

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th February 2017

**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

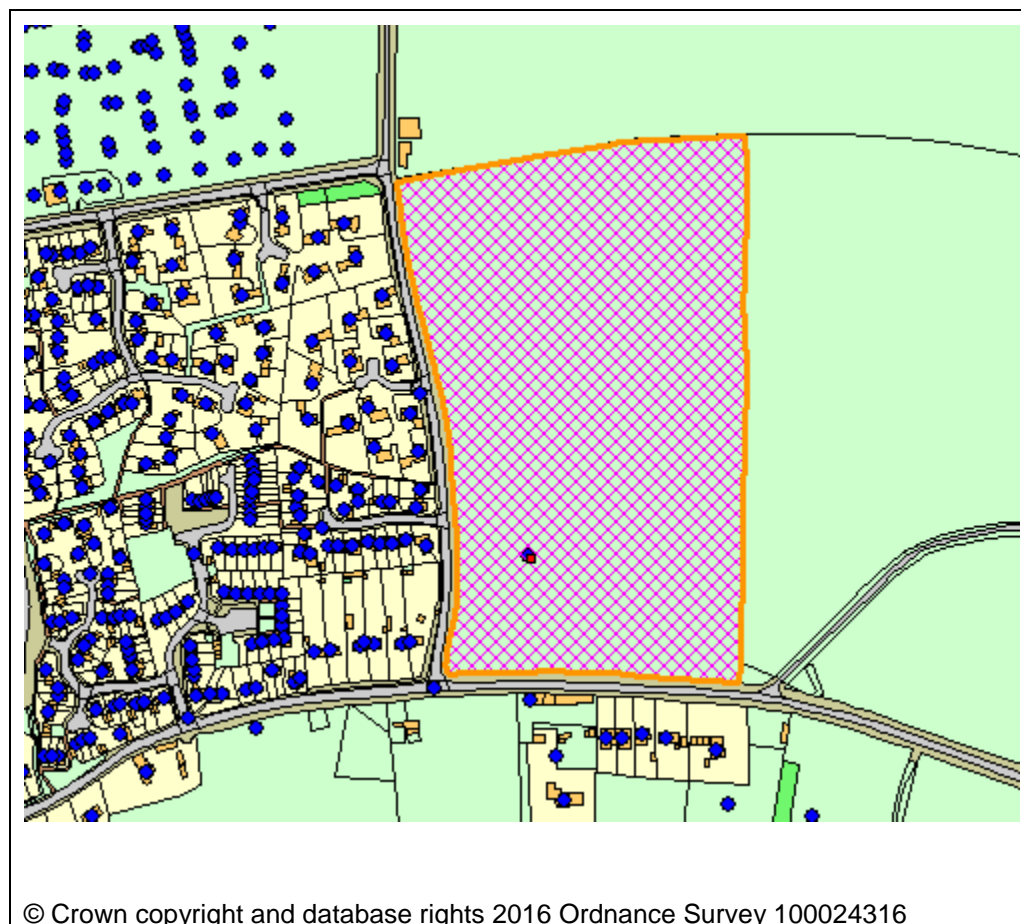
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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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I6/03910/FUL	Westfield House, Bampton Road, Aston	60
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Application Number	I6/03415/OUT
Site Address	Land East of Mount Owen Road Bampton Oxfordshire
Date	1st February 2017
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bampton Parish Council
Grid Reference	432221 E 203365 N
Committee Date	13th February 2017

Location Map



Application Details:

Outline planning application for demolition of existing buildings and erection of up to 160 residential dwellings including up to 40% affordable housing, creation of new vehicular access off of Mount Owen Road and provision of public open space with associated infrastructure and earthworks. All matters reserved except accessibility to the site, for vehicles in terms of the positioning and treatment of the access to the site.

Applicant Details:
Gallagher Estates Ltd
C/O Agent

I CONSULTATIONS

- I.1 WODC Head Of Housing No objection.
- I.2 Parish Council
Strongly object
The site is outside village boundary and has not been identified as suitable be WODC.
Development should be logical complement to existing scale and pattern of development, and should not adversely impact on the locality.
The proposal would have an adverse impact on the eastern entrance to the village, and be seen as an add-on, affecting the character and appearance of the area.
Unacceptable increase in population.
The land has a history of flooding in the north east corner. There are concerns regarding appropriate drainage and flood risk.
Thames Water has acknowledged issues with foul drainage and water supply.
The site is not located where there is employment and good public transport.
The availability of public transport has reduced.
More car journeys, congestion and impact on highway safety.
Cycling is not a realistic option.
Increase in pollution arising from more traffic.
Strain on local services including the doctors' surgery and school.
Demand for parking in the village and parking congestion.
There is limited existing employment and new jobs will not be created.
Local demand for affordable housing will be met by existing permitted developments.
The proposal should be considered in the context of other housing developments in Bampton.
Pace of change should allow the community to adapt and new development to assimilate.
This is a speculative application motivated by the lack of a WODC 5 year supply.
The proposal does not represent sustainable development.
- I.3 Major Planning Applications Team
Highways
The village only has access to a two-hourly bus service and a contribution of £160,000.00 will be required to increase frequency to an hourly daytime service
Although a footway has been requested to be provided to the east side of Mount Owen Road, it has now been agreed that a footway can

be provided within the site with suitable crossing points on Mount Owen Road.

Archaeology

No objection subject to conditions.

Education

No objection subject to financial contributions.

Property

No objection subject to financial contributions.

Minerals and waste

No objection.

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| I.4 | Wildlife Trust | No comments received. |
| I.5 | WODC Architect | No comments received. |
| I.6 | Environment Agency | No comments received. |
| I.7 | Biodiversity Officer | No objection subject to conditions. |
| I.8 | ERS Env Health - Lowlands | No objection subject to condition. |
| I.9 | WODC Landscape And Forestry Officer | No comments received. |
| I.10 | WODC - Sports | No objection subject to financial contributions: £184,960.00 towards sport and recreation and £130,880.00 towards play/recreation. |
| I.11 | Thames Water | <p>Waste Comments</p> <p>With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, 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". 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. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development</p> |

Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 1.12 WODC - Arts A S106 contribution of £20,160.00 is required to enhance public spaces by creating artist led bespoke features.

2 REPRESENTATIONS

2.1 117 objections have been received referring to the following matters:

- (i) Impact on drainage and flood risk.
- (ii) Amount of housing disproportionate to size of village and over-development. Rate of growth with new housing developments unacceptable and does not allow proper assimilation. Impact on village life and identity.
- (iii) Detrimental to eastern approach to village and impact on landscape.
- (iv) The village will not support additional housing. Inadequate facilities and impact on infrastructure, particularly doctors and school.
- (v) Mount Owen Road is too narrow to provide access. It would be better to access from Aston Road. Highway network inadequate.
- (vi) Impact on the character of the area, loss of greenfield site and urban sprawl.
- (vii) Inadequate public transport. Site poorly located for cycling and walking. Does not minimise need to travel.
- (viii) Increase in traffic and pollution.
- (ix) Site cannot be considered sustainable. Benefit will not outweigh harm.

- (x) The site is separate from the village and does not constitute infill. Lack of connection with village.
- (xi) Starter homes and smaller units would be preferable.
- (xii) Disturbance and pollution.
- (xiii) Roads in poor condition.
- (xiv) Impact on the character and appearance of the area.
- (xv) Impact on highway safety.
- (xvi) Site not identified as suitable in local plan.
- (xvii) High parking demand and parking congestion in the village leading to inconvenience and loss of trade.
- (xviii) Little employment in Bampton.
- (xix) Public consultation by developer inadequate.
- (xx) Inaccurate information provided by applicant.
- (xxi) Precedent for further development will be created.
- (xxii) WODC pre-application advice rejected the site.
- (xxiii) Impact on residential amenity.
- (xxiv) Lack of 5 year housing land supply being exploited by developers.
- (xxv) Sewerage and water supply inadequate.
- (xxvi) Uptake of CALA homes should be considered as regards demand.
- (xxvii) Impact on structure of listed buildings as a result of passing HGVs.
- (xxviii) Architectural quality of CALA scheme poor and should not be repeated.
- (xxviii) Impact on attraction to visitors and tourism.
- (xxix) Will not promote economic growth.

2.2 A proforma objection produced and circulated by Save Bampton's Future has been signed and submitted by 23 objectors. The grounds for objection are summarised as:

- 1) Bampton is facing a deluge of houses with 167 being built at New Road, and a further 116 possible at Aston Road, together with 160 now proposed at Mount Owen Road.
- 2) Village cannot cope with level of expansion.
- 3) Intolerable pressure on the school, sewers, parking and traffic.
- 4) Unique character of Bampton under threat.
- 5) Lack of 5 year housing land supply means assumption in favour of sustainable development.
- 6) Until the local plan is ratified Bampton remains vulnerable to landowners and developers.

2.3 A petition of 170 names has been submitted referring to the effect of unsustainable demand on the village.

3 APPLICANT'S CASE

3.1 The application is submitted in outline and proposes the erection of up to 160 new homes, with all matters reserved apart from means of access. Bampton is recognised as a sustainable settlement by the Council in adopted and emerging Local Plans, and is a 'second tier' settlement, alongside Burford, Charlbury, Eynsham, West Oxfordshire Garden Village and Woodstock. The site does not have any landscape or other Local Plan designations or restrictions.

3.2 The Council cannot demonstrate a 5 year supply of deliverable housing sites and the new Local Plan has not passed through all its stages. As such, as recognised by the Council in considering

applications at recent planning committees (and through recent appeal decisions in WODC), the provisions of paragraphs 49 and 14 of the NPPF are engaged, such that the so called tilted balance in favour of development is invoked, unless the LPA can demonstrate significant and demonstrable harms that justify refusing consent.

- 3.3 The applicant has been promoting the site through the Local Plan process as a suitable site for allocation to meet the District and Bampton's housing needs. Gallagher will continue to promote the site through the forthcoming EIP, particularly in light of the current shortfall between the proposed sources of supply and the overall housing target - and particularly as the site has no identifiable constraints, as demonstrated through this planning application.
- 3.4 As demonstrated in the application submission, the development will provide a sustainable development comprising a mix of dwellings, which sensitively responds to the surrounding site context. The range of studies that have been undertaken to support this planning application demonstrate that a high quality development will be achieved at the site. There are no identified environmental, technical or other reasons why planning permission should not be granted in this case. No infrastructure deficiencies have been identified that cannot be mitigated, and there are no highway objections to the proposals.
- 3.5 It has been clearly demonstrated that as such there is no identified harm which would significantly and demonstrably outweigh the substantial benefits which would be achieved. The applicant and its consultant team has sought to work closely with WODC and statutory consultees to address the comments received during the determination period, and to secure an appropriate package of measures to mitigate potential impacts of the proposed development through the Section 106 Agreement which will be attached to any grant of planning permission.
- 3.6 As such the proposals should be granted permission in accordance without delay, with the presumption in favour of substantial development and accordingly the planning application and residential proposals contained therein are therefore commended to West Oxfordshire District Council.

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
BE13 Archaeological Assessments
BE18 Pollution
H2 General residential development standards
H7 Service centres
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
NE15 Protected Species
H11 Affordable housing on allocated and previously unidentified sites
TLC7 Provision for Public Art
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places

OS4NEW High quality design
 OS5NEW Supporting infrastructure
 H1NEW Amount and distribution of housing
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H4NEW Type and mix of new homes
 T1NEW Sustainable transport
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH5NEW Flood risk
 EH6NEW Environmental protection
 CA3NEW Carterton sub-area Strategy
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 160 dwellings on a greenfield site to the east of the village of Bampton. The illustrative layout shows where the houses would be likely to be built and indicates that there would be significant areas of land given over to drainage features and landscaping. A range of supporting information has been provided. The Design and Access Statement indicates a mix of units up to 2.5 storey in height.
- 5.2 The site lies in a prominent position on the approach to the village from the east. It is bounded on all sides by mature hedgerow with some hedgerow trees, and is under arable cultivation. There are agricultural fields to the north and east. To the south is a small group of dwellings fronting the Aston Road (A4449). To the west is a modern housing development with some properties fronting Mount Owen Road.
- 5.3 The boundary of the Bampton Conservation Area lies approximately 165m away to the west, at its closest point to the site. There are no listed buildings in close proximity. The site is not within a designated area.
- 5.4 There is no relevant planning history.
- 5.5 The site was not identified in the SHLAA 2014, and is not allocated in the modifications to the emerging local plan. However, in the SHELAA November 2016 the site is included as site 331 and considered to be suitable for housing development in the 10 to 15 year timescale. It is noted that development will have implications for the provision of infrastructure in Bampton. Inclusion in the SHELAA represents a change in circumstances since the proposal was considered at the pre-application stage by Officers, and presented to residents by the applicant in their community engagement exercise.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle
Siting, design and form
Landscape
Highways
Trees, landscaping and ecology
Drainage
Residential amenity
S106 matters

Principle

- 5.7 Bampton is classified in the Local Plan 2011 as Group C settlement (service centre). Based on the settlement sustainability, weighted assessment (Dec 2013), the village is ranked lowest of the service centres assessed in terms of services and facilities available.
- 5.8 The village benefits from services, including a primary school, community building, sports facilities and pub. It is approximately 3 miles from Carterton which is a higher order settlement providing a full range of services.
- 5.9 Local Plan 2011 Policy H7 would not allow for the development of the application site because it involves new build housing that does not constitute infilling or rounding off. However, this policy is considered to be out of date.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead - in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool" calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years. The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the EiP Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it remains appropriate to apply "Sedgefield" and therefore it is acknowledged that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged.
- 5.11 Emerging Local Plan 2031 Policy OS2 refers to rural service centres such as Bampton being relatively constrained and notes that these are intended to accommodate a modest level of development of an appropriate type that will reinforce their existing service centre role. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan. The

emerging Local Plan does not impose a ceiling on development in any given settlement or sub-area, and Officers are mindful of the Government requirement that authorities should boost significantly the supply of housing.

- 5.12 It is acknowledged that the site does adjoin the existing built up area of the village, albeit not immediately adjacent to existing development. Therefore, on the basis of emerging policies for the supply of housing, the location of the development proposed would be acceptable in principle. Whilst the SHELAA envisages the site potentially contributing to housing land supply in the 10 to 15 year period, this does not preclude its coming forward sooner.
- 5.13 The weight to be attached to policies for the supply of housing is currently limited. With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.14 An indicative layout has been provided, and this shows that a scheme of 160 dwellings can readily be accommodated within the site area.
- 5.15 The layout shows an intention to set buildings back from the periphery of the site, and significant landscaped buffers would be provided, particularly to the east, north and north east. The existing boundary hedges would be retained, except where removal is necessary to facilitate access.
- 5.16 It is understood that the houses would be up to 2.5 storey. Whilst the existing properties in this location are two storey, the house types are for future consideration as part of a subsequent reserved matters application. Nevertheless, 3 storey form has been approved at the CALA site at New Road and 2.5 storey is likely to be acceptable. The design would in all probability be inspired by vernacular forms.

Landscape

- 5.17 The site lies within the Western Thames Fringes character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed flat vale farmland which has moderate to low inter-visibility. Bampton itself is identified as a key settlement in the assessment. It is noted that the east of the village has a harsh urban edge with prominent buildings and street lighting. The analysis recognises a need to soften the appearance of this edge, but at the same time resist further urbanisation of the road corridor outside the urban area. The site forms part of an open view out from the village.
- 5.18 It is recognised that the development would have significant visual impact locally, in replacing an open field with a substantial amount of housing. However, the existing eastern edge of the village is acknowledged to be harsh and the proposal would add built form to existing modern, unremarkable housing. Although the edge of the settlement would move eastwards, the proposal offers the opportunity to introduce significant landscaping that would ameliorate its effects.
- 5.19 When approached from the east, the development would be viewed against a backdrop of the village and existing development. Looking in a north westerly direction from public viewpoints

to the east, the view would take in the CALA Homes site at New Road which is on slightly higher ground.

- 5.20 Some harm in landscape terms is acknowledged and this needs to be factored into the planning balance.

