this development available today, that over 270 households would qualify for affordable housing in Minster Lovell. Should the outline application be able to meet the Housing Mix requirements, then I would be able to support this.
I.14	WODC Landscape And Forestry Officer	No Comment Received.
I.15	Natural England	No Comment Received.
I.16	WODC Planning Policy Manager	The adopted Local Plan (2006) identifies Minster Lovell (south of the B4047) as a Group B: Medium-Sized village. In terms of new residential proposals Policy H6 therefore applies allowing for new dwellings in the form of infilling, rounding off or conversion of an

appropriate building/s. The proposal does not comply with any of these requirements and is therefore contrary to Policy H6.

However, given the age of the policy which pre-dates the NPPF (2012) and the current lack of deliverable 5-year housing land supply within the District Policy H6 should be given very limited weight. Instead it is considered appropriate to have regard to the emerging draft Local Plan 2031 (albeit full weight cannot be afforded to its policies because it is still at examination) and also the NPPF and related practice guidance.

In terms of the emerging Local Plan Minster Lovell is defined as a village and draft Policy H2 allows for new dwellings on allocated sites, previously developed land within the built up area and undeveloped land within or adjoining the built up area where the proposed development is necessary to meet identified housing needs and is consistent with a number of specified criteria.

Having reviewed the application submission I consider that the proposal is consistent with those criteria and given that there is an identified housing need, I believe that the proposal is consistent with draft Policy H2 of the pre-submission draft Local Plan and that the principle of residential development in this location is therefore acceptable. Of particular relevance is a need for the development to form a logical complement to the existing scale and pattern of development and/or character of the area. I address this separately below.

The principle of residential development in this location is further reinforced by the proximity of Minster Lovell to Witney which as the District's main town offers a broad range of job opportunities, services and facilities. Future occupants would be able to easily cycle into Witney or use a bus with the nearest bus stop being within easy walking distance. The proposal seeks outline planning permission for up to 85 dwellings. This is a not insignificant number of new homes and if permitted would make a useful contribution towards identified housing land supply.

Whilst the number of new homes provided at Minster Lovell in the last 15 years or so has been very modest and the current proposal would clearly represent somewhat of a 'step-change' I do not consider that the number of homes being proposed is unreasonable for a village that is the size of Minster Lovell and enjoys a good range of services and facilities.

It would effectively 'mirror' the existing residential areas immediately to the east of the site and the scale of the scheme is such that it would integrate with rather than dominate the existing village.

In terms of the relationship of the site to Minster Lovell I consider that the proposed development relates well, particularly if pedestrian access can be secured through the open space to the east of the site. I believe that development of this site would form a logical complement to the existing scale and pattern of development as it is located next to a part of the village that has already been intensified

and has a very different character to the lower density more linear part of the village to the south east. It does not therefore follow that permitting this scheme would lead to the whole of the western side of Minster Lovell effectively being 'filled in'. The location of the site is such that it is within walking and cycling distance of Minster Lovell and certainly for cycling within comfortable distance of Witney. It is noted that a pedestrian link is proposed in the north east corner of the site allowing access to Upper Crescent from which the main Brize Norton Road can easily be reached.

Whilst this is welcome it would clearly be sensible for an additional link to be provided through the existing open space off Ripley Avenue. If not made formal this is likely to be used as informal 'cut-through' in any case and it seem sensible to formalise the arrangement with a quality pedestrian/cycle link. Having regard to the supporting application documentation and my own knowledge of the site I consider that whilst development here will clearly have an impact, it is likely to be an acceptable one. In particular the wider impact of the scheme is likely to be negligible. The site is already relatively well-screened from long-distance views and the proposed retention of existing vegetation and enhancements that are proposed to the west and south of the site in particular will help to reduce the degree of impact and ensure it is relatively 'localised'. Furthermore, when approaching Minster Lovell from the west along the B4047 the existing settlement edge is not of particularly high quality and the proposal provides an opportunity to create a better approach and edge to the village. I note that the site is not affected by flood risk although surface water drainage will need to be appropriately addressed. I also note that the site has no significant heritage or ecological constraints.

I.17 WODC - Sports

With reference to the proposed on site children's play area the Parish Council have advised the existing facilities located on Ripley Avenue can serve the needs of new residents. Therefore an offsite contribution is sought to upgrade this facility to meet the increased demand from the new development of $£818 \times 85$ (no. of dwellings) = £69,530 for the enhancement and maintenance of play/recreation areas within the catchment. This is index linked to first Quarter 2016 using the BCIS All in Tender Price Index published by RICS. The Parish Council have indicated they will be seeking a contribution towards the refurbishment costs of the village hall, St Kenelm's, which serves the local community.

I.18 Thames Water

We request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

1.19 WODC Env Services - No Comment Received.
Waste Officer

2 REPRESENTATIONS

2.1 There have been over 150 objections to the scheme and the representations are summarised as follows:

Principle

- Large scale applications should not even be entertained until the relevant infrastructure has been agreed and funding allocated.
- This development will increase size of the village by more than 10% and will spoil the character of our village.
- Will set a precedent to allow further development across agricultural land to the A40.
- There will be little or no integration with the existing village as there is no direct connection between the two.
- This development that is literally 'tacked' onto the side of this historic Chartist Settlement.
- Now Secretary of State has overruled the application for 270 house to the north of Burford Road, Witney, there is clearly no-longer the need for such unrealistic developments as proposed in this application.
- This development will do little to maintain the sustainability and vitality of our community rather it will be no more than a dormitory attachment.
- Minster Lovell is already a village of 3 parts Old/Little and Charterville Allotments - this will further split it into 4 parts.

