

160 houses off Mount Owen Road, Bampton 16/03415/OUT

Lowlands Planning Committee 13th March 2017

Councillors,

When considering this application IT IS SO IMPORTANT that all the members of the Committee appreciate what information the Environment Agency can and cannot tell you.

The NPPF is actually quite explicit and has 3 basic rules. First under para 100 you must consider flooding from all sources. That's pluvial or run-off flooding and fluvial flooding, overflowing rivers, streams etc. Second you have to allow for climate change – that's para 99. Finally a developer must ensure that flood risk is not increased elsewhere. Para 103.

The problem arises because there is a mismatch between what the NPPF requires and what the Environment Agency supplies. The EA collects historical, what's happened in the past evidence of fluvial flooding. It does not collect pluvial evidence and certainly does not add it to fluvial and even more certainly makes no allowance for climate change. The developers have tried to argue that this site is safe because it is in Flood Zone 1. No, no, no. Zoning is a measure of fluvial flooding and nobody from the SPB has ever argued that this site will suffer from fluvial flooding.

On Friday 20th July 2007 187 homes in Bampton flooded and over 50% of them were in Flood Zone 1, yes the so-called safe Zone. These houses were flooded pluvially from the run-off from Mount Owen – those two words should give you the clue to the anxiety raised by this application. Many in the SPB including me remember that Friday night. Water was streaming off Mount Owen through the heart of Bampton and across the Aston Road. Turleys for the developers airily assert all was fixed in 2009. Last night I went to check an important drainage culvert under the Aston Road. It was as overgrown and blocked up as ever it was in 2007. In fact it was quite difficult to find.

The developers have put into evidence an email from the Environment Agency saying this development "is not within their remit". The developers seem to confuse this as a statement there will be no flooding. This is quite wrong. All the

EA are saying is that they measure fluvial flooding and that's not going to happen. Pluvial is the threat. Our expert, Dr Preston, a Chartered Civil Engineer, gave evidence at last month's meeting concerning the nature of this threat including the inadequacy of the drainage ditches, the flatness of the site, the impermeable nature of the ground, and the uncertainty produced by the adjacent CALA Homes development. No response at all was made to these serious points by the Agents for the developers in their letter of 3rd March.

We have been wrongly accused of being antagonistic towards you and your officers. Not so, we are sympathetic to the difficulties the NPPF has created for you all, really destroying planning as a profession and with it the charm of West Oxfordshire. Bampton is no Hillsborough, Dunblane or Hungerford. Nobody has died. But when a fifth of your housing stock floods you deserve sympathy for your position, you deserve action to improve your defences and you deserve like all local communities to be treated with some respect and not just dumped. Even in its own evidence the developer says boreholes should be dug and groundwater conditions investigated. We say: "Do it!" Until the development is proven to be safe, it must be refused. This is really the least that Bampton is entitled to.

Appendix B

Bampton is not resistant to change, but gradual change is the key to the sustainability in Bampton.

Prior to consent for 160 houses in New Road in 2014 we had around 1100 homes. This site now under construction will increase the population of Bampton by around 20%.

Bampton is categorised as a local service centre. We have no train station like Long Hanborough , we now have no direct bus service to Oxford and a 2 hourly Witney to Carterton route that does not operate evenings or Sundays.

Our GP surgery has limited scope for expansion, our primary school has limited land to expand further beyond the 106 funded classroom provision in the planning consent for the New Road development. In 2015 OCC stated that there is a likelihood that another large development in Bampton will necessitate transporting primary aged children to other schools in the area.

We hope your site visit last week showed you clearly that development on this site off Mount Owen will extend Bampton eastwards towards Aston in a wholly un-related way to the rest of the village. There is a clearly defined edge at Mount Owen Road and development here is neither rounding off or infill.

A great deal of the evidence at the appeal for development in the Aston Road in 2015 related to potential flooding issues, but that was not the single factor used to dismiss the appeal. The inspector considered sustainability of further development in Bampton and to quote directly from the decision, "local employment opportunities are limited, and the proposal could be expected to result in significant travel generation in terms of a need for trips further afield for employment and higher order facilities."

The inspector clearly viewed the sustainability of further development in Bampton to be questionable.

In the last 12 months the district council have approved 15 houses in Bampton, none on land allocated through the local plan process.