Highways

- 5.21 Access would be taken from Mount Owen Road, by way of one main estate road, with secondary pedestrian access provided elsewhere along Mount Owen Road. No access is proposed onto Aston Road.
- 5.22 The means of access proposed is acceptable and suitable visibility splays can be provided.
- 5.23 OCC originally requested that a footway is provided along the length of the site frontage to Mount Owen Road. Whilst it is acknowledged that this would improve overall accessibility, the need for this is questioned. The vast majority of pedestrian movements will be towards the village to the west, where crossing Mount Owen Road will allow pedestrian movements along the existing footway on the west side of the road. The retention of the existing verge and ditch on the site frontage to the east of the road is considered to be of greater benefit than the advantages of providing a new footway. Movements in a north-south direction can take place within the site on a new footway and designated crossing points of Mount Owen Road can be provided. This solution is now not objected to by OCC subject to condition.
- 5.24 The site is located within a reasonable level walking and cycling distance of the village facilities.
- 5.25 The existing bus service is limited and a developer contribution will be required towards increasing bus frequency.
- 5.26 A number of off-site highways works will be required to facilitate crossing points at Mount Owen Road. These will be the subject of a S278 agreement.
- 5.27 Some objectors have referred to parking demand in the village and the difficulty of parking affecting the viability of businesses. However, as the proposed development is within walking and cycling distance of the village, it is likely that residents who are aware of restricted parking would walk or cycle to local amenities. If, as some objectors suggest, the parking in the centre of the village is at saturation point, the situation could not be logically made worse by adding to the number of residents on the periphery of the village.
- 5.28 The availability of parking at the school is constrained and can create congestion, but this would not represent a reason to resist the proposal.

Trees, landscaping and ecology

- 5.29 There are hedgerows on all boundaries of the site and some trees. The development would not encroach into peripheral areas of the site, except for a small amount of removal to facilitate the new vehicular and pedestrian accesses. The peripheral planting would be retained.

- 5.30 Subject to the submission of a full tree protection plan which can be secured by condition, it is considered that there would be no detriment in landscape terms arising from the treatment of trees on the site. The proposal therefore complies with Local Plan Policy NE6.
- 5.31 A reserved matters submission would include a landscaping scheme, and the illustrative plan indicates an intention to provide significant additional planting.
- 5.32 The submitted ecological report was considered by the Council's Biodiversity Officer and more information was required. This has been provided and the Council's Biodiversity Officer now raises no objection subject to conditions. The introduction of significant additional planting offers the opportunity to enhance biodiversity compared to the limited ecological value of the arable field.

Drainage

- 5.33 The site is within Flood Zone 1 and therefore at low risk of flooding. Although concern has been expressed locally about flooding and drainage, subject to a suitable sustainable drainage scheme being agreed, there is no reason to believe that the development would result in detriment as regards increased flood risk. Ponding on the site, in times of heavy rainfall, which has been highlighted by some objectors, is indicative of poor localised infiltration.
- 5.34 OCC as lead drainage authority raised some queries regarding the proposed surface water drainage scheme and further information was provided by the applicant in this regard. This is acceptable to OCC and no objection is raised on drainage grounds. A condition is recommended to deal with sustainable surface drainage and it is considered that a suitable drainage solution can be delivered on the site.
- 5.35 Thames Water has been unable to determine that the waste water infrastructure is sufficient. A condition is therefore recommended to require agreement of a drainage strategy prior to commencement of the development.
- 5.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development and therefore a condition is required in relation to an impact study of the existing water supply. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Residential amenity

- 5.37 The indicative layout shows that a development of 160 units can be accommodated on the site without causing material impacts on privacy, light or general amenity to nearby property. The detailed arrangement of buildings would be addressed at the reserved matters stage in any event.
- 5.38 It is acknowledged that short term effects can be experienced during the construction phase, such as construction vehicle movements, noise from construction activities, and pollution such as dust. However, the impacts arising can be ameliorated through compliance with a construction management plan which would be the subject of a condition.

Minerals consultation area

- 5.39 The proposed development would directly sterilise deposits of sand and gravel within the site and would indirectly sterilise sand and gravel deposits within adjoining land. The application therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10; and policy M8 in the Oxfordshire Minerals and Waste Local Plan: Part 1 - Core Strategy, Proposed Submission Document August 2015 should also be taken into consideration.
- 5.40 Mineral safeguarding areas in Oxfordshire have not yet been defined through the Minerals and Waste Local Plan. Policy M8 of the Core Strategy indicates those areas of mineral resource that are likely to be safeguarded but it is uncertain whether the application site will be included in a safeguarding area. In any case, only limited weight can as yet be given to this as a material consideration in the determination of this application. There is considerable uncertainty over the existence of a commercially workable mineral resource within the application site and constraints imposed by existing adjacent housing would be likely to preclude mineral working within much of the site. On the advice of OCC, there is not a sufficiently strong reason to justify the safeguarding of mineral deposits against sterilisation by the proposed development.

Contamination

- 5.41 The submissions have been assessed by WODC Pollution Control Officer and no objection is raised subject to condition.

S106 matters

- 5.42 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution.
- 5.43 A contribution of £20,160 to enhance public spaces by creating artist-led bespoke features is required towards public art.
- 5.44 A contribution of £184,960 off site contribution towards sport/recreation facilities in Bampton. In addition, £130,880 for the enhancement and maintenance of play/recreation areas in Bampton.
- 5.45 A contribution to Primary education of £772,504 is required for the necessary expansion of permanent primary school capacity serving the area, at Bampton CE Primary School, an academy.
- 5.46 A contribution of £79,876 is required as a proportionate contribution to sustainable provision of sufficient nursery education provision.
- 5.47 A contribution of £160,000 towards increasing the frequency of bus service No. 19 which runs between Carterton and Witney from its current two-hourly service, Monday - Saturday daytime, to hourly (Monday - Saturday daytime).
- 5.48 A contribution of £48,355.00 towards extension of Bampton Library and increased book stock.
- 5.49 OCC has also requested an administrative fee to deal with the completion of the S106 and travel plan monitoring.

Conclusion

- 5.50 The site adjoins a village, which provides a range of amenities and is considered a suitable location for some new development. This is recognised by policy OS2 of the emerging Local Plan. Although concern is expressed by objectors regarding the availability of infrastructure and new development being disproportionate to the size of the village, no technical consultees have raised objections in relation to infrastructure capacity and it is considered that conditions and legal agreements can address appropriate provision.
- 5.51 Existing trees and hedgerow would be retained, save for limited removal to facilitate the development. The development would therefore sit within established landscape features, and additional landscaping would be provided as part of any future scheme. It is acknowledged that the development would represent a significant change in landscape terms and the character of the approach to the village would be harmed to a degree.
- 5.52 The vehicular and pedestrian access to the site is acceptable in highways terms, subject to conditions.
- 5.53 The site is designated as being at low risk of flooding within Flood Zone I and a sustainable drainage scheme can be secured by condition.
- 5.54 There would be no impact on protected species and mitigation and enhancements for wildlife can be secured by condition.
- 5.55 There is no reason to believe that residential amenity would be adversely affected and detailed layout and design will be considered at reserved matters in this regard. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place.
- 5.56 Given that the saved Local Plan Policies for the supply of housing are time expired, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently demonstrate a 5 year supply of housing. In this context, policies for the supply of housing are out of date and paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this context, significant weight is attached to the benefit of the provision of new housing, and in particular 40% affordable housing in this case. This is considered to outweigh the landscape harm. Accordingly, it is recommended that the application is approved subject to completion of legal agreements.

6 CONDITIONS

- I (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Details of the appearance, layout, landscaping and scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development be carried out in accordance with the following plans: Site Location Plan 1001 Rev 01; A_006; A_007; A_008_01; A_008_02; A_009; and A_010. The reserved matters submission shall be in general accordance with Illustrative Masterplan 10_02 Rev 02 and Parameters Plan 3501 Rev 01.
REASON: For the avoidance of doubt as to what is permitted.
- 4 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including hedgerow and hedgerow-buffer protection measures and a translocation method statement, and precautionary site clearance to take account of the likely presence of protected or priority species;
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. The times during construction when specialists ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
 - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
A report prepared by the Ecological Clerk of Works or a professional ecologist certifying that the required mitigation and compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.
REASON: To ensure that protected and priority species (amphibians, reptiles, badgers, hedgehogs and dormice) and habitats (hedgerows) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire Local Plan 2011, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 5 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including native, species-rich hedgerows, species-rich native grasslands, woodland, attenuation ponds and wet grasslands, and integral bird and bat boxes within new dwellings;
 - ii. Full specification of existing habitats to be enhanced, including hedgerows (infill planting) and ditches;
 - iii. All planting shall comprise native and locally characteristic species of local provenance;
 - iv. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - v. Landscape and ecological trends and constraints on site that might influence management;
 - vi. Aims and objectives of management;
 - vii. Appropriate management options for achieving aims and objectives;
 - viii. Prescriptions for management actions;
 - ix. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period)
 - x. Details of the body or organisation responsible for implementation of the plan;
 - xi. Ongoing monitoring and remedial measures;
 - xii. Timeframe for reviewing the plan; and
 - xiii. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 6 Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. Identify those areas/features on site that are particularly sensitive for foraging and commuting bats and bat roosts; and
 - ii. Show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11),

and policies NE13 and NE15 of the West Oxfordshire Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- (i) Discharge Rates
 - (ii) Discharge Volumes
 - (iii) Maintenance and management of SUDS features (including contact details of any management company)
 - (iv) Sizing of features - attenuation volume
 - (v) Infiltration in accordance with BRE365
 - (vi) Detailed drainage layout with pipe numbers
 - (vii) SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - (viii) Network drainage calculations
 - (ix) Phasing
 - (x) The plans must show that there will be no private drainage into the public highway drainage system
- REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 Prior to the commencement of the development hereby approved, full details of the location, surfacing and lighting of the pedestrian/cycle accesses within the site and linking the development to the highway at Mount Owen Road shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, construction of the pedestrian/cycle accesses shall be carried out in accordance with the approved details and retained thereafter.
- REASON: In the interests of highway safety and of travel by sustainable modes of transport in accordance with the National Planning Policy Framework.
- 9 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway at Mount Owen Road, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.
- REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 10 Prior to commencement of the development a residential travel plan shall be submitted to and approved by the local planning authority in consultation with the local highway authority. The plan shall incorporate details of the means of regulating the use of private cars at the development in favour of other modes of transport and the means of implementation and methods of monitoring. Travel information packs shall be provided to every resident on first occupation and the travel information pack shall be updated on occupation of the 80th dwelling.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 11 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, car parking, turning areas to serve the dwellings, and cycle parking, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways, parking, turning areas and cycle parking to serve those dwellings shall be constructed in accordance with the approved details and retained thereafter.

REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 12 The reserved matters detailed road layout shall allow for the access and turning of a refuse lorry of not less than 11.6m in length so as to enable such a vehicle to enter and leave all roads safely in forward gear. The development shall be carried out in accordance with the approved details and such facilities shall be retained thereafter.

REASON: In the interests of highway safety.

- 13 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.

- 14 The development shall not commence until an impact study of the existing water supply infrastructure has been submitted to and approved by the local planning authority in consultation with the water supply undertaker. The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- 15 Prior to any site clearance and the commencement of the development the applicant, or their agents or successors in title shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, relating to the application site area, which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

- 16 Following the approval of the Written Scheme of Investigation referred to in Condition 15, and prior to any site clearance on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme

of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority by a date to be agreed with the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

17 A. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and

nature of contamination;

(ii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

B. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

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 a Verification Report confirming that all works were completed in accordance with the agreed details.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with part C.

REASON: To ensure satisfactory development in the interests of the environment and human health.

- 18 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

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

- 19 No development, including any works of demolition or site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

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

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and public safety are in place before work starts.

- 20 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In the interest of improving connectivity in rural areas.

- 21 The development shall be carried out in accordance with the "Tree Information - Introduction to Stage A" by Ian Keen Limited dated 10/08/16 and referenced AP/9299/WDC, including retention of trees and hedgerow in accordance with drawings 9299/01 1/2, and 9299/01 2/2, except where removal is necessary to provide the approved means of vehicular and pedestrian access. Prior to commencement of the development (including site clearance) all trees and hedgerows to be retained shall be protected in accordance with a scheme complying with BS 5837:2012: 'Trees in Relation to design, demolition and construction'. A tree protection plan shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

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

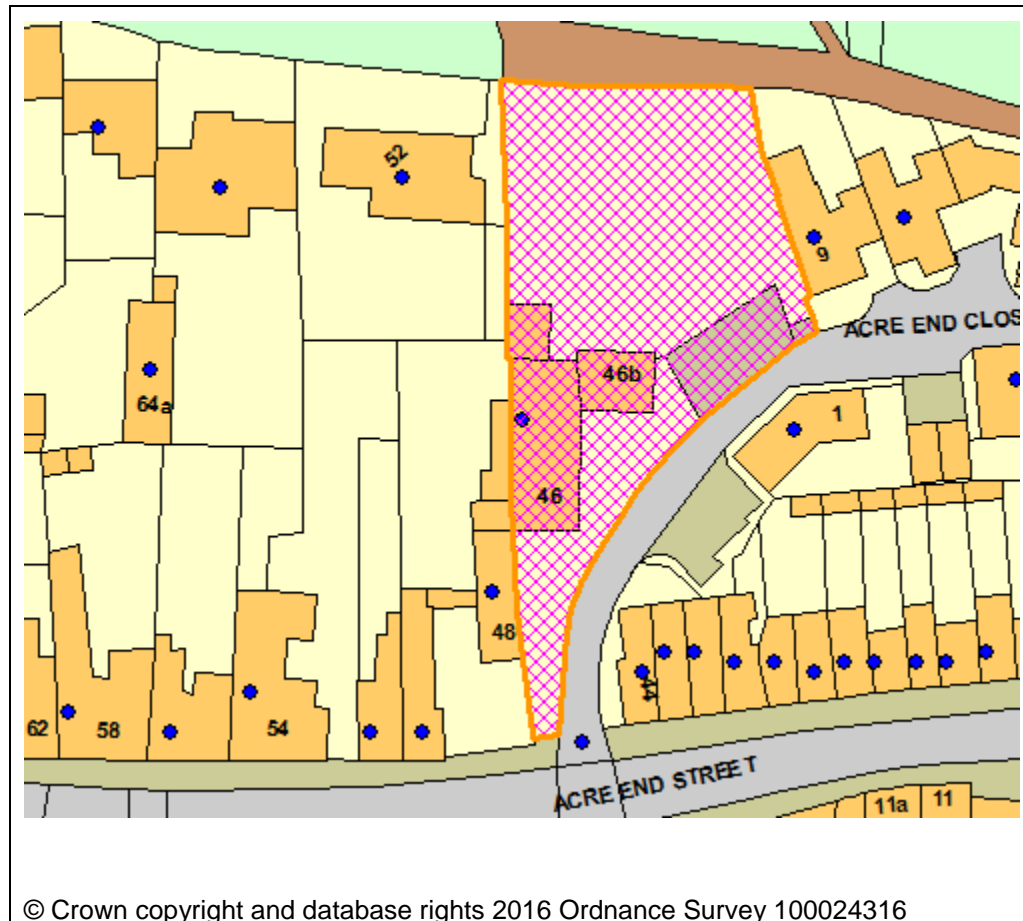
NOTES TO APPLICANT

- 1 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:
West Oxfordshire District Council website:
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)
Biodiversity Planning toolkit:
http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species
Bat Conservation Trust:
<http://www.bats.org.uk/>
Natural England:
<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

- 2 Location of the Highway Boundary - The applicant is advised to check the location of the highway boundary before completing any works that fall outside of the red line boundary of the site. Please be advised that the highway boundary is the roadside edge of the ditch when there is a drainage ditch present, as is the case in this instance. Please contact Oxfordshire County Council's Highway Records team at: LandandRecords@Oxfordshire.gov.uk.
Residential Travel Plan - The draft travel plan needs more work to make the objectives SMART (specific, measurable, achievable, realistic, and time-orientated). Please see Oxfordshire County Council's guide "Transport for New Developments," which can be accessed at: <https://www.oxfordshire.gov.uk/cms/content/travel-plans-statements-and-advice>.
Road Agreements under Sections 38 and 278 of the Highways Act 1980
Please contact Oxfordshire County Council's Road Agreements team at: RoadAgreements@Oxfordshire.gov.uk.

Application Number	I6/03427/FUL
Site Address	46 Acre End Street Eynsham Witney Oxfordshire OX29 4PA
Date	1st February 2017
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443168 E 209302 N
Committee Date	13th February 2017

Location Map



Application Details:

Conversion of existing building to provide six 2 bed self-contained flats. Erection of two 4 bed semi-detached houses. Associated parking, communal gardens, bin storage and cycle storage.