Utilities and facilities

- Thames Water has already stated that existing sewage system has insufficient capacity and currently blocks in village, so could clearly NOT cope with further development.
- The village has a fragile electricity supply, water pressure is low, sewerage and flooding a major problem.
- A further 85 dwellings will only exacerbate this situation.
- Residents need to travel out of the village for doctor, dentist and chemist requirements. The major retail stores and supermarkets are also outside of the village in either Carterton or Witney.
- Will impact on doctors surgeries in the area.
- Electricity (frequent power cuts) and Broadband (BT are at capacity and cannot currently meet the demand of the existing village).

Flooding

- Storm water flooding issues have NOT been addressed and would be an extremely ill advised and costly mistake should this development be allowed to go ahead.
- Excess rain water drains from this field and has already flooded several properties including Charterville bungalows along the Brize Norton Road.

Highways

- Increased traffic flow.
- Already have buses and lorries mounting the curb when passing along the narrow roads in the village.
- Further development would put a further strain on already busy roads.
- Burford Road can be busy at the best of times, if you add 70 more houses alongside it, it could become horrendous.
- Traffic eastbound from the new development will almost certainly use Wenrisc Drive and Upper Crescent as a 'rat run' to the Brize Norton road and the A40 bypass.
- With no tenable link to the village children will be driven to the village school, adding to the congestion in Wenrisc Drive at peak times.
- The proposed footway coming out at the corner of Upper Crescent/Burford Road is ill-thought out, pedestrians will emerge on a busy junction and obscure vision for motorists.
- Bus service already inadequate.
- The developer's view of vehicular movements is grossly underestimated.
- Parish Council have NOT given permission for access across Ripley Avenue Playing field.
- With limited local amenities and public transport to and from the village restricted, the dependency on a car is high.

Schooling

- School places are limited.
- Only take in 15 children per year.
- The school's existing footprint is not big enough to accommodate a large increase in pupils, which would result in the County Council in either having to pay to extend the school (changing it's very nature) or having to pay for pupils travel to Burford Primary School and/or nearest school with available places.
- The School is not equipped for the amount of children that would be on the development.
- Enlargement would take away many of the excellent benefits of a village school.

Other

The siting of the Burial Ground is totally inappropriate and unacceptable.

2.2 Framptons on behalf of The Society for the Protection of Minster Lovell have made the following comments (summarised):

- Village is not considered one of more sustainable settlements (from SHELAA methodology 2016).
- Planning balance against Paragraph 14 of NPPF needs to assess whether or not development contributes to Sustainable Development.
- The Society submits that there are multiple adverse impacts that would result from the grant of planning permission which significantly and demonstrably outweigh any perceived benefits.
- Application for 85 dwellings is very significant, would be population increase of 10%.
- Cannot be considered sound planning in a relatively small settlement with limited services.
- Would put immediate pressure on existing services.
- Lead to high car dependency.

- Results in loss of agricultural land.
- Application should be accompanied by heritage assessment addressing impact on Heritage Assets to meet para 128 of NPPF.
- Lack of detail over the connectivity - no agreement for access.
- No Utilities Assessment submitted with the application.
- No Education Strategy submitted, concerned capacity at Primary School has not been addressed.
- Not against growth in principle but concerned about scale of growth in village.
- Application will adversely impact on character and form of Minster Lovell.
- Scale of development simply too much for medium scale village that lacks services and facilities to accommodate in excess of 200 new residents.
- Planning advantage in the overall public interest lies in favour of a refusal of planning permission.
- We would urge Council to refuse permission for this unsustainable development for which there is a clear presumption against in the open countryside.

2.3 Minster Lovell Playing Field Trust have made following comments:

- Minster Lovell Playing Field Trust is not in a position to comment on the merits of this planning application. However, in the event that planning permission is granted, the Trust seeks contributions from a Community Infrastructure Levy (previously S106) towards the replacement of play equipment located behind St Kenelm's Hall, Brize Norton Road, Minster Lovell.
- The current play facilities are minimal and in need of immediate replacement. Design schemes have been obtained and are now being considered - the play area will be for children up to the age of 6 years. (Note: the Ripley Avenue play area will be renewed in the near future and will be for children of 6 years and older). A public consultation has been undertaken on preferable play equipment and quotes have been obtained. The Trust has been successful in obtaining grants towards the project from West Oxfordshire District Council, Minster Lovell Parish Council and Crescent Stores Spar Shop plus S106 money from a small development in the Village.
- Any funds that could be contributed towards this community project from the development would be much appreciated.

3 APPLICANT'S CASE

3.1 Writing in support of the proposals the agent has tabled a comprehensive raft of technical and supporting information that may be viewed in full on line. A further letter has been tabled in support of the revised proposals the main elements of which are quoted below:

Our transport consultant has undertaken speed survey for the Burford Road (a copy of the survey and calculations are attached). The survey shows an 85th percentile approach speed from the left of 55mph, which equates to a 'desirable minimum' splay of 175m or an 'absolute minimum' of 134m.

Please find attached a revised access drawing with the splay to the left updated based on the above. The impact on the hedge is not significant. The splay to the right has not been altered because the approach speed recorded was 44mph, which based on the stopping sight distance calculations requires a 'desirable minimum' splay of 120m and is already achieved. In addition, OCC question whether there may be a third party strip of land between the highway and my client's ownership. The highway records provided by OCC and an extract from the Land

Registry plan clearly shows there is no third party land preventing access or the ability to maintain the hedgerow.

The County Archaeologist has noted that the site is within an area of archaeological potential and recommends that, prior to determination, the applicant should therefore be responsible for the implementation of a geophysical survey of the application area.

The geophysical survey has been instructed and will be carried out this week.

It is noted that the Environment Agency objected to the application because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to groundwater and surface water can be safely managed.

The objection principally relates to the potential burial ground. However, the land identified for the burial ground has been removed from the proposal in response to the Parish Council's comments (see later in this letter).