Members approved the current draft local plan less than 5 months ago. This site in Mount Owen Road was not allocated in that draft plan up to 2031. Our assumption based on this is that officers and members did not feel it was either an appropriate area of land for development as borne out by the pre-application advice given by officers to the applicant or necessary to satisfy the five year land supply need.

We fail to comprehend how this situation has changed for Bampton in five months.

We feel we are afforded less consultation within the planning process than other towns and villages with site allocations within the draft plan who are able to influence the plan during the examination process.

To sum up, approval of this application will result in the population of Bampton increasing by well over 30% over a five year period.

To increase a village the size of Bampton by this amount will cause quite clear and demonstrable harm to the existing facilities and residents.

We submit that to consider approval of this large outline scheme, with the reservation of so many outstanding and unanswered matters to be a grave error and ask members to vote for this NOT to be approved.

Appendix C

Aston Road / Mount Owen Road, Bampton Committee Speech

16/03415/OUT

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.

Chair, Members,

Thank you for the opportunity to address you once again this afternoon.

At the February committee, when the application was deferred for a site visit, it was apparent there were some concerns being raised. You will have hopefully seen our submission on the 3rd March, which provided additional clarification on these points.

In summary, no objections have been received from statutory consultees in respect of drainage, following their own assessments of the proposals.

A 'Grampian style' planning condition is proposed by Thames Water to secure an 'impact study' on the existing water supply and any necessary upgrades resulting from this. Thames Water themselves have confirmed that this is a standard condition - which in their own words is not a 'show-stopper.'

Indeed it must be noted that this condition has been applied by the Council and by numerous Planning Inspector's in allowing recent appeals within the District. As such the condition has clearly been scrutinised as part of that process, and has been deemed acceptable. It is not a valid ground on which the Council can refuse this planning application.

Further, an appropriate drainage strategy can be implemented on the site and this can be secured through the proposed conditions as previously drafted. I also reiterate that there are no objections from the Environment Agency, or the Local Lead Flood Authority.

With regards to the site's accessibility, as clearly demonstrated in our recent submission, the application site is no less well-related to local facilities than the scheme the Council approved at this committee for the site to the north of New Road.

The Application site would provide direct and safe access to local facilities, and is making contributions to increased bus frequency, to the benefit of the existing residents as well.

In summary, your officer's report concluded that there is no identified harm, which would significantly and demonstrably outweigh the substantial benefits which would be achieved by granting this planning permission. There are no identified environmental, technical or other reasons why planning permission should not be granted in this case.

I appreciate that this is a difficult decision for the Committee to make, particularly in the face of local opposition.

However, in the absence of a five year housing land supply, and with no identifiable harm established, the proposals should be granted permission without delay, with the presumption in favour of sustainable development engaged in this instance.

Thank you.

OVERBURY

Planning Consultancy

Martin Overbury BSc DipTP MRTPI
CHARTERED TOWN PLANNER

Speech to Members of the Lowlands Area Planning Sub-Committee meeting on Monday 13th March 2017.

Re – Agenda Item 5 on page 36.

Appl. Ref: 17/00060/FUL-Land North of Paradise Farm, Bull Lane Aston.

I would firstly underline that there is considerable agreement with the planning officers on the planning merits of the proposed scheme. The key areas of agreement are on:

1. **The principle of development.**
2. **Sustainability.**
3. **Design of the dwellings.**
4. **Highways.**
5. **The impact on residential amenities.**

The one area of concern which forms the basis of the reason for refusal relates to issues of the perceived over development of the site and its scale, siting, form and appearance. On this issue I would comment as follows:

- a) The scheme proposes 4 detached dwellings on a site of 0.45 acre, giving a density of 9 dwellings to the acre. Such a figure is generally considered to represent a low to medium density development and certainly not the “*over development of the site*” as referred to in paragraph 5.6 of the planning officer’s report.
- b) In terms of the visual impact of the proposed development, the site is obscured from views from the open fields to the south and west by existing high hedgerows. If glimpses of the development are available, the new houses will be seen against the backdrop of the existing housing along the south side of Bull Street. It should be noted that there are no public rights of way to the south or east of the site, and the high hedgerows to the west will screen views from the footpath along Ham Lane.
- c) Although within the Conservation Area boundary, the site is not within a highly sensitive location adjacent to listed buildings, does not afford fine views to the church, other important heritage assets, or to areas of open countryside.
- d) In view of the restricted size and discreet location of the site, its close proximity to adjoining vernacular dwellings and the limited number, high quality and distinctiveness of



the dwellings proposed, the proposed development will not have any detrimental impact on the appearance and character of the locality or the wider Conservation Area. Given the size and location of the greenfield sites recently granted permission at the eastern edge of the village, within or immediately adjoining the Conservation Area, the visual and environmental impact of the currently proposed development will be minor in comparison.