Applicant Details:

Mr Gary McHale
The Old Chapel
Union Way
Witney
OX28 6HD

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|--|
| I.1 | WODC Architect | No Comment Received. |
| I.2 | OCC Highways | <p>Access visibility is restricted by the frontage wall of the adjacent property. However, given the flows and speeds of approaching traffic together with the parking bays increased use of the access will not cause such harm as to warrant the refusal of a pp.</p> <p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network</p> |
| I.3 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.4 | WODC Drainage Engineers | No objection. |
| I.5 | Thames Water | No objection, comments. |
| I.6 | OCC Rights Of Way Field Officer | No Comment Received. |
| I.7 | Biodiversity Officer | No Comment Received. |
| I.8 | Parish Council | <p>Eynsham Parish Council objects to this application. The Parish Council objected to the original application (16/01883/FUL) stating 'The inclusion in the development proposal of three, three storey and three bedroom townhouses at the entrance of the narrow private road to an already compacted development of nine houses (Acre End Close) would constitute overdevelopment of the site to the detriment of the existing residents (BE2 and draft LP H2)). The interior design is awkward and contrived, particularly the ground floor, considering the size and height of the houses proposed.' While the applicant has reduced the townhouses to two 4 bed houses, at three storeys, the reduction is only approximately 50 sq ft and the visual bulk remains approximately the same. It is still overdevelopment and an awkward design.</p> <p>While the applicant proposes one further parking space for the townhouses, this is still inadequate for the development as a whole and likely to generate on-street parking in Acre End Street, which is already overcrowded, one of the most congested streets in Eynsham,</p> |

and a major bus route.

The existing exit on to Acre End Street has inadequate visibility splays and is crossed by a bus stop for the frequent S1 bus. The increased traffic generated across this bus stop from the extra dwellings would be contrary to T3.

2 REPRESENTATIONS

2.1 11 objections have been received. The comments have been summarised as:

- The windows at 46 Acre End St are much higher than mine are in my property. As the flats would be in continual use, looking down into my property is unavoidable. This is going to be very uncomfortable for myself and my teenage daughter. The owners of the flats or subsequent "Lets" would be able to see down into my environment to its full extent. Therefore, at any time of day or night my privacy can be compromised.
- It is good that something is being done to the main house on the site as it is very old and very much part of the village history, although I do feel that the flats planned for this building are two small, a lesser number of flats would have been so much better for the Close and for the occupants of these flats.
- They will also overlook the houses in front of them, blocking their light.
- No provision has been made for the fact that the bin men do not enter the close and therefore the bins will be concentrated in a very small area to be emptied. If any one does not know the chaos caused by these bin men on collection day then they should come and take a look at the mess they make of the bin area which is used by the current occupiers of Acre End Close. I really cannot see them tidying up after their collection.
- I note in the application "EXISTING GATED ACCESS TO 24 HOUR FREE PARKING ". Please note that as we over look this car park, we often observe that during the day it is full and patients to the surgery and individuals wishing to support local businesses can be struggling to find a space to park. Also it is a 12 hour not 24 hour car park.
- I am also concerned that any additional traffic from the new development will be undesirable as Acre End Street is already congested as a result of the existing on-street parking on a narrow road, which is particularly difficult when a bus or other large vehicle needs to pass through.
- Finally, I note that the application says there are no trees on the site which surprises me as there are currently several trees on site.
- There are already traffic issues in this part of Eynsham as it is often very difficult to get in and out of the narrow entrance to the Close which is right next to the bus stop for the S1 bus.
- Any extra cars at all would add to the problems that already exist in this narrow part of busy Acre End Street.
- The plans and drawings do not show the existing established trees and point 15 on the application form states that there are no trees. This is clearly incorrect. These trees add to the character of the existing garden which is adjacent to the car park in the Conservation Area.
- The plans do no show the position of the services and the existing drainage system for the Close was not designed for extra households.
- The bin collection area and the bin storage area are too small for the number of bins provided to each household.

- Our greatest single concern relates to access to Acre End Close. We do not believe that the increased traffic levels will be sustainable given the narrow single entrance to the Close from Acre End Street, a major bus route and already heavily congested with parked cars.
- Overlooking from town houses and block light to my property.
- Noise disruption and disruption.
- I hope that the grey frontage to the house can be painted a soft subtle colour which will enhance the building and bring it up to the 21st century.
- Developer will need the full legal consent of the Management Company.
- No suggestions for lighting
- 12 parking spaces, WODC parking standards says that 16 parking spaces
- It will significantly and negatively affect the character not only of the Close but the Eynsham Conservation Area.
- Awkward and low quality aspects of the design seem to us to show the extent to which the developers are attempting to overdevelop the site.
- Wish to record our deepest regret at the loss of all internal features of the house and the beautiful and historic sweeping staircase.
- Loss of trees.
- Development not in harmony with its surroundings
- A formal, binding and legal agreement will need to be reached with the Company in recognition of inter alia access, the use of services and facilities under its ownership and management and expenses properly incurred.

3 APPLICANT'S CASE

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

- The proposal accords with the relevant local plan policies and is not considered likely to cause any loss of residential amenity or visual harm to the building or its locality
- The key aim of the proposed development has been to achieve a high standard of design both internally and externally and to reflect appropriately on the surrounding area.
- Further comments were received from the applicants agent, which formed part of the additional representation report.
- The applicants agent has submitted further comments which have been summarised as;
- The proposals now before you for consideration are the culmination of a number of consultations with your officers, including conservation, to produce a suitably high quality scheme for the development of this site. By engaging in pre-application correspondence the applicant has undertaken every change the LPA has requested and we therefore trust that officers will be able to support this application.
- Analysis of the Local Planning Authority's housing supply shows that there is a clear under-supply of housing across the District, but regardless of this position the current Local Plan is out-of-date by virtue of the fact that the housing supply policies are now time-expired.
- In light of the absence of a 5 year supply, paragraph 49 of the NPPF aims to ensure that in situations where, as here, the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the 'presumption in favour of sustainable development' is duly applied. The mechanism for applying that presumption is set out in paragraph 14 of the Framework. This explains that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

- Clearly the pronounced need for housing in a sustainable location also plays heavily in favour of approving this application. The presumption in favour of sustainable development applies.
- The development would have a significant positive impact on the Council's housing land supply figures, in a settlement which is constrained in terms of outwards expansion and therefore opportunities such as this to make optimum use of in settlement sites need to be explored. The development of the land would fully comply with Policy H7 of the WOLP, albeit this is now time-expired.
- The site is within the core of the village of Eynsham, designated as an 'other centre' in the WOLP and upgraded to a 'rural service centre' in the submission version of the emerging local plan. This being the case, Eynsham is considered to be one of the District's more sustainable settlements in relation to the offer of local services and facilities and its general accessibility credentials.
- The Council also accept that Eynsham is an appropriate location for development, in that the in that the village has already been the focus of some growth with the Council recently granting consent for dwellings on land to the west of the settlement and proposals for a large scale new village on land to the North of the A40.
- There can therefore be no question that the principle of developing this site is acceptable.
- It is also relevant to assess the proposal in the context of a valid 'fallback' option for the applicants and, therefore, represent an appropriate frame of reference against which to assess this planning application. The weight to be attached to a 'fallback' option has been relatively well-defined by court cases including, inter alia, Spackman v SOS & Thamesdown BC, Snowden v SOS & City of Bradford MC, Gwinnell v SOS & LB Islington and Simpson v SOS and Medway Council. In short, these cases identify that the weight to be attached to a 'fallback' option increases commensurately with the likelihood of that scheme being implemented if an alternative option, requiring planning permission, is refused. In addition, the case law also identifies that any alternative application option should result in no greater harm, from a planning perspective, than would result from the implementation of the 'fallback' alternative.
- In this case, it is relevant as part of the decision-making process to consider that the existing property has been used for a number of years as three separate properties. All of these units could at any time be re-used for residential purposes and have a significantly greater impact than the proposal to convert to flats. This is because, without recourse to planning, each of the units could be converted to C4 Houses of Multiple Occupation for which each unit could accommodate up to 6 unrelated individuals. This would result in up to 18 persons residing in the building, with the associated parking and highways impacts, as well as the noise and activity generally associated with transient HMO occupants in comparison to private family units.
- It is therefore self-evident that the 'fallback' option could have significantly different and undesirable impact compared to the application that is before the LPA for consideration. Additionally, the applicant has an evident desire to provide the accommodation and, more relevantly perhaps, they have the financial means to undertake the development. Consequently, it is considered that the existence of the 'fallback' PD option, and the distinct likelihood of it being undertaken if the current application is refused, provide the necessary justification for this development to be approved.
- The frame of reference for the new houses design has been based on the scale and form of the existing property, which is the context within which the design should be seen.

- It is entirely unreasonable for anyone to consider the development to be 'overdevelopment'. The footprint of the buildings are equal to if not smaller than those of neighbouring properties and ample space around the properties has been provided: both to ensure the new dwellings are not overbearing and to provide a good amount of garden space and privacy for future occupants. Acre End Close is a dense development, to suggest otherwise is plainly incorrect, and the proposed townhouse carefully follows this character without providing too much built form.
- The proposed development does not fall within a site identified in the CA appraisal as being important or having views that require safeguarding. The land is also not a significant parcel of open land - it is in fact previously developed land where there are remnants of former industrial structures.
- The rear gables project no further to the rear of the building than those of neighbours on Acre End Close. The frontage building line will also not be interrupted.
- A sight line has also been maintained from the front to the rear of the site, therefore ensuring a spacious and open feel to the development. The degree of separation with No. 46 is also more than ample.
- The conversion of No.46 works with the features of the existing building and very few external changes are proposed. This will help to revitalise an important building in the Conservation Area and is therefore an enhancement to the Eynsham CA.
- The new townhouses continue the design of Acre End Close, adopting a two storey form and incorporating attics and dormers as the other properties do. The height and form reflects the varied built character of the CA. The architectural details that would be included, and the materials that would be used, would reflect the palette of features and materials that characterise the area.
- There are no listed buildings that will be affected by the development, nor will the development be seen within the setting of any.
- As required by officers, a bin collection area will be provided to the front to ensure ease of collection for refuse teams. This is in addition to the storage to the rear. The details of how the bins are stored can be secured by condition to ensure the area does not become unsightly.
- Parking will be provided in accordance with WODC parking standards. The arrangement of parking to the front for the 2 new properties is identical to the arrangement of other properties on the Close. 2 spaces per dwelling is also appropriate for each 4 bedroom property.
- Secure cycle storage will also be provided to the rear, therefore ensuring that future residents have other means of sustainable transport available to them with ease.
- Members will note that there are no objections from OCC Highways and we trust that their technical advice and expertise will be endorsed.
- With the control that could be exerted by condition requiring further details on landscaping, there is no reason why the development proposed, including the parking to the rear, would appear as unduly urban.
- Any trees that are proposed to be removed are either of poor quality, or are in decline. The landscaping scheme could rectify this.
- There are no technical objections from any consultee - statutory or otherwise - and therefore it is fair to conclude that the presumption in favour of the development applies.
- We trust that officers will be able to support this application and it is duly approved by Members without further delay.

- The comments from the management company are duly noted. Officers will be aware that these are not relevant to planning and can be addressed, it deemed at all necessary, separately by the applicant post the granting of planning permission.
- The window arrangements that neighbours have raised as harmful at No.46 are pre-existing and cannot be considered as harmful if they can be used for residential purposes at any time. Also, the arrangement across the street with front elevations facing each other is the same as other properties on the Close and is a typical relationship on residential streets - the distance of separation is appropriate.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

OS1NEW Presumption in favour of sustainable development

OS4NEW High quality design

H2NEW Delivery of new homes

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is a resubmission of a previously withdrawn scheme. The previous application proposed the conversion of existing building to provide six flats, erection of three townhouses, associated parking, communal gardens, bin storage and cycle storage. Officers raised concerns regarding the layout, privacy issues, design and scale of the development. This application, seeks to overcome these issues.
- 5.2 The application site is sited within the Conservation Area and set back from Acre End Street. The site is set adjacent to new dwellings at Acre End Close. The existing building on site is of a traditional form and design and contributes to the visual appearance and character of this part of the Conservation Area. This proposal seeks consent for the conversion of the existing building to six flats and two four bed dwellings. The car parking to serve the flat development is located to the rear, whilst the parking to serve the new dwellings will be to the front.
- 5.3 The application was deferred by Members from the January Committee to undertake a site visit.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 Eynsham is considered to be a sustainable location for new residential development. Given the current situation of West Oxfordshire's housing supply, paragraph 14 and 49 of the NPPF need to be applied.

- 5.6 These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework which indicate that development should be restricted.
- 5.7 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.8 As such officers consider that the proposal to convert the existing dwelling into flats is acceptable in principle. The proposal for two dwellings is considered to be acceptable on balance.

Siting, Design and Form

- 5.9 The proposed conversion of the existing dwelling involves minimal changes to the exterior. An important central first floor window to the east elevation is to be retained.
- 5.10 Officers also consider that the design and form of the two additional houses is acceptable on balance. The dwellings would be set in a staggered alignment. Their design has been re-addressed to be more of traditional size and proportions. As such officers consider that the scale is on balance acceptable.
- 5.11 In terms of materials, as part of the suggested condition, officers are requesting samples of materials to ensure that the development enhances and preserves this part of the Conservation Area.
- 5.12 Within a Conservation Area, 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 alterations are not 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 preserved.

Highways

- 5.13 Although your officers note the concerns and objections received in relation to traffic and parking issues, OCC Highways has not raised objections to the scheme subject to conditions. As such officers cannot recommend refusal of the application on these grounds.

Residential Amenities

- 5.14 Officers consider that on balance that neighbouring properties' residential amenities, in terms of loss of privacy will not be adversely affected. Whilst officers have taken comments received into full consideration, based on the distance between the new flats and existing dwellings, and that the windows will not have a direct view into habitable windows, residential amenities are not considered to be adversely affected. The distance between the new dwellings and the properties opposite is also considered to be acceptable.
- 5.15 Officers had concerns regarding the proposed balcony area in terms of the large area that will be created. A revised plan showing the removal of the balcony area has now been received.

Conclusion

- 5.16 Officers consider that the proposed conversion of the existing buildings into flats is acceptable and accords with the relevant West Oxfordshire Local Plans and the NPPF. As the Local Plan Policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Officers do not consider that there are adverse impacts in recommending approval for this element of the scheme.
- 5.17 With regards to the proposed new dwellings, whilst the scale is larger than those within Acre End Close, they have been designed to respect the visual character and appearance of the Conservation Area.
- 5.18 Given that OCC Highways have not objected to the scheme, officers consider that the proposed new dwellings are, on balance, acceptable additions within this part of the village.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, porches, outbuildings, roof extensions, dormer windows, roof lights, windows, and to include no walls or fences forward of the new dwellings; other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed to retain the visual character and appearance of the Conservation Area, and to protect neighbouring properties' residential amenities.

- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 6 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 7 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 8 That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 9 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or after 5 years of the completion of the

development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

NOTES TO APPLICANT

- 1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part I - Clause 27 (1))
- CIRIA C753 SUDS Manual.
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part I - Clause 9 (1))

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

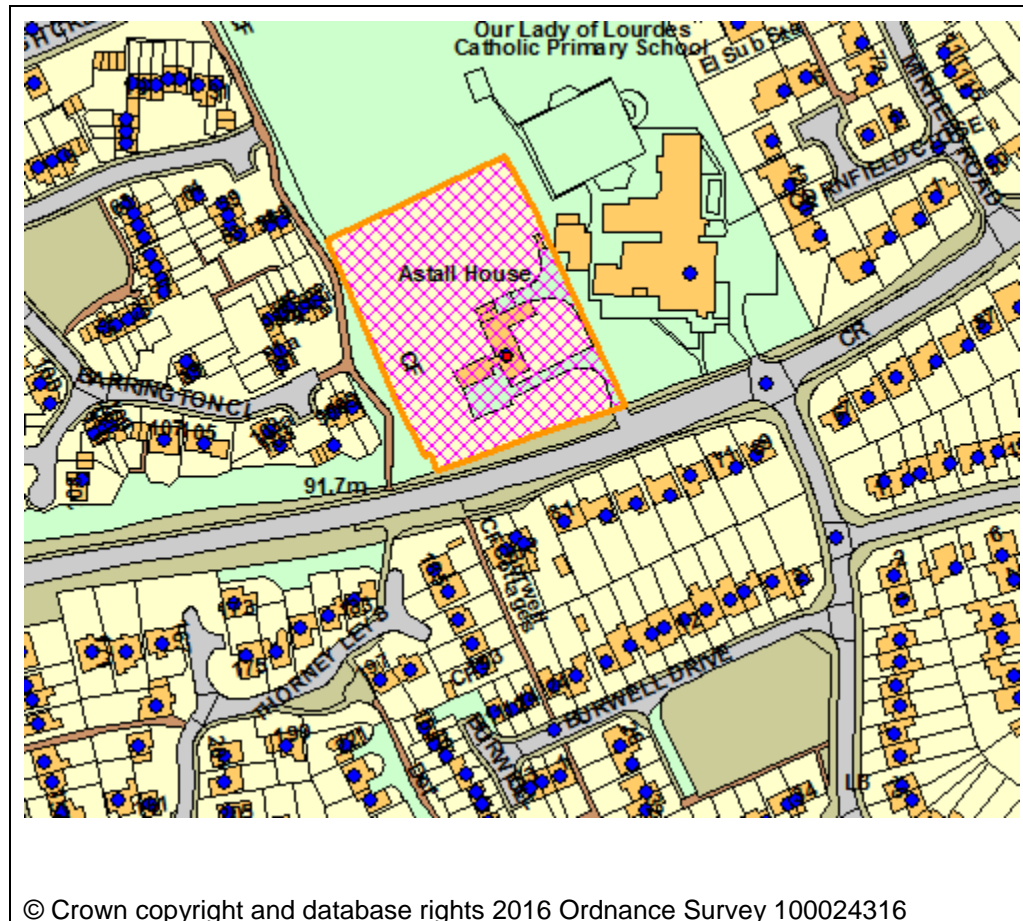
Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 2 Please be aware that this planning consent does not override the civil rights of neighbouring properties or Management Companies.