The Environment Agency also request copies of correspondence between the applicant and Thames Water to reassure them that there will be adequate provision for sewage treatment in the location.

Thames Water's response requests the following Grampian-style planning condition be applied: 'Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed'.

The condition will require a sewer impact study to be undertaken to establish whether there is sufficient capacity in the existing wastewater infrastructure to accommodate the development.

There is already some advice on the capacity of the local sewage treatment works in Thames Water's Phase I Drainage Strategy for Witney (Brize Norton). In response to Question 5 'How are you planning for future development in the catchment?' (page 5), it states that the existing sewage works has the capacity to manage all the development applications submitted and projected for the catchment. This suggests that there is currently capacity at the sewage treatment works for this scheme. In conjunction with the removal of the burial ground proposal, this should provide the Environment Agency with sufficient reassurance that the development will not pose a pollution risk.

The Biodiversity Officer objected to the application until additional information is submitted which justifies the location of the site access through the northern boundary hedgerow. The officer asks why has the site access road has been located where it is instead of using the existing agricultural field access point to minimise the loss of hedgerow. The officer does state that if a justification can be made, e.g. on highway visibility grounds, then the loss of a specified length of hedgerow could be accepted with adequate compensation.

The existing access was considered as an option. The advice from our transport consultant was that it would be difficult to achieve the visibility standard to the left of 2.4m x 215m within the 60mph limit given the slight bend in the road and the trees along the verge. A further extension to the 40mph limit was also considered but even then it is uncertain whether the corresponding 2.4m x 120m splay is achievable. In addition, the Local Highways Authority may not support a further extension to the speed limit because it would be further away from the built-up area than the access as currently proposed.

My client has always highlighted that their proposal offers the opportunity to provide a number of benefits for the village. In summary it is considered that the scheme is an attractive and appropriate proposal which will help deliver both much needed market and affordable housing. You will be aware that the Inspector gave substantial weight to the delivery of new housing in his recent decision to allow 270 homes on the Burford Road in Witney (appeal by Gladman Developments - ref APP/D3125/W/15/3005737). Significantly the proposal offers the opportunity to deliver a number of additional benefits that have been identified by the local community.

4 PLANNING POLICIES

H6 Medium-sized villages
H2 General residential development standards
BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE13 Archaeological Assessments
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
H11 Affordable housing on allocated and previously unidentified sites

The policies of the amended emerging plan are at the time of agenda preparation being reformatted and re numbered following the full Council meeting - in particular the policy that proposes allocation of this site. An update as to the relevant policies will be given at the meeting if they are available.

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is an outline application that seeks to establish the principle of development on the site. Illustrative plans were submitted that included a mixed housing and cemetery site but in response to concerns raised the cemetery has been omitted in favour of a football pitch and changing rooms. The plans show access taken direct from the Burford Road through the existing frontage hedge. Once into the site the illustrative plans show a development based on a road layout derived from a detailed analysis of the street patterns and evolution of the Chartist element of the village- both the original Chartist dwellings and how plots have more latterly been developed out. Other than to form the access the frontage hedge and hedges to the open countryside and existing housing are to be retained. The site was put forward for consideration as part of the SHLAA and is one of the proposed housing allocations in the emerging plan that has just been put out for re-consultation.
- 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 Development of this site does not conform to the housing policies of the adopted plan. However, they are increasingly out of date, pre date the NPPF and were predicated on delivering a housing supply well below that which is now required. As such they attract little weight in the determination of this application. Similarly the emerging plan policies do not have full weight given the stage in the adoption of the emerging local plan but they are instructive in that the policies of the emerging plan do allow for some development on greenfield sites at the edge of the larger settlements and this site is specifically proposed for allocation for development of broadly the form proposed here. Critically, at this stage of the adoption of the emerging local plan the Council is not able to demonstrate that it has a 5 year housing land supply and as such the so called tilted balance in favour of development set out at paragraph 14 of the NPPF is invoked whereby the development should be approved unless the harms of so doing significantly and demonstrably outweigh the benefits of so doing. The remainder of this report addresses whether there are any such harms but in light of the above the principle of development of this site is considered acceptable.

Siting, Design and Form, Landscape Impact

- 5.4 The development is in outline and thus the illustrative plans need to be treated with some caution as the final form of development may not follow what is being presented. In that regard your officers have some concerns at the suggested use of 2 and 2 1/2 storey built forms and would suggest that given the Chartist origins of the settlement where the characteristic Chartist bungalows are an iconic feature of the built form that a mix of 1 and 2 storey would be more appropriate. That can be addressed by condition. That having been stated the illustrative plans result from a detailed analysis of the existing built form and how the settlement pattern has changed and do in your officers opinion demonstrate that development of the general form and scale proposed can be satisfactorily accommodated on site. In contrast with the recent appeal decisions in the settlement there is much less (virtually no) harm to the setting of listed Chartist buildings and the character of the scheme offers the opportunity for some degree of betterment- with the scale and location of the built form generally sitting away from the areas where most of the less compromised Chartist buildings lie.
- 5.5 The site is open countryside at present, immediately adjacent to the boundary of the AOPNB, on one of the major approaches to the settlement and sits atop a ridge forming one side of the Windrush valley. As such the landscape impact is clearly a major issue. The applicants have produced a LVIA which concludes that the existing screening on the northern boundary means that the site is not as open and exposed as other Open Limestone Wolds but rather is not highly visible from the north or east and is screened by vegetation from the south and west. Beyond the immediate environs of the site there are no large scale impacts and when seen from further afield it is in the context of existing residential development which establishes a context for the new scheme. Screening could reduce wider impacts to negligible and limited to filtered views of rooftops in the context of existing development.
- 5.6 Your Officers would in general concur with the above assessment. Additionally it will be noted that the AONB Board and the Governments advisors as to the impacts on the AONB (Natural England) are similarly not raising objections on landscape grounds. Whilst recognising that there will be some localised impact these harms are not considered to be sufficiently significant to outweigh the benefits when tested against paragraph 14 of the NPPF such as to justify refusal.