It is important to recognise that this currently proposed development of 4 dwellings is entirely different in character to the recently approved large housing developments within and at the edge of the village. Whilst all of these developments were speculative in nature, three of the proposed dwellings on the application site are to be occupied by local people, the children of the applicants, Mr & Mrs West.

Conclusion.

In conclusion, I am of the belief that the impact of the proposed development is less than substantial and that there are no material considerations or adverse impacts that significantly and demonstrably outweigh the clear benefits which flow from the development. As the development, as proposed, clearly constitutes '*sustainable development*', is viable and deliverable and there are significant material considerations that weigh heavily in its favour I hope Members are persuaded to approve the application.

Committee Address

Committee: Lowlands Area Planning Sub-Committee

Council: West Oxfordshire District Council

Venue: Committee room 1, Council Offices, Woodgreen, Witney, OX28 1NB

Time/Date: 2.00pm, 13th March 2017

Application Ref: 17/00269/OUT

Proposal: Erection of dwelling

At: 10 Church View Carterton Oxfordshire OX18 3HZ

Thank you Chairman.

I believe that this application should be approved, and I will explain why.

But initially, I should explain that the existing house on this plot is owned by an elderly gentleman, now in care. The property is to be sold to fund the owner's care, and this proposal is aimed at maximising the funds available for that care.

In terms of the planning merits of this proposal, as the officer's report notes, in principle this site is appropriate for a new dwelling.

The site is in Carterton, classified as a service centre in your 2011 Local Plan, and a Main Service Centre in your emerging local plan.

It is within Carterton's built up area, and it is infill development.

There is no highways objection, and the drainage issue can be resolved by condition.

There is no doubt that the principle of the dwelling is acceptable.

The only issue raised in the officer's report relates to the siting, design and form of the dwelling.

Before I deal with this, I would like to take issue with the way that your officer's report deals with paragraph 14 of the NPPF in paragraph 5.8.

You have a five year housing land supply problem and an out of date local plan, so paragraph 14 of the NPPF is engaged. What this actually says is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The assessment in paragraph 5.8 of your officer's report suggests that this proposal would not provide benefits that would significantly and demonstrably outweigh the harm of this proposal. This is a flawed interpretation of paragraph 14. The presumption is in favour of development, and harm must significantly and demonstrably outweigh the benefits for an application to be refused.

Coming back to siting, design and form. Church View comprises a mix of house types – two storey houses and single storey bungalows, detached, linked detached and semi-detached. In some cases the gap between neighbouring houses is the width of a driveway or two; in some cases it is the width of a path and in some cases there is no gap at all. In some cases a previous gap has been filled with an extension, and in some cases the gap has been filled with a new house. It is a typical mid to late 20th Century residential street.

Opposite the site, there is a pair of wider than standard bungalows with approximately a 1 metre gap between the southern one and the neighbouring linked detached two storey house. Photos are included in our planning statement, and I emailed photos from Streetview to you last week.

In streetscape terms this is pretty much identical to the situation that would arise if this application was approved. The gap would be filled with a bungalow, leaving 1 metre between the new bungalow and the neighbour's boundary, or about 2 metres between the two dwellings. Doing so would not be incongruous in the streetscene.

Bearing in mind the circumstances behind this application, the applicants are keen to ensure that the proposed dwelling is a bungalow suitable for an elderly resident or couple. You need more homes in West Oxfordshire, and you have an ageing population. This type of home is much needed. I disagree with your officers' suggestion that this would not provide a tangible benefit; it would.

So, coming back to paragraph 14 of the NPPF, this proposal would provide a benefit and relatively little harm. You should only refuse this application if the harm significantly and demonstrably outweighs its benefits. This is not the case.

That is why I believe that the application should be approved.