Application Number	I6/03679/FUL
Site Address	Astall House Curbridge Road Witney Oxfordshire OX28 5HR
Date	1st February 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Witney Town Council
Grid Reference	434248 E 209364 N
Committee Date	13th February 2017

Location Map



Application Details:

Demolition of the existing building and redevelopment of the site to provide a care home (Use Class C2) together with associated car parking, landscaping and amenity space.

Applicant Details:

Mr Andrew Brett
c/o Agent

I CONSULTATIONS

- I.1 Major Planning Applications Team
- Objection
- The applicant has not supplied a drawing of the site access showing the required site visibility splays (as specified satisfactorily in the Transport Statement).
- The 4.8m wide shared surface site access road is not considered adequate given that all people walking to and from the site would need to share the carriageway with vehicles.
- As such safe and suitable access for all has not been demonstrated in accordance with the NPPF.
- Roof water is proposed to be dealt with via the foul water sewer system. This will not be acceptable to Thames Water. As such drainage calculations for surface need to be re-run to include roof water. Until then we cannot be sufficiently confident that proposals for surface water are adequate.
- As such, the applicant has not demonstrated that the proposal is compliant with the National Planning Policy Framework.
- Archaeology No Objection.
- I.2 WODC - Arts
- Should this proposal be granted planning permission then the Council would favour A S106 contribution of £24,270 towards on-site public art features.
- I.3 WODC Architect
- No Comment Received.
- I.4 Biodiversity Officer
- I recommend that the following conditions should be attached to planning consent, but I will await the information I have requested should be submitted before determination, before I provide these to you in any further detail.
- Implementation of mitigation measures in Section 7 of the Ecological Impact Assessment Construction Environmental Management Plan, including pre-site clearance precautionary working method statement for hedgehogs, reptiles and breeding birds.
- Permanent retention and maintenance of bat boxes (bat mitigation) Landscape and Ecology Management Plan (LEMP), including full details and locations for bat and bird boxes (including at least 50% integrated boxes within the walls of the care home), hedgehog boxes, landscaping details for bird/hedgehog feeding areas, flowering lawn seed mixture and locations, other wildlife-friendly planting; plus hedgerow infill planting using native species of local provenance, new hedgerows on northern and eastern boundaries.
- Bat loft drawings for long-eared bats (unless provided before determination).
- Sensitive lighting strategy for biodiversity (roosting bats).

I.5	ERS Env Health - Lowlands	<p>Mr ERS Pollution Consultation</p> <p>1. No development shall take place until a site investigation assessing the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority.</p> <p>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 a verification report confirming that all works were completed in accordance with the agreed details.</p> <p>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.</p>
I.6	WODC Head Of Housing	No Comment Received.
I.7	WODC Landscape And Forestry Officer	No Comment Received.
I.8	WODC - Sports	No Comment Received.
I.9	Thames Water	<p>Waste Comments</p> <p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Water Comments</p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p>

- 1.10 Environment Agency No Comment Received.
- 1.11 WODC Env Services - Waste Officer If there are communal flats or apartments planned for new developments they will need an adequate bins store for shared waste and recycling facilities.
Communal bin stores should be designed with 1 metre in front and 150mm between bins to allow convenient access for filling and removal. Bins should not be stored in tandem. Sliding or outward opening doors should have a minimum width of 1.6 meters.
- 1.12 Town Council Mrs S Groth Witney Town Council fully supports this application which would result in an excellent facility for Witney but would request that the existing access way is retained and transferred to St Hugh of Lincoln School.

2 REPRESENTATIONS

- 2.1 One letter of representation has been received from Mr Chris Ayers of Curbridge Road on the basis that the previous proposal was turned down, it does not make provision for young people or families, more 1, 2 and 3 bed affordable housing is needed not 4 and 5 bed homes. Only contractors benefit. Stop turning Witney into a ghost town and think about local people.

3 APPLICANT'S CASE

- 3.1 The applicants have provided a comprehensive suite of covering documents which may be inspected in full on line or by request to the case officer. The conclusion of the Design and Access statement is reported in full below:

The proposed development will provide much needed accommodation designed to meet the special needs of frail older people within this part of Witney. It represents a carefully considered scheme that makes efficient use of the site. The proposals are designed to a very high standard. The scheme incorporates appropriate provision for access, parking, landscaping and communal space. It has been established that there is a continued demand to accommodate for vulnerable older people requiring nursing and dementia care in the local area as well as an emerging demand to provide a supportive environment where care is needed. The scale and design of the proposed building and immediate environment are well considered and will preserve and regenerate the character and appearance of this area. The proposal will not result in any material harm to the amenities of any neighbouring properties.

- 3.2 Writing in response to the concerns expressed by OCC the agent has tabled further information as follows:

Highways

As requested I am pleased to enclose a detailed drawing of the site access to show the required visibility splays and to demonstrate that this can be kept clear of vegetation (please refer to drawing 14.101). A further plan is provided containing the same details, but with the auto tracking also showing. Also attached is an amended site layout plan which reflects these changes - this supersedes revision A as previously submitted.

The plan addresses the following:

- The 2.4m by 59m visibility splays are clearly marked up and the applicant can confirm that these splays are within their control and can be kept clear of vegetation higher than 60cm.
- The site access is now shown on the plan as a shared 6 metre wide access.
- The footway is retained at full kerb height across the new access, including the necessary ramps up and down the footway.
- Curbridge Road is to be resurfaced for half carriageway width to tie in with the new site access.
- Auto tracking for a large refuse vehicle, using the increased access width, is shown.
- Having regard to manoeuvring into and out of the 2 parking spaces at the eastern end of the parking area, the car parking layout has been amended such that these are repositioned at the end of the bays to the front of the care home entrance.
- With regards to cycle parking, the revised plans now show a total of 20 spaces as requested close to the main entrance. As recommended, the design of the cycle parking could be the subject of a future condition.

Drainage

In respect of drainage it has been requested that the surface water drainage calculations need to include roof water and that the assessment therefore be re-run (this is on the assumption that the roof water is dealt with via the foul water system). However, as set out in the Surface Water Drainage Statement accompanying the application, it has already been assumed that roof water is to be dealt with via SUDS / infiltration crates, and not via the foul drainage.

No proposed building roof areas are to be drained to the foul sewer. In fact, existing surface water connections are proposed to be disconnected from the foul sewer network. Section 5.3.3 and Tables 5-2 & 5-3 of the Statement show that surface water runoff from the proposed building roof will be directed to infiltration crates for attenuation and disposal to ground via infiltration. For these reasons we consider that the drainage calculations and strategy presented are, therefore, accurate and do not require amendment.

Planning Conditions

The suggested conditions appears reasonable although we would request that the timing trigger for the pre-commencement conditions should be linked to 'prior to any built development or permanent hard surfacing' to allow for the early demolition of the building and to facilitate early delivery. It is accepted, however, that the construction management plan would need to be subject to a pre-demolition clause.

It is also requested that the travel plan condition be amended to require compliance prior to first occupation when the details can be agreed with the prospective care home manager.

Planning Obligations

We note that OCC have requested a contribution of £16,000 towards local bus shelter improvements and £1240 towards the monitoring of the Travel Plan. Subject to confirmation that this is the total of the planning obligations being sought from this scheme my client is willing to sign up to a unilateral undertaking to secure these obligations.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

H2 General residential development standards

H7 Service centres

OS2NEW Locating development in the right places

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a brownfield site located adjacent to the Catholic School in Curbridge Road. The site currently has a derelict former convent/hostel building sited upon it along with a number of mature trees - some of which have a TPO upon them. It is proposed to demolish the building and create a new care home in an inverted c- shaped building. A new frontage car park will be created along with communal gardens. The design style is neo vernacular and the scheme is proposed to be constructed from a mix of artificial stone and render.
- 5.2 The site does not lie within any policy designations but a public footpath runs up the western boundary.
- 5.3 The planning history is relevant here as the site was the subject of an application under reference 15/0661 seeking consent for 44 flats. This was refused and the subsequent appeal dismissed. In dismissing the appeal the Inspector made note of the extensive vegetation on site and advised that whilst modern design would not be out of place the design then proposed which was three storey would fail to break up the mass of the building and was closer to the highway than neighbouring buildings. He also raised concerns that some of the communal areas would be overly shaded. He did not consider that there were undue amenity issues for neighbours and did not identify highway issues as a key factor. This appeal decision sets the context for assessing the merits of the current proposal.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Trees and landscape impact
 - Highways/Transport
 - Siting, design and form
 - Ecology
 - Social Infrastructure, Sport and Leisure
 - Drainage/Flood Risk
 - Residential amenity
 - Pollution
 - Affordable housing
 - Heads of terms/S106 Contributions

Principle

- 5.5 The site is brownfield land located within the largest settlement in the district and which has enjoyed a use of similar impact/nature in the past. The principle of re-use for similar purposes was not objected to by the previous Inspector and there is a demographic need to create housing suitable for the aging population. As such it is considered that the principle of development is acceptable and accords with the policies of the adopted and emerging plan to site development in sustainable locations where the residents have the best access to services and facilities.

Trees and Landscape Impact

- 5.6 Some of the trees located within the site are to be felled. None of these are the subject of the TPO. The boundary trees are retained and the proposed buildings are located sufficiently far from them such that they should not be under undue pressure to lop or crown lift when the new units are occupied. Areas of communal garden that are not shaded will be created and the principle outlook of the rooms is away from the key boundary trees or set sufficiently far away that undue overshadowing/overbearing impacts will not arise. The frontage of the site is now kept more open as the new buildings more closely follow the building line of adjoining development. It is considered that the buildings will sit comfortably into the landscaped context.

Highways and Transport

- 5.7 It will be noted that OCC has raised a series of detailed technical issues as regards the layout and that in turn the agent has provided updated/amended information that appears to address those concerns. However at the time of agenda preparation the formal views of OCC as regards the amended proposal have yet to be received and as such a verbal update will need to be given as regards this aspect of the proposals.

Siting Design and Form

- 5.8 The applicants have worked hard to address the concerns expressed by the previous inspector as regards massing and form. The previous proposals were up to three storey height and predominantly flat roofed structures. The buildings now proposed are two storey and the roof form has been heavily disguised by the use of conventional 2 storey pitched roof forms that break through the linking flat roofed elements. As such the rhythm of the building is of a series of conventional houses linked by lower elements. Similarly the elevations have pulled elements of the building forward from the plane of the main building and elevated them to appear as detached houses of a similar palette of materials as those on the adjoining West Witney development. The overall composition is of a respectful and well conceived structure that skilfully hides the overall mass with a series of familiar and comfortable forms that chime with their context.

Ecology

- 5.9 Again it will be noted that there had been a request for further information. The additional information provided has now been checked by the Councils ecologist who is now happy that the scheme is acceptable subject to conditions.

Social Infrastructure, Sport and Leisure

- 5.10 There are planning benefits in meeting the needs of an aging population. The building features its own cinema, bar, activities room, café and hairdressers along with the usual lounge and dining rooms such that there will be in house entertainment for the residents. It will be noted that a request has been made for contributions towards public art. In that this was not a request made in respect of the last application on site your officers do not consider that meeting the full terms of this request would be reasonable. However the applicant has written to advise that they would be prepared to: "allocate a sum of £5,000 to be used post occupation as part of an internal arts programme. This might involve an artist attending the home to work with residents in creating a feature that could be provided in the care home garden. We would at this stage wish to avoid a planning obligation and I therefore propose a condition which might be wording along the following lines.
- 5.11 Within one year of first occupation a public arts strategy shall be implemented in accordance with the applicant's public arts statement dated XXX. If for any reason the strategy is not fulfilled, the applicant shall make an equivalent financial contribution towards an off-site public art project in the local area.
Reason: To ensure that public arts features enhance the development and contribute to the wellbeing of the residents in accordance with the NPPF and the County Council's Public Art Policy and Strategy .
- 5.12 In your Officers assessment this represents a proportionate response and as such were consent to be issues would propose to include a condition to that effect. As regards the requests of OCC these are considered reasonable and the applicant is currently preparing a Unilateral Obligation to give effect to those requests.

Drainage/flood risk

- 5.13 It will be noted that OCC has raised some concerns regarding the drainage impact of the scheme but that the agent has advised that this is because they have misunderstood the drainage proposals and that the scheme will in fact improve matters by removing surface water connections to the sewer. Again this matter appears to have been resolved but the final response of OCC is awaited.

Residential amenity

- 5.14 It will be noted that whilst the Inspector did not raise objections as regards the impact on third parties he was concerned about the lack of suitable sitting out areas. This proposal has again sought to minimise the impact on neighbours by orientating the vast majority of rooms in a front/rear aspect and setting those which have a side to side relationship well away from the boundary. Where there are windows in first floor side elevations nearest to neighbours they serve landings rather than habitable rooms. Balconies are Juliette style and so do not introduce any further opportunities for overlooking. The impact on neighbours is thus considered acceptable.
- 5.15 With regards to the amenities of the occupants the scheme has been designed to have a series of outdoor spaces and gardens and your officers are satisfied that coupled with the amenities on offer within the home that a pleasant living environment will be created.

Pollution

- 5.16 It will be noted that a condition regarding decontamination has been suggested. Given the previously used nature of the land this is considered appropriate to deal with any contamination as may arise.

Affordable Housing

- 5.17 Whilst the Council's emerging policies seek an element of affordable units for self-contained accommodation for the elderly those policies do not as yet have full weight and would not apply to a care home. As such there is no affordable housing requirement.

Heads of terms/I06

- 5.18 The County Council requests for funding will be met by way of a unilateral obligation and the public art request by way of a condition. Officers have separately sought to create a lay by facility that could be shared by the home and the adjoining school but the applicants do not enjoy the landownership rights to enable this to happen and have been unable to secure them.

Conclusion

- 5.19 The development is located on a brownfield site within Witney and where similar uses have taken place in the past. It is therefore considered acceptable in locational terms in principle. The key issues that led to the appeal being dismissed were the height/building line and residential amenity. These matters have been addressed in the current proposals. At the time of agenda preparation there are two technical matters in terms of access and drainage where holding objections persist but amended plans have been received which appear to overcome the issues raised. There are no other technical constraints.
- 5.20 Subject to the applicants first entering the unilateral obligation or I06 to secure the OCC contributions and to OCC withdrawing its highway and drainage concerns it is anticipated that the application will be brought forward for approval at the meeting.