Highways

- 5.7 It will be noted that originally there was a highway concern regarding the adequacy of the assessment set out in the applicants covering documents. The technical concerns have now been addressed such that OCC has withdrawn its highways objection. Thus with conditions the highways impact is considered acceptable.

Residential Amenities

- 5.8 The existing properties located along the eastern boundary of the site currently back onto open countryside and as such have a very high standard of residential amenity. Clearly in developing in their outlook there will be a considerable change. However there is no right to a view in planning law. The illustrative plans have demonstrated that it is possible to site the proposed houses sufficiently away from the existing dwellings such that no undue overlooking overshadowing etc will occur and as such this would not represent a significant harm such as would justify refusal.

Planning benefits

- 5.9 The applicants have in principle agreed to meet all of the stated /requested items of mitigation made on behalf of the County, Parish and District Councils. In addition to the contributions set out below there would also be a need to ensure that the POS was properly maintained, that the pavilion and playing fields were properly maintained and that the Parish Council could at nil cost connect its land to the development site for the purposes of enabling better access to village facilities and connection of the sports facilities. The additional Heads of Terms would cover:

69K towards refurbishment of the Ripley Avenue play area
Provision of the football pitch, car park and changing facility
191,650 towards the cost of a cycle route to Carterton
85k towards the cost of improved bus services
Contributions to a new village hall and play equipment by St Kenelms Hall
Affordable Housing as per eLP requirements for the site
Public Art provision

Archaeology

- 5.10 Members will have noted that at the time of agenda preparation OCC Archaeology has a holding objection pending the outcome of an archaeological dig which it is understood has been undertaken but your officers have not as yet had sight of the findings. Were members to support the recommendation to approve subject to a legal agreement then it would additionally be subject to the findings of any such dig being made known such that if there were any finds of such significance as would justify refusal this matter could be reconsidered by Members in the light of that up to date information.

Conclusion

- 5.11 This is a controversial application where local residents hold strong views that the development should not be supported. When tested against adopted plan policies the proposals would fail the policy tests but these policies are increasingly out of date. The emerging plan policies are more permissive of development of this nature and indeed the site is proposed for allocation in the emerging local plan- although again this does not as yet have full weight. Of most relevance

however is that the Council does not currently have a demonstrable 5 year housing land supply and as such the so called "tilted balance" is in place whereby developments should be approved unless the harms of so doing significantly and demonstrably outweigh the benefits. Your Officers do not consider that the harms do outweigh the benefits and indeed consider that both the physical form of the scheme and the associated mitigation package offers the opportunity to provide a number of social and environmental benefits to the village. As such, and provided that the archaeological dig results do not produce any "show stoppers" conditional approval subject to the applicants first entering into a legal agreement to secure the benefits outlined earlier in the report is recommended.

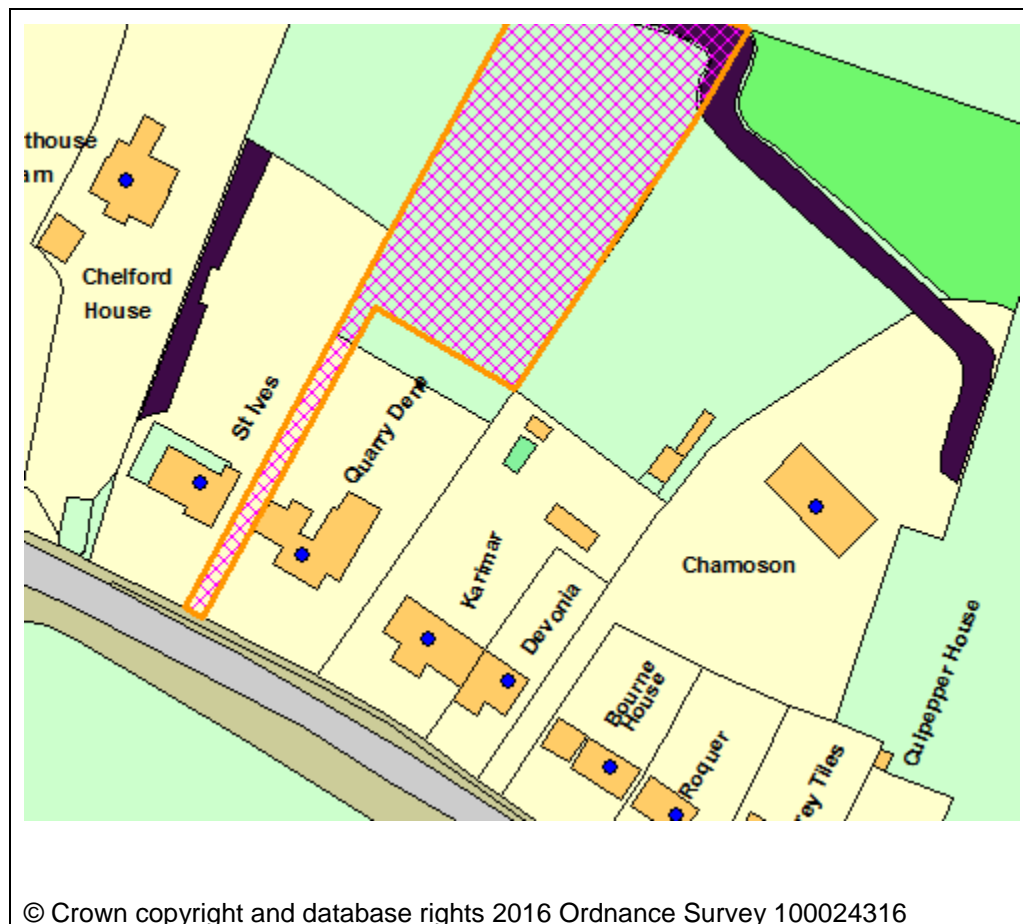
6 CONDITIONS/REASONS FOR REFUSAL

I It is anticipated that a list of conditions addressing the following matters will be available for consideration at the meeting:

Time limits
Reserved matters details
NWS submitted illustrative plans 1 -2 storey development and levels
Highways and access
Construction traffic management plan
Drainage Grampian condition
Details of changing rooms with reserved matters application
Landscaping details
Detailed layout to make provision for connection to adj PC land
Status of revised illustrative plans
Provision of strategic landscaping belts to AONB
Street lighting details
Noise insulation
Etc

Application Number	I6/02949/OUT
Site Address	Quarry Dene Burford Road Brize Norton Carterton Oxfordshire OX18 3NN
Date	2nd November 2016
Officer	Cheryl Morley
Officer Recommendations	Refuse
Parish	Brize Norton Parish Council
Grid Reference	429263 E 208293 N
Committee Date	14th November 2016

Location Map



Application Details:
Erection of dwelling.

Applicant Details:

Mr And Mrs Terry Hinchly
Quarry Dene
Burford Road
Brize Norton
Carterton
Oxfordshire
OX18 3NN

I CONSULTATIONS

- I.1 WODC Architect In terms of the principle of development in this place, I have strong misgivings about a dwelling house in this location. The settlement pattern at the western end of Burford Road is overwhelmingly linear and of single property depth, with large areas of open space to the north of the properties and agricultural land beyond further to the north.
- The D&A statement makes a case for an established second line of development behind the main frontages; however, while I believe a case for such a pattern might be made at the eastern end of the road (i.e. east of 'Ash Trees') I do not believe that such a pattern has been established west of 'Ash Trees'. And nor do I believe that the establishment over time of such a pattern would be sympathetic to the character of this part of the settlement, resulting as it would in erosion of the established low density linear single-depth pattern at the western end of Burford Road. I believe there are sound reasons for resisting the undue urbanisation of this part of the settlement, and would echo the 2013 Inspector's Decision in respect of the creation of an unsustainable pattern of development, and harm to the character and appearance of the local area.
- I.2 WODC Drainage Engineers No objection subject to conditions.
- I.3 OCC Highways Oxfordshire County Council, as the Local Highways Authority, do not wish to object to the granting of outline planning permission for the above planning application.
- I.4 WODC Env Health - Lowlands No adverse comments.
- I.5 Parish Council Notwithstanding the above comment BNPC consider that the proposal should be allowed in principle on the basis that the proposed site is within the defined settlement boundary, there are at least seven other properties along the Burford Road that have been developed in this manner and given its location on the floor of the old quarry that dictates the landform in this part of Brize Norton village, it will not be seen from outside the village, provided it's built form remains modest and in keeping with the rest of the village. It will also have significantly less impact on the surrounding neighbourhood than

the 700 houses recommended for approval under 14/0091/P/OP (West Brize Norton) on the high ground on the opposite side of the Burford Road.

In conclusion the BNPC do not object to this planning application but consider that there are matters that will need further design and approval during the Reserved Matters Approval process.

- 1.6 WODC Planning Policy Manager Having read the Inspector's decision, while he does talk of Policy H5, his emphasis is on the character of the area and in particular the impact backland development would have on the countryside to the rear of the properties - this relationship with the land to the north of Burford Road remains the same as in 2012.

Contrary to Policies OS2 and H2, giving careful consideration to 'general principles' and the West Oxfordshire Design Guide SPD.

2 REPRESENTATIONS

- 2.1 There have been no letters of representation received to date.

3 APPLICANT'S CASE

As detailed in the Design and Access Statement:

- The proposed development is considered appropriate to the site and context when assessed on its individual merits against the NPPF, emerging Local Plan 2031 and the West Oxfordshire Design Guide.
- A strong precedent of set-back dwellings has already been set along the Burford Road and forms the character and environment of the area. Further, modest development at the rear of Quarry Dene merely seeks to round-off the existing built-up area, well within the established settlement boundary.
- A Driveway to the rear of Quarry Dene is already in place, use of the driveway to access the application site would not adversely affect residents of either adjacent property.
- The design of the proposed development in terms of layout, scale, appearance, access and landscaping has been indicated in corresponding planning drawings. Further detail relating to these items will be provided in a separate reserved matters application within the specified time limit set by WODC under section 92 of the Town and Country Planning Act 1990, should outline planning permission be granted.

4 PLANNING POLICIES

BE2 General Development Standards
H2 General residential development standards
H5 Villages
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
T3 Public Transport Infrastructure
T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1NEW Landscape character

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks outline planning permission (with all matters reserved) for the erection of a detached dwelling. The application relates to a large plot within an existing ribbon development within the village.

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:

The principle of development

Principle

5.3 A previous application (12/0830/P/FP) was refused in 2012 for a dwelling on the site and then later dismissed at appeal (APP/D3125/A/12/2185848). The reasons for refusal for the 2012 application were:

1. The proposal did not meet the definition of infilling. (Policy H5 of the WOLP 2011)
2. It would set a harmful precedent making it difficult to resist similar applications.
3. It's design, massing, height, materials and detailing would not respect the established grain of development.

5.4 The policy approach since 2012 has fundamentally changed since then. For example the use of the definition of infilling is not included within the Emerging Local Plan 2031. However having read the Inspectors decision, while he does talk about Policy H5, his emphasis is on the character of the area and in particular the impact backland development would have on the countryside to the rear of the properties. The relationship with the land to the north of Burford Road remains the same as in 2012 and therefore a dwelling in this location still could not be supported by your officers.