6 RECOMMENDATION

Subject to OCC withdrawing its holding objections it is anticipated that the application will be brought forward for determination subject to conditions to cover the following:

Time limits
Amended plans
Tree protection
Landscaping/landscape maintenance
Boundary enclosures
Materials
Eco mitigation measures
Highways/parking/cycle parking
Drainage
De-contamination
Public art
C2 use only

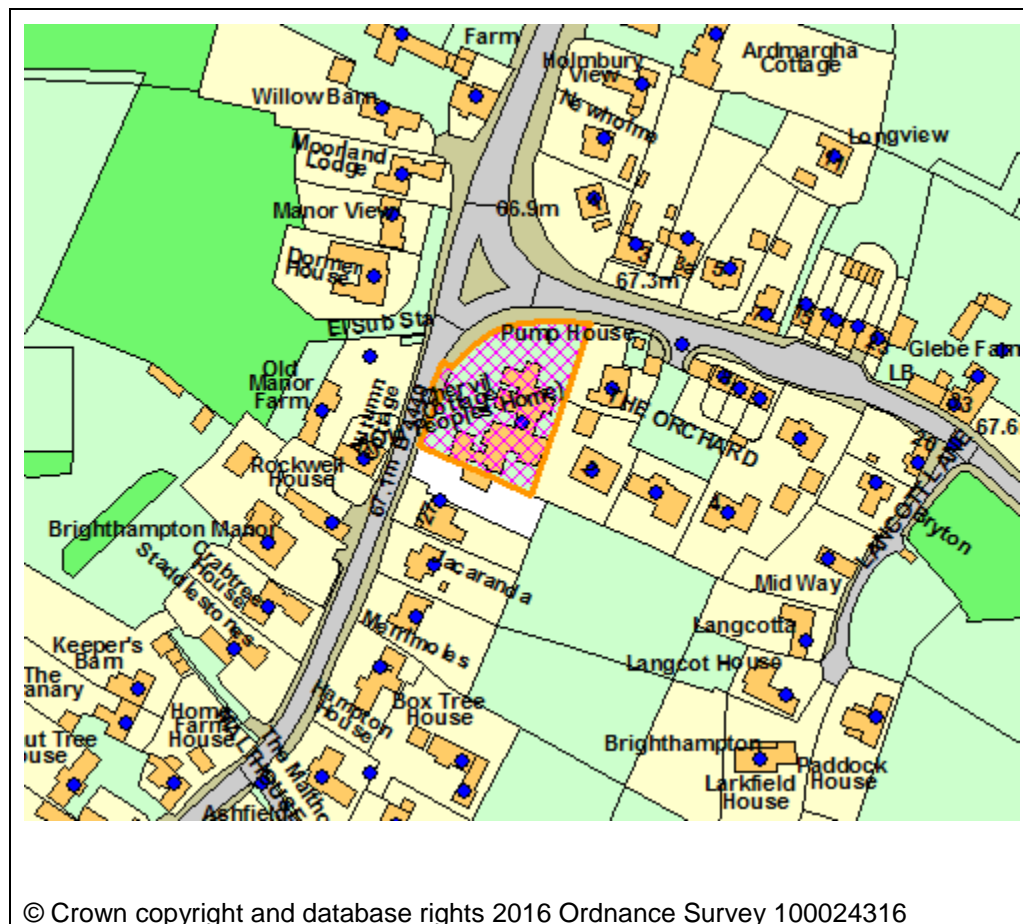
Use of ancillary facilities only ancillary to use as a C2 care home

Bin storage details

Etc

Application Number	I6/03809/FUL
Site Address	Chervil Cottage 29 Aston Road Brighthampton Witney Oxfordshire OX29 7QW
Date	1st February 2017
Officer	Cheryl Morley
Officer Recommendations	Refuse
Parish	Standlake Parish Council
Grid Reference	438419 E 203543 N
Committee Date	13th February 2017

Location Map



Application Details:

Conversion of former care home to seven dwellings with associated works.

Applicant Details:

Mr & Mrs Mark and Wendy Drewett
27 Aston Road
Brighthampton
Oxon
OX29 7QW

I CONSULTATIONS

- | | | |
|-----|------------------------------|---|
| 1.1 | 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 condition. |
| 1.2 | ERS Env Health - Lowlands | ERS Pollution Consultation I have no recommendations to make. |
| 1.3 | WODC Planning Policy Manager | No Comment Received. |
| 1.4 | Parish Council | No objection. |

2 REPRESENTATIONS

- 2.1 No letters of representation have been received to date.

3 APPLICANT'S CASE

- The planning application seeks permission for the change of use of the existing Care Home on site into seven residential dwellings. The Care Homes use ceased in 2015, and for over a year an alternative occupier has been sought. Due to the sites limitation in terms of size and potential further growth, it has been evident that the continued use as a Care Homes is not a viable or practical option.
- In line with government, and emerging Local Plan policy, it is therefore important to find an alternative use for the site, which is appropriate in context.
- The site is located within a residential area, within walking distance of Standlake, a medium sized, sustainable, settlement within the District. As such it is considered to a sustainable site, and therefore in accordance with the principles found within the NPPF there should be a presumption in favour of development.
- The proposed conversion and creation of seven additional dwellings, carries significant weight when viewed in light of the Council's current shortfall in a five-year housing land supply.
- No visual, neighbour or highway amenity issues will arise as a result of the proposed change of use on the site.
- The planning application is considered to accord with the relevant policy framework guidance of the West Oxfordshire Local Plan and National Planning Policy Guidance. The proposed development of seven residential dwellings, will positively contribute to the area and contribute to the districts supply of housing in a sustainable location.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H6 Medium-sized villages

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the conversion of the former care home to seven dwellings with associated works
- 5.2 The site is located in a prominent position within Brighthampton, a small settlement to the west of Standlake. The site is located close to the junction of the A415 and the B449. There is a low stone wall along the public boundary with planting behind screening the site.
- 5.3 The site was a former care home which had previously been a detached dwelling house that was significantly extended. The site area is approximately 1,937 sq. metres.
- 5.4 The proposed diversion of the care home would result in a mix of 7 dwellings comprising of single storey and two storey units. Due to the internal orientation of several of the units it would result in some of them having 3 party shared internal walls.
- 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

Siting, design and form

Residential amenity

Highways

Principle

- 5.6 Adopted Local Plan 2011 classifies Standlake as a medium sized village where infilling, rounding off and the conversion of appropriate buildings is permitted. A number of facilities are also available within Standlake, a primary school, two public houses and a village hall.
- 5.7 Currently the Council accepts that they cannot currently demonstrate to have a five year deliverable housing land supply and therefore the adopted Local Plan policies are considered out of date.

- 5.8 In this instance where saved policies are out of date or the development plan is absent, paragraph 14 of the NPPF states planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework when taken as a whole. Officers consider that although the proposal would result in the provision of seven dwellings which would contribute to the housing land supply figure, it would also result in the loss of care home beds (C2) which are also in short supply and therefore there would be a less than significant benefit. Furthermore, there are fundamental issues outweighing the benefits of the conversion to C3 set out below.
- 5.9 There are no requirements for affordable housing from this proposal as the site falls under the threshold set out in the Adopted and Emerging Plan policies.
- 5.10 Given the previous planning history of the site officers consider that the principle of conversion of appropriate buildings to residential development is acceptable, however the density and layout and amount of units created through this conversion are considered to be unacceptable for the reasons set out.

Design

- 5.11 The existing building is constructed in stone with plain tiles and is predominantly 1.5 storeys, with two and single storey elements. It is of relatively modern construction and has been extensively extended to its current form.
- 5.12 The proposal is utilizing the existing building with no further extensions proposed. The proposal has divided up the existing floor plan into seven dwellings, six no. 2 bed dwellings and one no. 3 bed dwelling.
- 5.13 In terms of the layout and design, the subdivision creates a poor level of amenity for all the individual units both internally and externally. In particular unit 2 would have windows only 2m from a two metre high timber fence and a garden that is essentially a corridor between the building and the boundary treatment. It is on the southern boundary so would be in shade from the timber fence all day for most of the year. Unit 6 has a "courtyard" which again is just a corridor space from the parking area to the front door which would also be in shade all day. Unit 3 which has 3 bedrooms has no private amenity space at all.
- 5.14 There is an area of shared open space that shows bin and bike storage to the north of the site but to access it you have to walk through the car parking and it is not particularly usable for those properties with little or no amenity space.
- 5.15 Due to the internal layout and orientation of some of the units it would mean that some would have considerable shared third 3 party walls and a single aspect. For example, unit 2 would share walls with 3 other properties. This is likely to lead to disturbance and a very poor standard of residential amenity for the occupiers.
- 5.16 Officers consider that, for the reasons set out above, the proposal would result in an unacceptable over intensification and over development of the site, contrary to BE2 and H2 of the Adopted Plan and OS4 and H6 of the Emerging Plan.

Residential amenities

- 5.17 The proposed scheme is not extending towards any neighbouring boundaries and it is not considered that the proposed conversion to residential would harm third party neighbour amenity. However, as set out above officers consider that the amenity for future occupiers would be poor on the grounds there is insufficient space for converting what was one property to seven separate dwellings and the proposal is therefore contrary to policies BE2 and H2 of the Adopted Plan and OS4 and H6 of the Emerging Plan.

Highways

- 5.18 The County Council as Highway Authority have raised no objection to the proposal as it is considered residential properties will result in less car movements than the existing care home.
- 5.19 Parking spaces have been provided in accordance with current standards. Each property would have two designated spaces and there would be an additional two visitor spaces.
- 5.20 Details of the bike storage have not been submitted so it is not clear if this is covered and secure but this could be secured by condition.
- 5.21 The proposal is considered to accord with policies T2 and T3 of the Adopted Plan and T2New, T3New and T4New of the Emerging Plan.

Conclusion

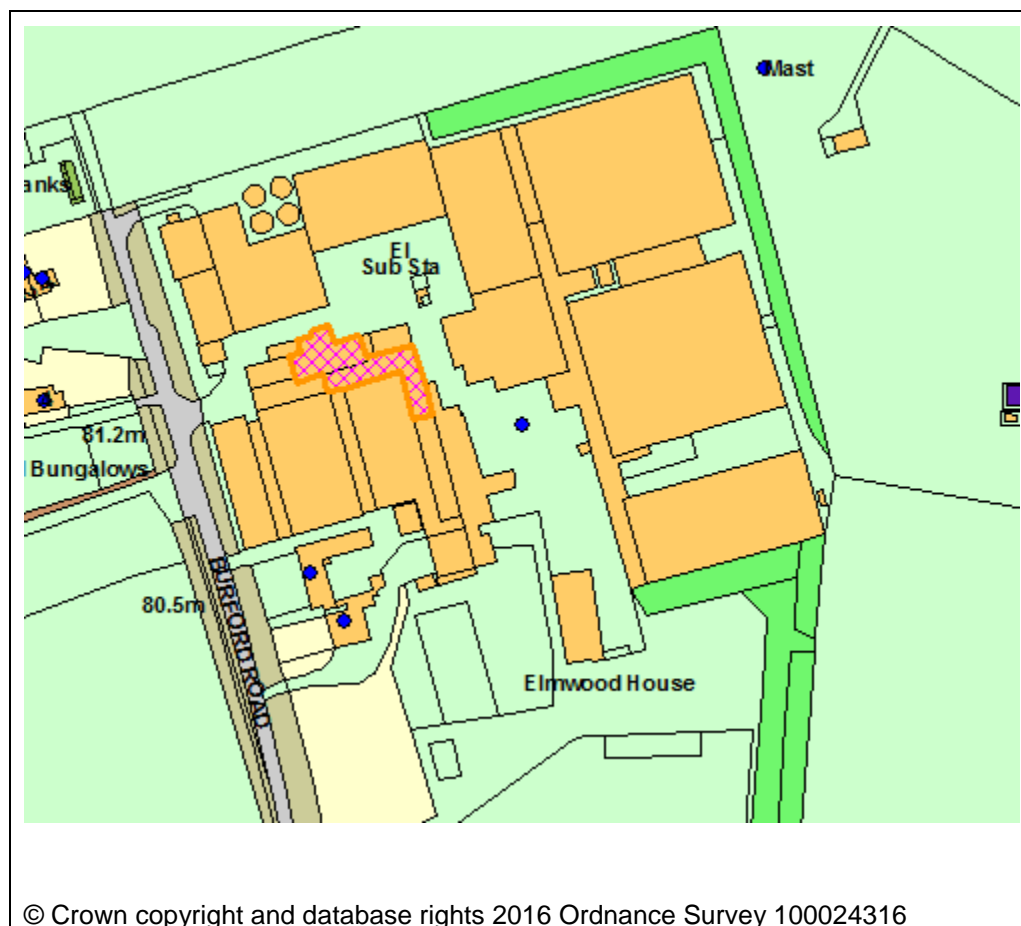
- 5.22 It is accepted that at present the so called tilted balance applies, however, in view of the above, officers are of the opinion that by converting the building into seven dwellings would be unacceptable as it would result in an over development and over intensification of the site with a poor level of amenity in perpetuity that would significantly and demonstrably outweigh any limited benefit and are therefore recommending the refusal of the application on this basis. The proposal is therefore recommended for refusal as set out.

6 REASON FOR REFUSAL

- I The proposal by reason of its density and layout would represent a contrived cramped form of development that would contribute to an over intensification of the property and overdevelopment of the site. Furthermore it would result in unacceptable living accommodation internally and externally that would be detrimental to the amenity of future occupiers. As such the proposal is considered to be contrary to policies BE2, H2, H6 of the Adopted West Oxfordshire Local Plan 2011, OS2, OS4, H2 and H6 of the Emerging Local Plan and the relevant policies of the NPPF and the West Oxfordshire Design Guide.

Application Number	I6/03847/FUL
Site Address	Elmwood Farm Burford Road Black Bourton Bampton Oxfordshire OX18 2PL
Date	1st February 2017
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Black Bourton Parish Council
Grid Reference	428707 E 205207 N
Committee Date	13th February 2017

Location Map



Application Details:

Change of use of redundant farm building to distillery use with ancillary storage.

Applicant Details:

Mr Edward Stewart-Wood
Elmwood Farm, Burford Road
Black Bourton
Bampton
OX18 2PL

I CONSULTATIONS

- I.1 WODC Architect No objections.
- I.2 OCC Highways
Burford Rd is a narrow country lane unsuitable for use by a significant number of commercial vehicles.
I note that the use as proposed should only create a modest traffic generation.
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.
- I.3 MOD (Brize Norton) No Comment Received.
- I.4 ERS Env Health - Lowlands
Mr ERS Pollution Consultation I have no objections to raise or recommendations for appropriate conditions.

Karen Dixon
Technical and Pollution Services
- I.5 WODC Food Health And Safety No Comment Received.
- I.6 WODC Licensing No Comment Received.
- I.7 Parish Council
The Black Bourton Parish Council has considered the application and whilst it understands that farm diversification can aid viability and succession, the Council makes its following statement which it would like taken into consideration when the committee meets to discuss the application.
The Council is considering this application alongside other matters which are of great concern to this village and to many surrounding parishes and are as follows:
a) Planning application MW/0038/16 - The Woodyard - lodged with Oxfordshire County Council, which is of great concern to our village and surrounding areas, the hearing of which has been postponed by the Case Officer, Mr David Periam, four times for further clarification. The hearing is due to take place on 16th January 2017 and the Council feel that until we know the outcome of the hearing and whether the application is granted, further planning applications cannot be considered fully.

b) The use of redundant buildings at Elmwood Farm, Black Bourton, for storage and workshop premises.

c) The use of Elmwood Farm premises and buildings by Rebound Coaches Ltd., for the parking of coaches and minibuses and a maintenance workshop for these vehicles for which the owner of the farm, Mr F. Stewart-Woods, does not have planning permission. The use of Elmwood Farm by Rebound Coaches Ltd has resulted in up to three coaches doing two or more journeys per weekday in and out of the village and sometimes at weekends which can result in more than 60 HGV movements per week.

These coach and minibus movements along with the projected HGV movements from the Woodyard application will see a massive increase in HGV and large vehicular traffic along a village road with no pavements, that is in places wide enough for only one vehicle, has pedestrian and horse traffic and ends in a cul-de-sac which results in all traffic having to use the same road to enter and exit the village. Add to that the vehicles being used out of workshops/businesses without planning consent and it further increases the danger to our infrastructure and village inhabitants.

Our Council has grave concerns about the safety of our residents walking along a narrow road with no pavements and the huge potential increase in large and small vehicle traffic. Some of our residents do not drive and are elderly/disabled/have young children so must walk along the Burford Road to access the bus stop located outside the village. We also have many horses stabled and paddocked in the village and these are frequently ridden along the same road. We simply cannot cope with the increase in large vehicles in the village. Our infrastructure can only just cope with the businesses that are already established and properly enforced in the village.

We are concerned that if this further application by Mr Edward Stewart-Wood is granted there will be even more vehicles to add to the many movements we have now. A statement from Oxfordshire County Council's Highways in November 2015 stated that 'HGV movements shall be restricted to 20 movements per week maximum with restricted times to protect the amenities of local residents and in the interest of road safety'.

Also, the poor quality of the highway network and the location of the premises further represents an inappropriate use of the site that could be harmful to the countryside and contrary to sustainable and safe patterns of development. If approved, this application could set a precedent for the development of the remainder of the site which in equity could prove difficult to resist, to the further cumulative detriment to amenity, safety and sustainability.

Therefore, we feel that all the matters above should be considered

before this new application for a distillery and light industrial use of buildings is heard.