5.5 The neighbouring property St Ives has also received a dismissed appeal (APP/D3125/A/12/2184939) for a similar dwelling to the rear which it was also identified that a house in this location would extend the built up area into open countryside, would not justify further consolidation and would intensify the built form of the ribbon development. The development would therefore further urbanise the locality at the detriment of the open rural character. Officers are therefore of the opinion that detrimental impacts that would be caused by a new dwelling on the proposed site to the open countryside would still outweigh further development to the rear of Quarry Dene and the adjacent properties and therefore could not be supported.

5.6 In terms of the Emerging Local Plan 2031 officers would therefore consider that the proposed development would be contrary to Policy OS2 in terms of meeting the general principles. A dwelling in this location would not form a logical complement to the existing scale and pattern of development or the character of the area, it would not protect or enhance the local

landscape or the setting of the settlement, it is not making use of previously developed land, it would cause a loss to the character and appearance of the area.

- 5.7 Policy H2 of the Emerging Local Plan identifies that new dwellings will be permitted in villages on sites that have been allocated for housing development within the Local Plan, on previously developed land within the built up area, on undeveloped land within or adjoining the built up area where the proposed development is necessary to meet identified housing needs and is consistent with the criteria listed in 3).
- 5.8 The proposed development as identified in criteria 3 would therefore not be of a proportionate and appropriate scale to its context or have regard to the potential cumulative impact of development in the locality; be of a demonstrable benefit to the local community; form a logical complement to the existing scale and pattern of development and/or the character of the area; protect and where possible enhance the local landscape and setting of the settlement; make use of previously developed land; not involve the loss of an area of open space or any feature that makes an important contribution to the character or appearance of the area and therefore would be contrary to policies OS2 and H2.

Highways

- 5.9 The local Highways Authority raise no objection.

Residential Amenities

- 5.10 The elements of design, including particulars of appearance, scale, layout, landscaping and access would be finalised through a separate Reserved Matters Application and therefore in terms of the impacts of neighbouring amenity and design officers cannot assess this accurately at this stage.

Conclusion

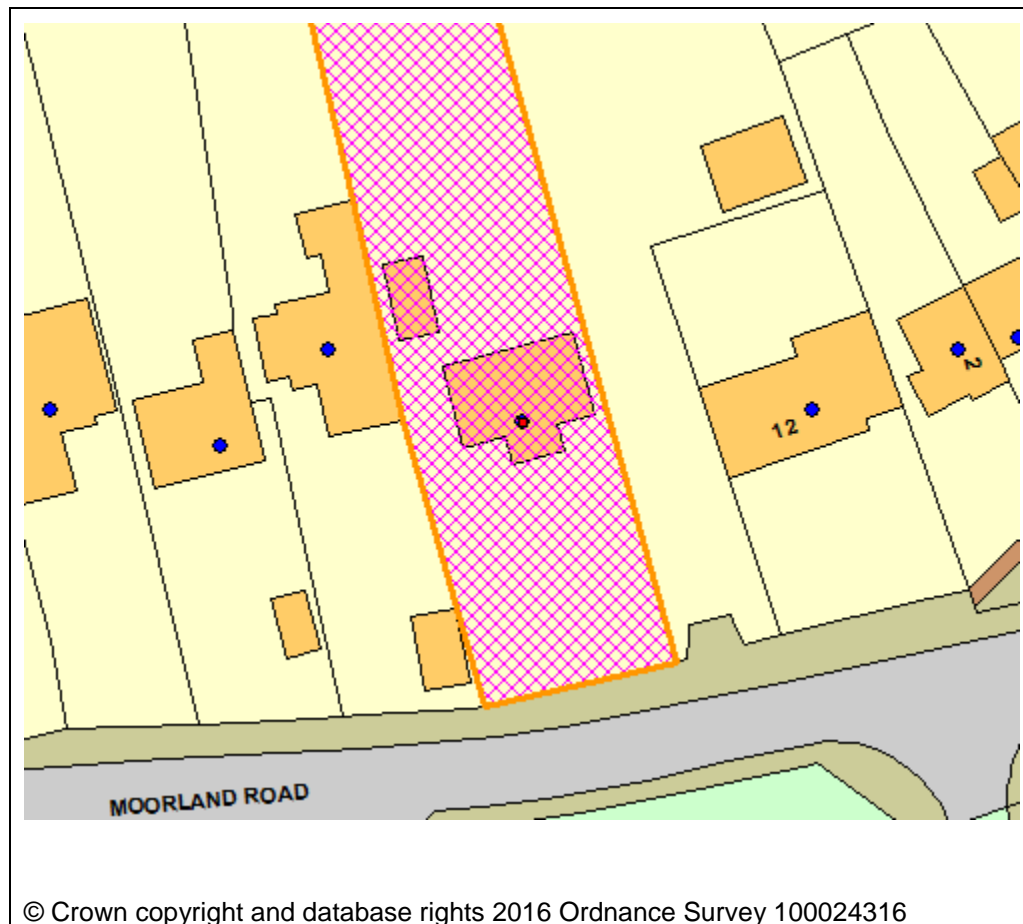
- 5.11 Taking all of the above issues into consideration and the dismissed appeal on the site and dismissed appeals on adjacent sites for similar forms of development, officers consider that the proposed development still could not be supported in principle on the basis that it would be contrary to both the Adopted Local Plan 2011, the Emerging Local Plan 2031, West Oxfordshire Design Guide SPD and the relevant paragraphs within the NPPF.

6 REASON FOR REFUSAL

- 1 The proposed dwelling by reason of its siting and location would cause an unacceptable detrimental impact to the character of the area and the surrounding open countryside as previously identified in the appeals APP/D3125/A/12/2185848 and APP/D3125/A/12/2184939. By reason of the backland development it would not follow the existing linear settlement pattern of low density housing and would erode a key area of rural countryside to the rear of the site and would set a harmful precedent, which would make it difficult to resist similar development on surrounding sites and therefore contrary to policies BE2, H2 and H5 of the Adopted West Oxfordshire Local Plan 2011, policies OS2 and H2 of the Emerging Local Plan 2031, the West Oxfordshire Design Guide SPD and the relevant paragraphs within the NPPF.

Application Number	I6/03099/FUL
Site Address	The Cedars 14 Moorland Road Witney Oxfordshire OX28 6LF
Date	2nd November 2016
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Witney Town Council
Grid Reference	435072 E 210057 N
Committee Date	14th November 2016

Location Map



Application Details:

Erection of four dwellings with associated works.

Applicant Details:

Tony and Andrew Ferryman
5 Broadwell Road
Oddington
Morton in Marsh
GL56 0UU

I CONSULTATIONS

- 1.1 WODC Drainage Engineers Due to the southern end of the site being within Floodzone 2, an FRA is required to be submitted before any further comments can be made.
- 1.2 OCC Highways 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
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details
- 1.3 WODC Landscape And Forestry Officer No Comment Received.
- 1.4 WODC Architect No Comment Received.
- 1.5 Town Council Mrs S Groth Witney Town Council has no objections regarding this application but would like to express concern that the proposed layout of the roof may cause loss of light to property no. 10.

2 REPRESENTATIONS

- 2.1 Comments received from Mrs L Cooper of 10 Moorland Road. Comments have been summarised as:

I have lived at 10 Moorland Road since 1979 and I wish to lodge concern about the proposed application:

- a) From the point of view that the dwellings three and four will severely affect the light to my living room and patio area to the front of my dwelling.
- b) At one time the dwelling at 14 shared my main drainage and I am of the opinion and from my drive - with more cars using the road I feel this can only get worse.
- d) The party fence is old and in need of repair and I am concerned this will cause security problems is there any plans to pollard the mature trees that overhang my drive?

Note: when the builder requested planning permission to erect more than one house on the plot known as number 10 he was refused!

3 APPLICANT'S CASE

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

- The site is a large site close to the centre of Witney having an unnecessarily large garden in this location. It is ideally suited for infill development.
- The proposals are similar to other developments in the area and therefore the nature of the buildings will blend with the existing stock.
- The additional of three further family homes within 5 minutes walk of Marriotts Walk and other shops in the heart of Witney will provide valuable additional accommodation for the growing town of Witney, without impacting on other public services.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

T1NEW Sustainable transport

T2NEW Highway improvement schemes

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application site is located within a mature part of Witney. The site is currently occupied by a single dwelling and garage, which is set back from the road with the site rising towards the rear. The site is not located within the Conservation 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 As Members are aware, the policies of the adopted West Oxfordshire Local Plan are out of date and at the present time the Council is unable to demonstrate a full five year housing land supply. The emerging West Oxfordshire Local Plan seeks to set out the method whereby the Council will seek to address the five year land supply position, but the policies set out in that document will only start to attract greater weight as the plan progresses through its public consultation and examination phases. However this site is considered to be within a sustainable location, and as such, some form of development could be acceptable. In terms of this current scheme, officers consider that the proposed development is not compliant with paragraph 14 of the NPPF. Officers are of the view that the proposed development would significantly and demonstrably outweigh the benefits when assessing the Framework policies as a whole.

Siting, Design and Form

5.4 The proposal will see the existing bungalow removed and replaced with four dwellings, two to the front and two to the rear. The new dwellings to the front will have a covered way to allow for vehicular access to the rear properties. The Design and Access Statement states that there are other examples of this type of development along Moorland Road. Whilst this is the case,

this site is considered to be more restrictive in allowing more development on the site, as the site is smaller and narrower than the other sites given as examples.

- 5.5 With regards to the design, the proposed frontage building is a particularly uncomfortable composition, with bland symmetry and unresolved duality. It would also be tall by comparison with the adjoining bungalow, and it would be based around a concealed high-level flat roof which has a deeply uncharacteristic form, that officers usually resist. The proposed building at the rear of the site is also of concern with unresolved duality, and no proper entrance facade just a projecting wing, with the front doors hidden in the flanks. Whilst the location is not within a Conservation Area, officers consider that any new development should be of a good standard of design, modern or vernacular. Officers consider that the proposed dwellings will appear incongruous within the streetscene.

Highways

- 5.6 OCC Highways have no objection to the proposal subject to conditions.

Residential Amenities

- 5.7 Officers consider that the relationship between the proposed new dwellings is acceptable in that no undue levels of overlooking or loss of light will result. However officers have concerns with the relationship of the proposed dwelling at plot 1 and the existing property at No 16. The new dwelling will be positioned much further forward than the property at No 16, and due to its scale and deep plan, officers consider that an adverse impact would result in terms of loss of light and overbearing issues. Officers also have some concerns regarding a loss of privacy issue from plot 3 towards No 16. Officers have noted the comments from the owner at No 10, and whilst there would be some impact, officers do not consider it would be detrimental.