Our objections to the planning application are as follows:

1) The application is not accompanied by a traffic statement. It states only that deliveries will be minimal and restricted to light goods vehicles only but there will be deliveries of containers and packaging which will almost certainly be by HGV carriers. There is also potential for supermarkets and/or local retail outlets to carry the products so they may collect in HGV's to deliver to distribution centres and/or retailers.

2) It is necessary for a new collection tank to be installed as part of the application. It is presumably for waste of a hazardous nature that is to be spread on the surrounding farmland together with effluent and solid by-products.

3) Paragraph 7.2.1 Policy E2 talks about farm shops selling produce from the farm and the proposal states that they will be selling alcohol to the public. We are very concerned that this will also result in increased traffic in and out of the village to add to all the other afore-mentioned traffic increases.

4) On the plans, there is a building marked as an Agricultural Machinery Repair Shop. This is in fact being used as a garage and maintenance workshop for Rebound Coaches Ltd.

5) There was a planning application made for many outbuildings for a change of use to storage and light industrial use in 2004, 04/0744/P/FP, but we understand the application was withdrawn on advice from W.O.D.C. as they said the application would be refused. Our concern therefore is that if this new application for light industrial use is granted it would set a precedent for all the other outbuildings to potentially become light industrial units.

6) W.O.D.C. has refused two other planning applications from Elmwood Farm in the past for haulage contractors.

7) The applicant wishes to employ his brother, presumably in a management role, so there is obviously a long-term goal for a large expansion. As stated in their application, the applicant and his brother are 'keen to grow their role within the company to ensure its success and longevity into the future, and allow them both to be fully engaged with the business and draw a salary from it.' There must be a business plan required to give the expected turnover for future viability of the business?

We also ask if the following consultees have been invited to comment on the application:

- o Buildings Conservation, Environmental Health, Fire Service (alcohol is a combustible material) and Thames Water.

2 REPRESENTATIONS

2.1 Mr Alec Jones of Chapel Cottage, Black Bourton

Elmwood Farm is already involved in a controversial, "Woodyard" planning application, OCC Ref. MW/0038/16 needing a total of 80 plus HGVs movements per week. The application is due to be heard in the New Year and I believe that the application for a distillery, should not be considered until the Woodyard application has been resolved.

A further matter concerning a bus and coach depot at Elmwood Farm and the associated traffic, also needs to be resolved.

2.2 Mrs B A Bence

It is difficult to object, when there is not much information. There would have to be deliveries of ingredients, and containers? and then employees vehicles; and then the finished product to be taken away. How noisy is such a plant?

Meanwhile, there are already quite a lot of businesses in the village and a considerable number of vehicles coming in and out. More than enough I feel. The woodyard wants to expand greatly - planning application MW/0038/16 with OCC - and on grounds of the safety of villagers that is objected to. The villagers don't know where they stand with all these proposed large vehicles descending on them.

2.3 Mrs Bussell of 8 Church Close, Black Bourton

I don't believe this application should be considered until the other matter concerning Elmwood Farm re the woodyard is resolved. There is already enough traffic in this village without another large business contributing to the amount of HGV's trundling up and down.

2.4 Mr Thompson of 4 Model Cottages, Black Bourton, Bampton

- In the first place, this application must not be allowed to be confused with a separate and totally different application for (Elmwood) Woodyard. This application has many attractions and benefits which must be considered on their own merit.
- This proposed development will enhance the qualities and historical perspective of an existing building, giving it a new lease of life and a purpose. All too often, old and empty buildings are ignored and forgotten, allowing them to decay and be lost forever. This development proposes minimal alterations to a sound and attractive building, and provides an opportunity to make efficient use of an otherwise redundant interior space.
- The proposed distillery will produce its own base spirit for its gin and vodka products, making it one of only a handful in the whole of the UK to do so. Barley grown on the applicant's own estate will be used to make a truly individual product which will single it out in a highly competitive market. More importantly, such use of local raw materials eliminates

the need to bring in readymade base spirit, thereby eliminating the use of tanker vehicles delivering to the site.

- In view of the specialist nature of creating craft products, the distillery will only be employing a small number of highly skilled craftsmen. Initially, the whole process work will be undertaken by just two people (both of whom live on site), one of whom is fully experienced in the art of distilling gin and vodka - a rare skillset in Oxfordshire. Consequently, there will be no measurable impact on additional vehicle movements caused by having additional employees working on site.
- I believe that this proposed development will have minimal impact on the road infrastructure and environment within Black Bourton and the surrounding areas. Vehicle movements will not be noticeably different to current levels, because (1) there won't be any additional employee vehicles, (2) raw materials will be sourced locally from the applicant's own estate, (3) there is NO proposal for any visitor tours or retail outlet, so public access requirements will be no different to current, (4) the delivery of packaging materials (and glass bottles) can be made once a week on a Light Goods Vehicle, and (5) due to the production capacity of 1,200 bottle per week, the finished product can be distributed from site on a weekly basis by LGV's not HGV's.
- Finally, the proposed development will create a unique and inspiring enterprise which will enhance Oxfordshire's reputation for supporting entrepreneurial flair and creativity. What is even more exciting about this proposal, is that it has an agricultural base, but delivers an end product which - if well executed - will be sought-after not just in the UK but across the world. And given that the investment risk lies with the developer and his family, I believe the council should not only proactively support this application but should also make available any resources required to help the enterprise succeed. If the applicant makes a success of this enterprise and wishes to expand it, then he will have to revert back to the council with any further plans, but this application should be considered in its own right and on its own merits, and I hope the council will allow it.

3 APPLICANT'S CASE

3.1 A full Design and Access Statement has been submitted with the application. The conclusion has been summarised as:

- This application is for the conversion and re-use of a complex of redundant modern and traditional farm buildings at Elmwood Farm, Black Bourton.
- Aylesbury Mushrooms (Farms) Limited has been primarily in the business of arable production since the cessation of mushroom growing in 2003, but due to a number of factors (fluctuating commodity and input prices, business succession planning and the need to find a use for the vernacular buildings on the farm) the business is now looking to the future and pursuing options for diversification.
- The applicant and his brother are both partially employed in the farm business, but are keen to grow their role within the company to ensure its success and longevity into the future, and allow them to both be fully engaged with the business and draw a salary from it. The succession of farming businesses, such as this, is key to their survival.
- The location and proposed changes will support the re-use of a traditional agricultural building that is constructed in the local vernacular. The conversion of this building to a productive business premises will ensure its longevity as it will allow maintenance that is currently prohibitive in its cost can be undertaken. Renovations, repairs and improvements will also be made to the structure that will ensure its survival and undo previous historically unsympathetic alterations.

- The micro distillery enterprise will take produce from the farm and process this to form alcohol for human consumption. Due to the scale and processes involved, this will be in the form of an artisanal and hand crafted premium product. The applicant has experience of this 'single estate' market and is aiming to be one of the only producers in the UK that can guarantee provenance right through from field to glass.
- The proposed business will work alongside the existing agricultural business at the site, and will be both complementary and linked. The new enterprise will create around 3 full time employment places as well as the multiplier effect within the businesses that supply the enterprise and distribute the product.
- The application is in complete accordance with both local settled policy and emerging local policy as well as the principles of the overarching National Planning Policy Framework.

3.2 Further comments received by the applicant have been summarised as:

- The Parish Council letter states a statement from Oxfordshire County Councils Highways in November 2015 stated that HGV movements shall be restricted to 20 movements per week. That in fact is part of the planning permission granted at the time for the Woodyard to process virgin wood to chipped wood.
- Supermarkets and local retail outlets will not be sending in HGVs.
- Paragraph 7.2.1. There will not be a shop selling alcohol to the public and no visitor centre.
- If future plans for using more of the buildings are envisaged and planning is required then that application will have to be judged at that time on its own merit. The building the distillery would be in would be farm diversification and the eventual safe storage in the fridge space would be the only light industrial space as it would be ready for sale through a Distributor.
- As you know we are sensitive to the village residents views on HGV movements and so our full intention with the distillery is to avoid these.
- As stated this will be a micro distillery and if the distillery equipment is run at maximum capacity we could produce 1400 70cl Bottles per week. I can provide you with more details of this if you need. Logistics wise this amount would amount to 1 and a half euro pallets worth. This quantity would easily fit into the back of a van (LGV) for delivery. If deliveries were going to local retail outlets this would be delivered by ourselves using and LGV. If deliveries to larger distribution centres were to occur we would request that LGVs be used and nothing over 7.5 tonne (MGV) if LGV not a possibility.
- With regards to deliveries into the site with distillery running full capacity: The two main elements of production are already at the farm, grain and water. The fuel needed for the boiler is the same as that already used on the farm and so this delivery will be combined. 1 delivery would run the farm and distillery for 2 months.
- Packaging: Bottles, Label and bottle tops 1400 per week 1 and a half euro pallets per week, so 1 van per week or 1 MGV which can deliver 10 pallets would last 2 months.
- Outer boxes, for packaging 6 bottles. 1 pallet holds 5 weeks worth. One MGV could deliver 10 pallets worth this would be 1 years worth.
- Other items needed by the distillery would be minimal and LGVs would be used. Staff for the distillery already live on site.
- We are able to use LGVs for all aspects of deliveries in and out and an estimated amount of these would be:

3 deliveries out per week, 3 deliveries in per week. Therefore 12 LGV movements per week at full capacity.

- However as can be seen in some cases it is much more economical and can reduce vehicle movements hugely if MGVs up to 7.5 tonnes are used.
- I also noticed there was a little concern about the waste from the distillery. As discussed with yourself and Mrs Dixon at the time of your site visit, the proposed collection tank to be installed will only collect waste that is non-hazardous and can be spread on the farm land as soil conditioner or fed to livestock as is common practice amongst distilleries and breweries, this waste mainly consists of spent grain from the fermentation process.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE18 Pollution

BE19 Noise

E4 Re-use of Vernacular Buildings

BE10 Conversion of Unlisted Vernacular Buildings

H2 General residential development standards

OS2NEW Locating development in the right places

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

E3NEW Reuse of non residential buildings

EH6NEW Environmental protection

NE15 Protected Species

EH2NEW Biodiversity

E5 Re-use of Non-vernacular Buildings

E2NEW Supporting the rural economy

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 Black Bourton village, at the end of Burford Road. The proposal is to reuse one of the existing buildings within the site for an artisan distillery use and for ancillary storage. The building is not listed but is of substantial construction and interest. Minor alterations are required to enable the building to be used for this specific use. The proposed use is for an artisan distillery for gin and vodka.
- 5.2. As part of the Design and Access Statement the applicants agent has stated that due to the falling profits from traditional agricultural products, there has been a need for the farm to look at alternative industries by way of diversification. The concept of the diversification will be to take grain produced on the farm, and process this right the way through the distilling process to bottling for sale, via wholesalers, to the public. Not only will this entirely on-farm 'single estate' approach mean that the product has complete traceability and provenance, but the use of the farm's own grain to produce high quality artisan sprits will also serve to add value to the farm's agricultural produce.
- 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
Pollution
Employment
Highways/Transport
Siting, design and form
Residential amenity

Principle

- 5.4 Officers consider that the principle of such a use is acceptable in this location. Both the Adopted and Emerging Local Plan policies support farm diversification. Policy E4 of the adopted West Oxfordshire Local Plan encourages the re-use of traditional buildings for employment. It states that re-use of such buildings is sustainable in that it reduces the need for new build and creates the opportunity to provide unobtrusive economic activities and job opportunities, particularly in the rural areas. The proposed use must be compatible with its surroundings. The re-use of non vernacular buildings is also accepted.
- 5.5 In the Emerging West Oxfordshire Local Plan, Policy E2 discusses support for the rural economy. Your officers consider that this small scale artisan distillery operation will operate as part of the existing farm business, by using wheat from the farm use, and by using the waste product on the existing land, as fertiliser for the crops. As such officers consider that the proposal remains compatible and consistent in scale with the farm operation and the countryside location.
- 5.6 With regards to the comments about pollution, your Environmental Health officer has visited the site, and after fully considering the proposal and inspecting the building, has no objection the proposal.
- 5.7 The applicants agent has stated that in terms of employment, the business proposed will employ both the applicant and one other full time member of staff, as well as creating part time opportunities. The persons likely to be employed by the proposed business currently work on the farm part time on an ad-hoc and seasonal basis. Moving these two workers across to the business will give both a sense of job security in an enterprise that is run on and from the farm. This proposal will effectively amount to the creation of one FTE employment position within the farm, as well as the two FTE positions created by the business.

Highways

- 5.8 Officers have noted the concerns of local residents and the Parish Council. However, OCC Highways have not objected to the proposal given the low traffic levels resulting from such a small scale use. There is no intention of providing a retail element as in a farm shop or as a tourist attraction, as some artisan distilleries offer. Officers have suggested a condition to prevent this type of activity taking place on the site. If such an activity wants to be pursued by the applicant, a further planning application would be required. The use of the buildings has also been suggested to be for the use proposed and for no other activity.

Siting, Design and Form

- 5.9 The existing building is part of the farm enterprise. The building is considered to be part vernacular and part modern. Officers are of the opinion that it is of permanent and substantial

construction and capable of being converted without little alteration. The reasons for choosing this building have been given within the Design and Access Statement, but they have been summarised below:

- The central portion of the granary space is the tallest on the farm and is suitable for the scale of the distilling equipment which includes a rectifying column requiring 8m of height.
- The granary building backs on to further spaces which are suitable for the secure storage of both high alcohol 'base spirit' and the lower alcohol finished product (as confirmed by the approval of HMRC Excise and Customs licences).
- The building itself is of an attractive historical design which is in keeping with the brand that the distillery is looking to promote.
- The historical nature and construction of the granary barn is such that it is not suitable for productive modern agricultural uses: the farm workshop and storage uses currently in the building are better suited to the larger, more modern clear-span buildings that are available throughout the farm.
- The granary is an historic building which is falling into disrepair: it is too expensive for the farm to upkeep unless more productive use can be found for the space.
- The additional secure storage required by the business as part of the terms of the licensing can be accommodated in the attached parts of the building which were formerly used for cold storage of mushrooms. These spaces are deemed to be secure enough for the storage of alcohol, and are already of a quality that is suitable for food-grade uses and needs no alteration.
- The granary building will need some internal conversion works to make it suitable for the installation of the plant, repair historical damage and neglect, and bring it up to the modern hygiene standards required for a food preparation space. This building is neither listed nor curtilage listed, and the works proposed are primarily internal and involve the removal of modern additions to the building and the repair and re-instatement of the historical structure: Any external works required will be in keeping with the existing aesthetic of the building.

- 5.10 In terms of the alterations to the existing building, these relate to internal changes and layouts and repairing the building. The installation of a still will require the provision of a modern steam generating boiler, which will be installed in place of the existing redundant boiler and will re-use the existing flue to avoid any changes to the appearance of the building.

Residential Amenities

- 5.11 Given the location of the site, your officers do not consider that residential amenities of adjacent properties will be adversely affected by the development, through traffic issues or noise/smell issues.