Conclusion

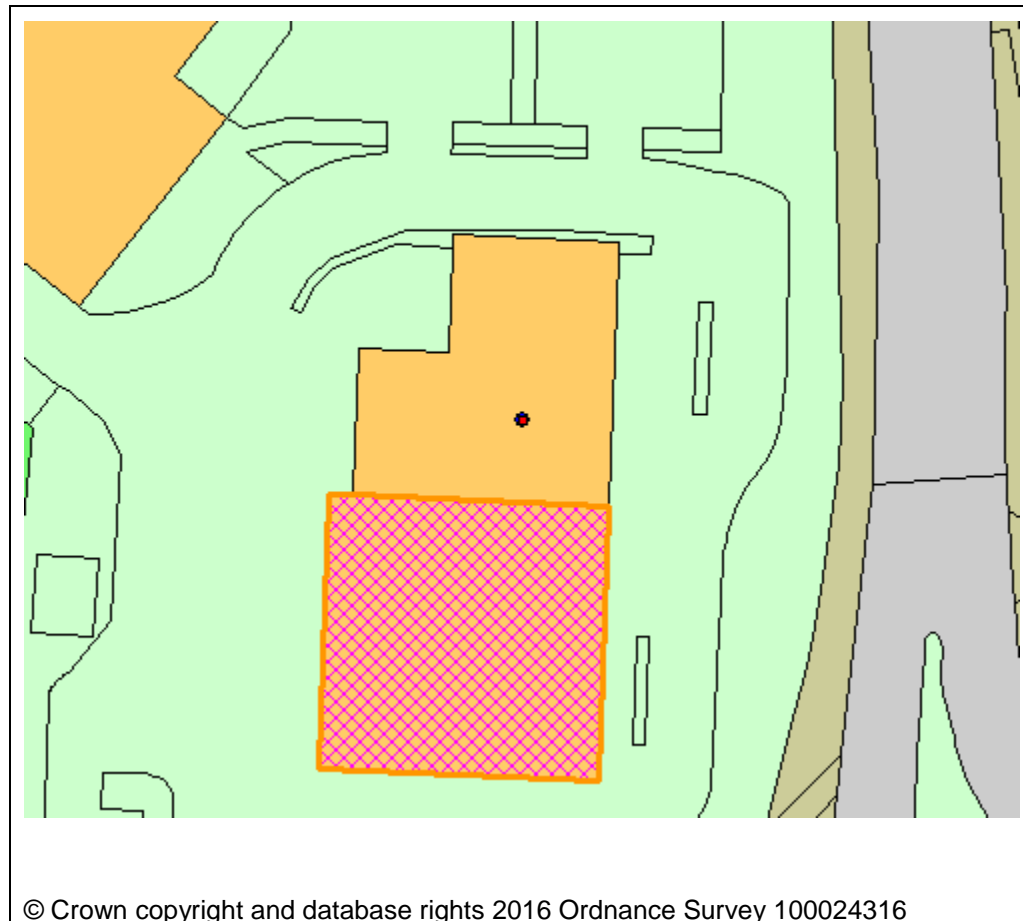
- 5.8 Officers consider that some form of modest redevelopment is acceptable. However the current proposal is considered to be of a cramped over development of the site. The contrived design will also appear incongruous within the streetscene eroding the visual character and appearance of the streetscene.

6 REASON FOR REFUSAL

- 1 By reason of the number, scale and design of the proposed dwellings, the proposal will result in a cramped over development of the site which will appear visually incongruous and over dominant within the streetscene. In addition by reason of the siting and scale of plot 1 and plot 3, the residential amenities of 16 Moorland Road will be adversely affected by way of loss of light and an overbearing impact. The proposal is contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan, Policies OS2 and OS4 of the Emerging West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and relevant paragraphs of the NPPF.

Application Number	I6/03178/FUL
Site Address	Ducklington Service Station Ducklington Lane Witney Oxfordshire OX28 4TT
Date	2nd November 2016
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Ducklington Parish Council
Grid Reference	435113 E 208530 N
Committee Date	14th November 2016

Location Map



Application Details:

Replace existing canopy with new flat canopy, replace all existing fuel pumps under canopy area with new fuel pumps.

Applicant Details:
Shell Centre, York Road
London
SE 1 7NA
United Kingdom

I CONSULTATIONS

- I.1 Parish Council
It is not agreed that the existing canopy is replaced by a flat canopy. Councillors hope that you will recognise that the reason for the current canopy with the pitched roof on top was probably and existing requirement by WODC planners when it was first erected so that it complemented the type of roofs found generally in Witney and specifically those buildings in the local area to the Ducklington roundabout. This is so that this yellow forecourt does not look totally out of place and harm the appearance of the area. Other requests are accepted.
- I.2 WODC Env Health - Lowlands
Consultee ERS Public Protection I note that potential contamination of soils and groundwater has been considered as part of application 15/04525/FUL: Site redevelopment including changes to forecourt finishes, retank, repump, new offset fills and new vents.

I therefore have no recommendations for this application.

Karen Dixon
Environmental and Regulatory Services
- I.3 OCC Highways
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.

2 REPRESENTATIONS

- 2.1 No comments received

3 APPLICANT'S CASE

No supporting statements have been submitted.

4 PLANNING POLICIES

BE2 General Development Standards
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located at Ducklington Lane in Witney, and is a well established petrol filling station with a shop and so forth. The proposals are to replace the existing canopy with a new flat canopy and to replace all existing fuel pumps under the canopy area with new fuel pumps. The existing canopy is of a pitched design which results in the height of the overall structure being higher than the retail and sales building on site.
- 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 Officers consider that in principle, the changes are acceptable. In terms of the whole development proposed, the principle to alter dated canopies and pumps are considered acceptable subject to the exact details.

Siting, Design and Form

- 5.4 Officers have taken into consideration the Parish Council's comments. As the existing pitched elements will be removed from the canopy structure, the overall height will be reduced, thereby the visual impact of the structure from the streetscene will also be reduced. Although the colouring of the brand will be visible, officers do not consider that this will result in a detrimental impact to the visual appearance and character of the streetscene.

Highways

- 5.5 OCC Highways have no objection in terms of highway safety issues.

Residential Amenities

- 5.6 Officers do not believe, that any undue impacts will result to residential amenities.

Conclusion

- 5.7 Overall, officers have taken into consideration the Parish Councils, but do not consider that a detrimental impact will result to the visual amenity of the streetscene or locality in general.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.