Conclusion

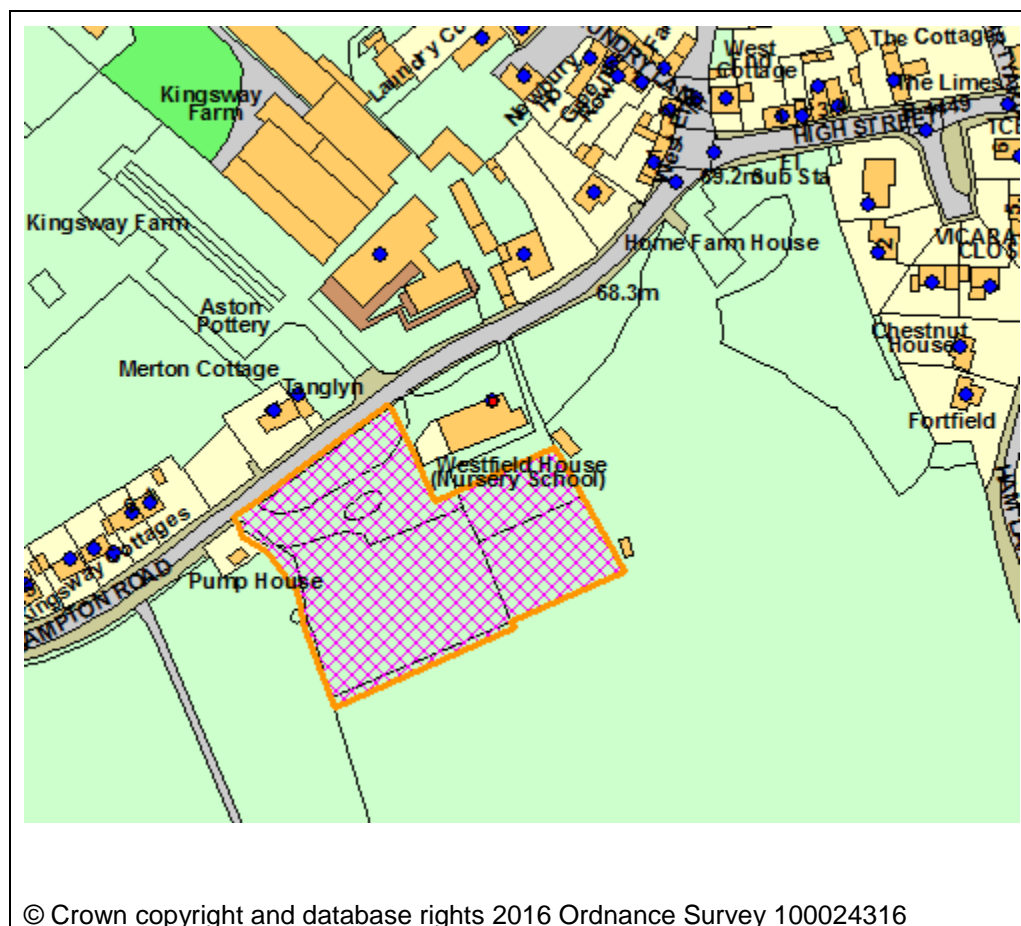
- 5.12 Your officers, including Environmental Health officers have fully considered the proposal and have visited the site. The proposal is for a small artisan gin and vodka distillery only. The proposal has been submitted with a full Design and Access Statement and a business plan is not required. Officers cannot unreasonably delay applications, and given the low traffic numbers and that OCC Highways are not objecting to the scheme, officers consider that the proposal is acceptable. Suggested conditions have been included. Other matters raised are being dealt with by the Enforcement Team, and are not part of this application.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The building shall be used for the purpose as described within the application and for no other purpose.
REASON: The site is only suitable for the use specified because of the special circumstances of the site and its locality.
- 5 No retail use shall take place on the site, other than the activities stated within the Design and Access Statement submitted with the application.
REASON: To avoid conflict with other users of the highway network and to protect the residential amenities of the nearby dwellings.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, chimneys, flues, windows, or roof lights other than those expressly authorised by this permission, shall be erected.
REASON: Control is needed to retain the historic appearance of the existing building.

Application Number	I6/03910/FUL
Site Address	Westfield House Bampton Road Aston Bampton Oxfordshire OX18 2B
Date	1st February 2017
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433813 E 202928 N
Committee Date	13th February 2017

Location Map



Application Details:

Erection of three dwellings with associated works.

Applicant Details:

Mr John Hook
C/O Agent

I CONSULTATIONS

- I.1 Parish Council The Parish Council does not wish to object to the application.
- However, the Parish Council would like to submit the following comments for consideration:
- o We require clarification of who will own and therefore be responsible for the maintenance of the large area of open "parkland" space at the front of the site, particularly as this includes several mature trees fronting the public highway, which will require proper management in order to mitigate the risk they could pose to the public if inadequately maintained;
 - o We would like to see a condition preventing any further new building on the site (additional housing), including on the "parkland" space as this would constitute overdevelopment of the site. We believe that a condition needs to be put in place to protect the status of the "parkland" area as open space;
 - o Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, the Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents.
- I.2 WODC Landscape And Forestry Officer No Comment Received.
- I.3 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
- G28 parking as plan.
- I.4 WODC Architect There is a fundamental problem here in principle with the residential development of the site. The context here is one of some sensitivity. But for the trees bounding the site, there is little meaningfully to differentiate the site from the surrounding rural/ agricultural landscape context. The generally open, undeveloped character of this landscape plays a significant role in the setting of the village (as

acknowledged by its inclusion within the CA boundary), and the erosion/ urbanisation of this currently loose-knit semi-rural area beyond the main concentration would, in my opinion, be likely to cause unacceptable harm to the Conservation Area. The existing house here reads clearly as an outlier, well adrift to the west of the built-up area of the village-proper. Development of the site would in no way represent a logical complement to the existing pattern of settlement.

In terms of the proposed houses themselves, while the primary elevations represent an improvement over those contained in the previous scheme, the footprints, scale and massing remain substantial, plots 1 & 2 with overly long rear wings and plot 3 as a double-pile.

1.5 WODC Drainage Engineers

Before we form any further comments, we would like to request that boreholes are excavated across the site (in locations that infiltration techniques, such as soakaways could be proposed) to determine the approximate ground water level. The reason for this request at this stage is due to the application site being at a high risk of groundwater flooding and therefore infiltration techniques may prove to be unviable, which could then result in the layout of the site having to change to make space for surface water.

1.6 Biodiversity Officer

I have no objections to the proposed development with regard to biodiversity issues. The application site comprises amenity / garden space with scattered trees and boundary hedgerows. The majority of these are proposed for retention as part of the scheme.

If minded to approve, I would recommend that the following be submitted for approval as a condition of planning consent.

- o Landscaping scheme, including biodiversity enhancements, particularly for the proposed open space at the entrance into the site

- o Integrated bat and bird box details for each of the new dwellings - 1 bat and 1 bird box in each at appropriate locations (as high up and close to eaves as possible, no bat and bird boxes on same elevation, bat on south-facing and bird on north-facing aspects)

Standard informative re. protected species should also be attached to ensure applicant is aware of the relevant legislation and requirements.

2 REPRESENTATIONS

2.1 No comments received at the time of writing.

3 APPLICANT'S CASE

3.1 The conclusion of the Design and Access Statement has been summarised as:

- Revised scheme of 3 No. individually designed family dwellings accessed off the existing driveway from Bampton Road.
- By using the same materials and similar design details, houses have a common design language with each other whilst also complementing and respecting that of Westfield House. Subtle differences in design provide a sense of individuality to each plot.
- The proposals reflect local vernaculars and distinctiveness in terms of form, scale, component and materials as an "Evolved Vernacular" design language which will complement the diversity of Aston's village character (NPPF, paragraph 56).
- Existing landscape features will be retained and supplementary planting (new tree and hedge planting) will enhance the site's 'parkland' setting as well as benefit bio diversity and contributing to the local landscape character.
- Sustainability will be addressed through design, construction and occupation to ensure carefully considered design and specification and the efficient use of resources such as materials, energy and water for example.
- The dwellings can comply with JRF Lifetime homes requirements in respect of accessibility (and Building Regulations Part M) and be capable of adaption to suit changing circumstances without material change to its built form.
- The scheme has been extensively reworked in response to WODC Officer and Architects' Panel comments including the reduction from 3 to 4 dwellings as well on design complexity, scale, bulk and massing.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

NE6 Retention of Trees, Woodlands and Hedgerows

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

EH7NEW Historic Environment

NE15 Protected Species

EH2NEW Biodiversity

T1NEW Sustainable transport

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Members may recall that a previous planning application was approved in September 2016. This application, reference 16/01423/FUL, originally included four new dwellings within the site, and the conversion of the existing building into four apartments. Following your officers concerns, the new build element was withdrawn. This application has now been submitted for three new detached dwellings within the grounds.
- 5.2 The application site is located within Aston's Conservation Area.

- 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 Paragraphs 14 and 49 of the NPPF need to be applied in these circumstances, given the current situation of WODC housing land supply. These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework which indicate that development should be restricted.
- 5.5 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.6 Whilst small scale housing has been permitted within Aston village, officers consider that the proposed development is out of scale and character with existing character of the immediate vicinity. The application site is within the Conservation Area, and has a distinctive visual rural character and appearance. As such your officers consider that the proposed dwellings by reason of the number, scale, form and positioning, will unacceptably urbanise this site, and the general context that it is located within.
- 5.7 As the site is located within a Conservation Area, 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 dwellings are considered to have a detrimental impact to the character and visual 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 preserved in this instance.

Siting, Design and Form

- 5.8 Whilst officers consider that the design of the proposed dwellings could be an improvement to the previous scheme, the footprints, scale and massing remain substantial, with plots 1 and 2 having overly long rear wings, and plot 3 as a double pile. The proposed scale of the dwellings do not represent the low key appearance of this part of Aston, but would urbanise and over dominate the visual appearance of the Conservation Area. In addition trees would also be

threatened and at risk due to the close proximity of the proposed dwellings being so closely sited.

Highways

- 5.9 OCC Highways has not objected to the proposal in terms of highway safety or parking issues.

Residential Amenities

- 5.10 Given the location of the proposed dwellings, your officers do not consider that adverse impacts will result to the adjacent residential properties' amenities.

Conclusion

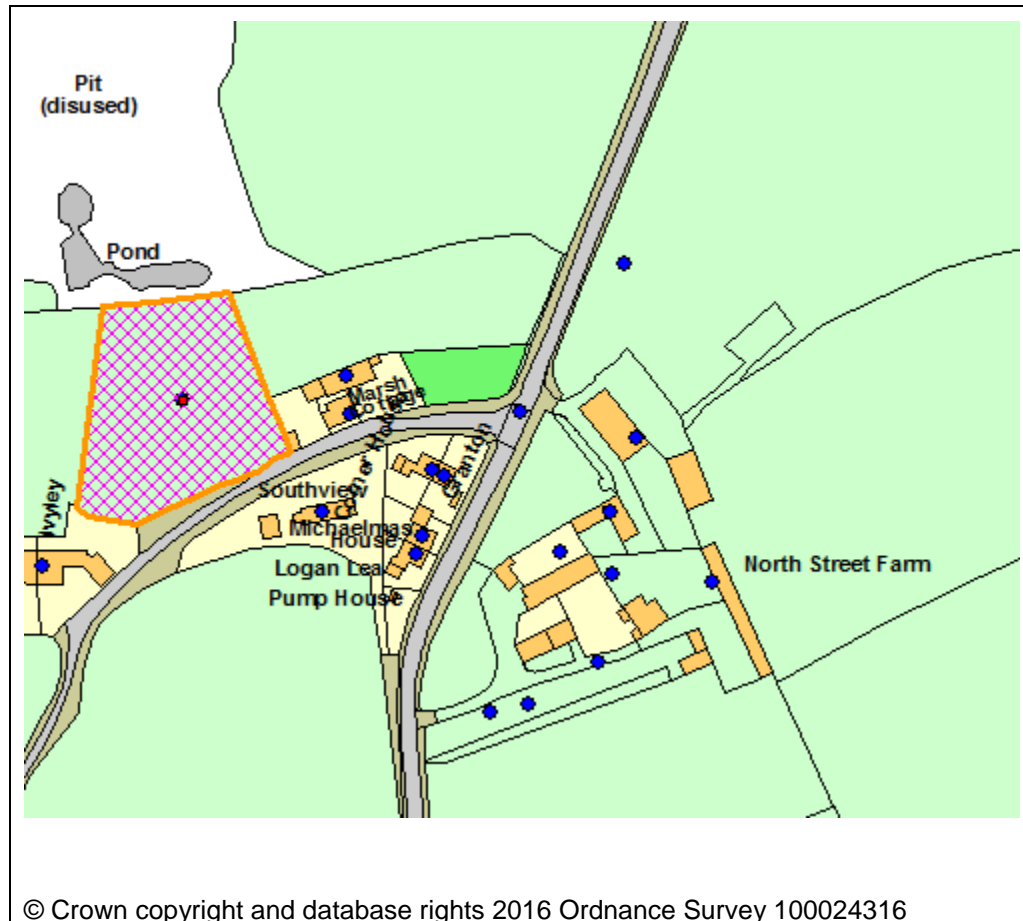
- 5.11 Your officers do not consider that the principle of new development within this site is compliant with the relevant paragraphs of the NPPF, or the environmental policies of the adopted and emerging West Oxfordshire Local Plans. There is a strong visual connection between the application site and the surrounding open countryside which would be greatly urbanised if the proposal was permitted. As such officers consider that the proposal would result in harm to the rural character and appearance of the area. Furthermore, the proposal fails to respects the pattern and character of the surrounding Conservation Area.

6 REASON FOR REFUSAL

- I The proposed dwellings, by reason of their scale, number, form and appearance would appear as a visually incongruous feature within this part of the Aston Conservation Area. Furthermore, the development would unacceptably urbanise the generally low density and rural character and appearance which would not respect the existing form of development. In addition the public and other benefits that the delivery of three new dwellings is outweighed by the harms that would result from this development. As such the proposal is considered to be contrary to Policies BE2, BE4, and BE5 of the adopted West Oxfordshire Local Plan, Policies OS2, EH3 and EH7 of the Emerging West Oxfordshire Local Plan, the relevant paragraphs of the NPPF including the core principles, and the West Oxfordshire Design Guide.

Application Number	I6/03960/FUL
Site Address	Land North of Back Lane Aston Bampton Oxfordshire
Date	1st February 2017
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434005 E 203448 N
Committee Date	13th February 2017

Location Map



Application Details:

Construction of two detached dwellings with associated garaging and alterations to existing vehicular access.

Applicant Details:

Mr Phil Moss
10 Blackthorn Mews
Carterton
Oxon
OX18 1LU

I CONSULTATIONS

- I.1 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
- G28 parking as plan
- G11 access specification
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details
- A Construction Traffic Management Plan to be submitted and approved prior to start of construction. No site traffic should be parked on the highway adjacent to the site. No construction traffic should be permitted along Back Lane south of the site.
- I.2 WODC Architect Object.
- I.3 ERS Env Health - Lowlands Mr ERS Pollution Consultation The site is situated on or near land that has potentially been in-filled. Therefore given the sensitive use of the proposal the following is recommended:-

I. Prior to the commencement of the development hereby permitted a land contamination assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority:
(a) The land contamination assessment shall include a desk study and site reconnaissance and shall be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses, identify risks to human health and the environment, and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be submitted and approved in writing by the Local Planning Authority prior to investigations commencing on site.
(b) The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
(c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified

contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

2. Prior to occupation of the buildings hereby permitted:

(a) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.

(b) A completion report shall be submitted to and approved in writing by the Local Planning Authority. The completion report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.

(c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the completion report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

Karen Dixon
Environmental and Regulatory Services

I.4 WODC Drainage
Engineers

No objections - conditions

I.5 Parish Council

The Parish Council does not wish to object to the application. However, the Parish Council would like to submit the following comments for consideration:

We share Oxfordshire Highways' views on the need for there to be a construction traffic management plan agreed before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane;

Given that the site and surrounding fields are known to have standing water on them during the wetter months, we think it essential that the applicant is required to prepare a flood risk assessment to be submitted to West Oxfordshire District Council for assessment by the drainage engineer before permission can be granted. We also think it essential that a drainage strategy is prepared and agreed before construction can begin to ensure that the development

doesn't negatively impact on surface water drainage both on and in the vicinity of the site;

We request that a condition is put in place to ensure that the proposed boundary treatments are fully completed (to include all additional/new planting) before the properties are first occupied to ensure that the development enhances, rather than detracts from, the Conservation Area;

Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, the Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents.

2 REPRESENTATIONS

2.1 Mr Jones of Ivyley, Back Lane, Aston, Bampton

- The land proposed for development and surrounding fields (one of which is owned by me) typically suffers from poor drainage during winter months and standing water can often be seen in the fields and close to Marsh Cottage. This has worsened in recent years due to the poor maintenance of the ditch running directly along the south/south eastern border of the field in question. The proposed development will need to ensure that drainage from the field in question and immediately surrounding fields is addressed so that surrounding land will not be adversely impacted and natural water drainage worsened.
- The hedgerow running alongside the western (adjacent to our own field), southern and southeastern borders has recently been removed or significantly thinned prior to the fields being used for grazing of sheep. Alongside Back Lane, the hedgerow bordering the field was severely cut back and tress felled, leaving a scruffy border which adversely affects drainage.
- If planning is granted we request the reinstatement of post and rail fencing along the South western border (adjacent to our land) and additional tree/hedgerow planting to be made to the western border (adjacent to our land) as well as improved drainage ditching on all borders to our land which was destroyed prior to the current use of the land for grazing.
- Whilst I appreciate that two new houses at one end of Back Lane will not materially increase the traffic on the Lane it should be noted that the current state of repair of the road surface is very poor and any additional traffic, especially heavy construction traffic, will cause even greater damage. Furthermore, construction traffic must be prevented from travelling either North or South along Back Lane due to it being a single track road. Entry and exit must be from North Street.

3 APPLICANT'S CASE

The submitted Design and Access Statement has been summarised as:

- This planning application is for 2 family dwellings on land to the North of Back Lane, on infill land between Marsh Cottage and Ivyley. The dwellings have been positioned in the location as shown. By positioning the dwellings in this location, the impact on neighbouring properties is kept to a minimum whilst generally lining through with the existing dwellings. The proposed site benefits from an existing gated access which would be used as a shared driveway.
- The scale is mirroring the scale of the various existing dwellings along Back Lane. Plot 2 demonstrates similar scale and massing to Corner House - further East along Back Lane whereas Plot 1 is a simpler form similar to Ivyley. Recent development of North Street Farm has helped to round off the edge of the village to the north east.
- The scale of the existing planting along Back Lane keeps the proposed site hidden and closed in particularly during the spring/summer months. The site is not considered open for most parts of the year and therefore the development will not involve the loss of any such of open space.
- The use of facing stone, plain clay roof tiles, timber/stone lintels and hardwood windows will help the dwellings sit comfortably with its surroundings, whilst the use of gables will provide a visual focus and defined entrance areas. A shared drive will be finished in gravel.
- The proposed garage is designed to have a barn-like quality with the inclusion of oak posts and timber cladding on a stone plinth.
- Access to the site is via the existing access off Back Lane. This existing opening will be increased and the existing planting will be trimmed back to allow adequate vision splays for turning vehicles.
- Waste and recycling storage will be provided to each dwelling. Bins will be moved to the end of the shared driveway on the day of collection.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

BE4 Open space within and adjoining settlements

OS2NEW Locating development in the right places

OS1NEW Presumption in favour of sustainable development

EH7NEW Historic Environment

EH3NEW Public realm and green infrastructure

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 Aston's Conservation Area, along Back Lane which has sporadic development and as such appears rural in context. The proposal is for two, large detached dwellings.
- 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 Given the current position of WODC housing supply, officers have had regard to the paragraphs 14 and 49 of the NPPF. These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework which indicate that development should be restricted.
- 5.4 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.5 Although new dwellings are permitted within Aston, officers consider that this part of the village, which is on the outer rural edge and has a distinct open character does not lend itself to new development such as that proposed. Officers consider that by reducing the gap between the existing dwellings it would add density to the loose knit character to the detriment of the sense of openness and the area's rural character. As such your officers do not consider that the proposed development respects the pattern and character of the surrounding Conservation Area.
- 5.6 As the application falls within the Aston Conservation Area, your 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 development 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 preserved.
- 5.7 Although two dwellings are proposed, your officers consider that the delivery of two dwellings would make a very small, albeit still beneficial, contribution to the supply of housing when weighed against the harms to the visual amenity, appearance and character of the locality and the Aston Conservation Area.

Siting, Design and Form

- 5.8 The proposed dwellings are of two storey form. Whilst your officers consider that the design is acceptable, it is the principle of developing this part of Back Lane that is the main issue. In addition although extensive hedging exists along the boundaries, this vegetation cannot be relied on in perpetuity. OCC Highways has recommended a condition for the access specification,

which could involve the loss of the vegetation to the front boundary, which would further erode the low key rural nature of the lane.

Highways

- 5.9 OCC Highways have not objected to the proposal.

Residential Amenities

- 5.10 Your officers do not consider there to be undue impacts to existing dwellings adjacent to the site. The relationship of the proposed dwellings is also considered not to result in adverse impacts to the new occupants.

Conclusion

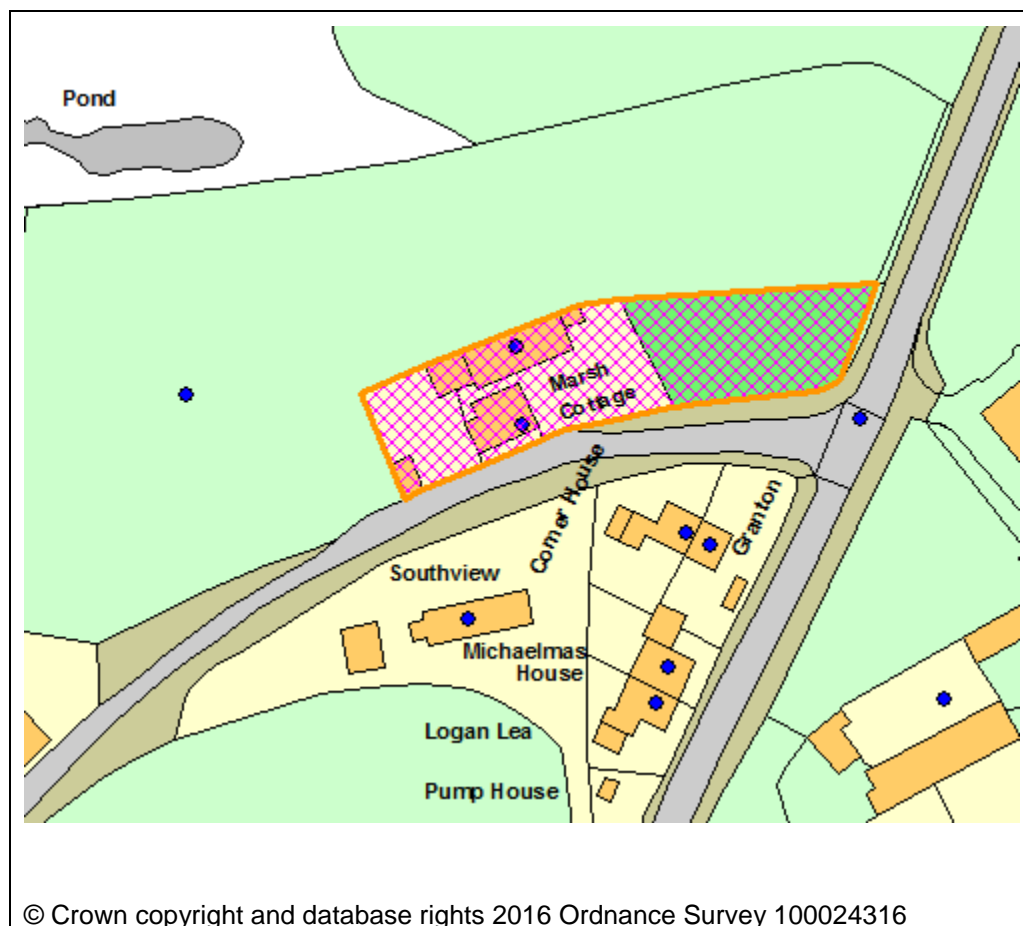
- 5.11 Your officers are of the opinion that the principle of development infilling this site with two new houses will transform the character, giving what is presently a country lane a much more urban feel, and contributing to sprawl of the settlement that is harmful to the Conservation Area and where that harm is not outweighed by the public benefits.

6 REASON FOR REFUSAL

- 1 The proposed development by reason of its scale, number, associated works and location fails to respect the existing rural and open character of the locality, and fails to preserve or enhance the visual appearance and character of the Aston Conservation Area. As such the proposal is contrary to Policies BE2, BE4, NE1 and BE5 of the adopted West Oxfordshire Local Plan, Policies OS2, EH3 and EH7 of the Emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Application Number	I6/04068/HHD
Site Address	Marsh Cottage Back Lane Aston Bampton Oxfordshire OX18 2DQ
Date	1st February 2017
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434060 E 203443 N
Committee Date	13th February 2017

Location Map



Application Details:
Erection of carport.

Applicant Details:

Mr Philip Caston
Marsh Cottage
Back Lane
Aston
Bampton
Oxfordshire
OX18 2DQ

I CONSULTATIONS

- 1.1 Parish Council The Parish Council does not wish to object to, nor to comment on, the application.
- 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.

2 REPRESENTATIONS

- 2.1 No letters of representation have been received to date.

3 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
EH7NEW Historic Environment
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

4 PLANNING ASSESSMENTBackground Information

- 4.1 The application is to be heard before the Committee as the applicant is an employee of West Oxfordshire District Council.
- 4.2 The application site is located along Back Lane in Aston. The proposal is for the erection of a carport. The application site is located within the Aston Conservation Area.
- 4.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Neighbouring Amenity;
The Conservation Area;
Highway safety;

Principle

- 4.4 Your officers consider that the principle of a carport is considered to be acceptable. The proposed development would be well screened from the surrounding street scene and therefore would not cause a detrimental visual impact to the Conservation Area.
- 4.5 The site is within the Conservation Area and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving or enhancing the setting of the Conservation Area. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on a designated heritage asset, great weight should be given to the impact on its setting. In this case the works that are proposed are considered to satisfy both the legislative requirements and the NPPF paragraph.

Siting, Design and Form

- 4.6 The form, design and massing are considered to be acceptable. The proposed materials are considered to be appropriate for such a development.

Highways

- 4.7 There would be no highways implications as part of the proposed development.

Residential Amenities

- 4.8 The proposed development is not located in close proximity to neighbouring properties to cause any undue adverse effects to neighbouring amenity in regards to the loss of light or loss of privacy.

Conclusion

- 4.9 Taking all the above issues into consideration, officers consider that the proposal is acceptable. Suggested conditions have been included in the report.

5 CONDITIONS

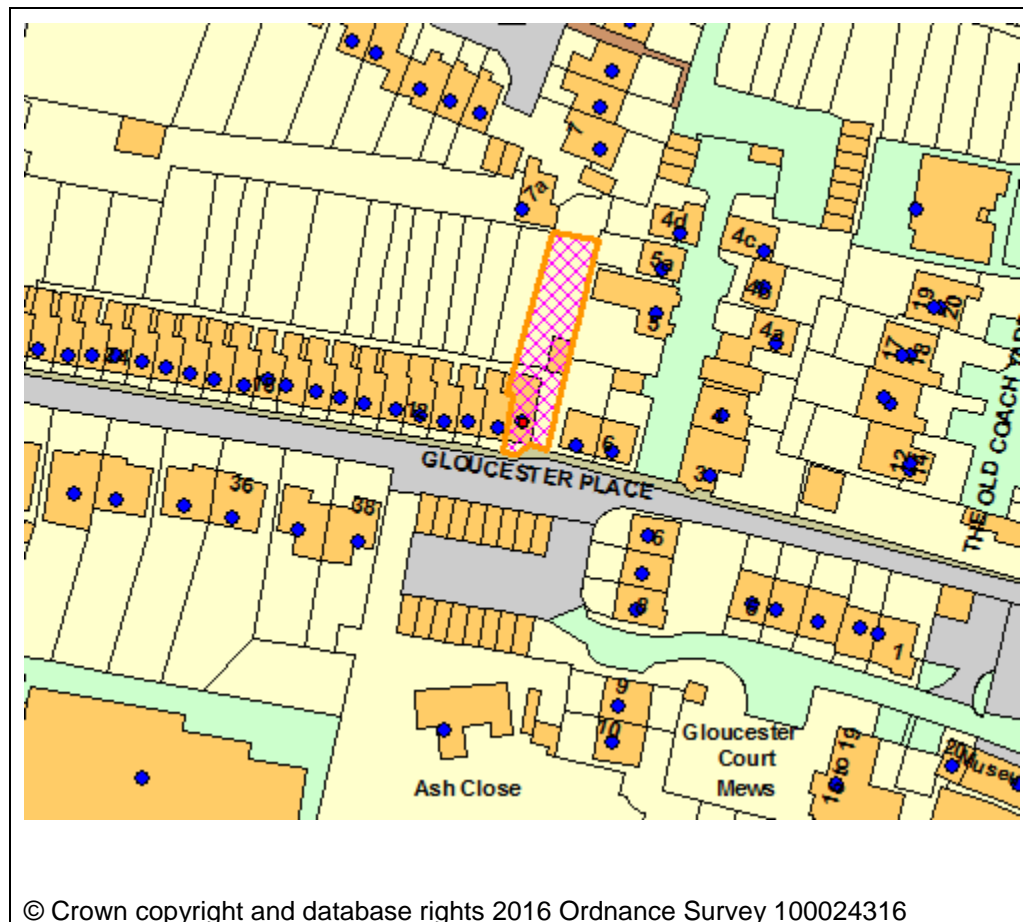
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried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

- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

- 4 The carport shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

Application Number	16/04233/HHD
Site Address	8 Gloucester Place Witney Oxfordshire OX28 6LA
Date	1st February 2017
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435610 E 210114 N
Committee Date	13th February 2017

Location Map



Application Details:

Proposed rear dormer window.

Applicant Details:

Mr & Mrs A Wood, 8 Gloucester Place, Witney, OX28 6LA

I CONSULTATIONS

- 1.1 Town Council Witney Town Council has no objection to this application.
Mrs S Groth Witney Town Council has no objection to this application.
- 1.2 WODC Architect The Conservation Officer does not consider that the change would be harmful either to the Locally Listed Building or the wider Conservation Area. Recommend that consent be granted subject to conditions for joinery details (including sections and finishes).
- 1.3 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.
- 1.4 No representations received

2 PLANNING POLICIES

H2 General residential development standards
BE2 General Development Standards
BE5 Conservation Areas
OS4NEW High quality design
EH7NEW Historic Environment
The National Planning Policy framework (NPPF) is also a material planning consideration.

3 PLANNING ASSESSMENT

Background Information

- 3.1 The application relates to a traditional Victorian end-terraced property located at 8 Gloucester Place at the edge of Witney town centre. The adjacent area is characterised by predominantly residential development. The property is set over three floors and sits in a narrow plot with a small front garden and longer rear garden, having a pedestrian right of way cutting through the curtilage to provide access to the rear of others within this long terrace.
- 3.2 The proposal is to create an enlarged space at 2nd floor level by installation of a rear flat-roofed dormer to enable extra storage space within the property and also the addition of a small rooflight to the rear elevation. The dormer would measure approximately 2.1 metres in width, 1.3 metres in depth and 1.3 metres in height when measured externally from the existing plane of the roof. Proposed materials are rendered side cheeks, a lead roof and either upvc or timber windows with three lights. The existing roof is covered in slate.
- 3.3 The site lies within the Witney and Cogges Conservation Area and although is not on the statutory list, is a locally listed building as identified within the Conservation Area Appraisal. The application is made on behalf of a member of staff.

3.4 In relation to planning history for the site it is noted that pre-application advice was given under Reference 15/00919/PDC that planning permission was required for the proposed development as the site falls within a Conservation Area and therefore does not qualify as Permitted Development.

3.5 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

3.6 Officers consider that the principle of provision of a rear dormer and rooflight is acceptable in this location. The key issues are set out below:

Impact on character and appearance of the dwelling

3.7 The property is characterised by its 3 storey form and historically benefits already from a front, pitched roof dormer at eaves level. Several other properties within this terrace already have flat-roofed box dormers which are similar in appearance to the application proposal. Therefore, the principle of creating additional useable space within the roof space is already established for both this property and within this locality generally. Due to the use of traditional materials such as lead and timber, it is considered that the proposal would be sympathetic to the detailing of the existing property and would visually blend in to the roof scape of the dwelling and remain unobtrusive. Whilst the introduction of flat-roofed designs is sometimes inappropriate, given the relatively small scale of the proposal, and nearby precedent, it is considered that in this instance the proposed addition is acceptable on design grounds.

Residential amenity

3.8 Given the elevated position, north orientation of the rear of the building and scale of the dormer, it is not considered that the scheme would give rise to a potential overshadowing or overbearing impact. In relation to potential overlooking, the room is proposed for storage and the windows would face towards the rear garden area for the host dwelling, with other properties to the rear being an acceptable distance away. Also, the existence of other windows to the rear elevations at both first and second floor level is a relevant consideration in terms of existing views to the rear. In view of this it is not considered that the proposal would result in additional harm. No objections have been received from neighbours and Witney Town Council has commented with no objections to the application.

Heritage aspects

3.9 Within a Conservation Area, 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 alterations are not 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 preserved.

- 3.10 The Conservation Officer has been consulted as part of the application process and has raised no objections in terms of harm to either the Locally Listed Building, or wider Conservation Area, given the presence of at least three other similar dormers in this elevation, together with several roof-lights, and given that this is the more discreet rear elevation.
- 3.11 Furthermore, with reference to paragraphs 133 and 134 of the NPPF which relate to a proposed development resulting in harm to a designated heritage asset, in this case being the Conservation Area, it is not considered that there would be harm.

Impact on parking/highways

- 3.12 The County Highways Officer has been consulted as part of the application process and has raised no objections to the proposal. The site benefits from off-street parking which would be unaffected by the development, so it is not considered that there would be an adverse impact on highway safety as a result of the proposed dormer.

Conclusion

- 3.13 In view of the above, officers are of the opinion that the proposed rear dormer is acceptable and would not cause harm to the character or appearance of the host dwelling, residential amenity, the Conservation Area, Locally Listed Buildings, or highway safety.

4 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 cheeks and pediment of the dormer window shall be rendered in a colour and texture the specification for which has been first submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, details of external finishes and colours and drawings of all external joinery (including rooflights), at a scale of not less than 1:20 with sections of each component at min. 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.