

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th June 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

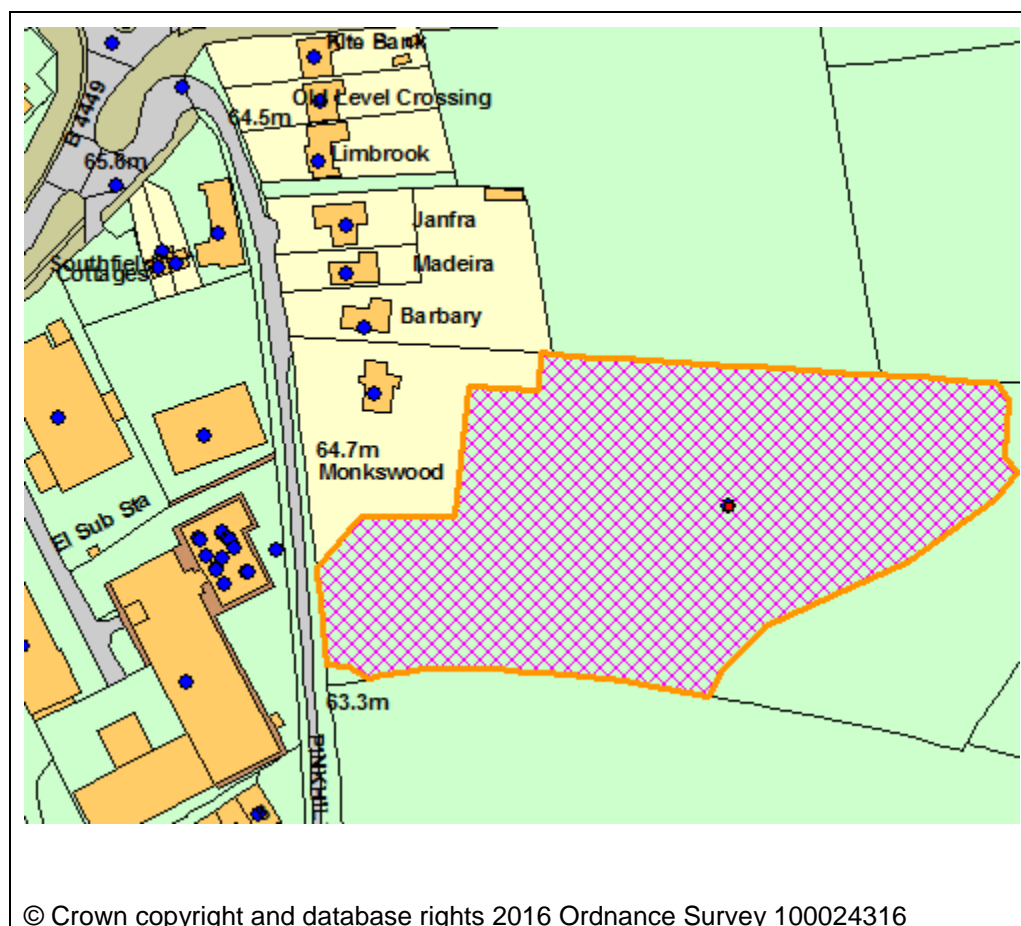
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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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Application Number	17/00281/OUT
Site Address	Land East of Monkwood Pink Hill Lane Eynsham Oxfordshire
Date	31st May 2017
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443233 E 208681 N
Committee Date	12th June 2017

Location Map



Application Details:

Residential development of 52 dwellings (means of access only).

Applicant Details:

Mr E Costello
Denham House
Village Road
Denham
UB9 5BN
Uxbridge

I CONSULTATIONS

- I.1 Major Planning Applications Team
- Highways -
Objection on the grounds of lack of the applicant to demonstrate that they have control over third party land on Pinkhill Lane leading up to the site access, so as to be able to bring it up to adoptable standards.
Key issues:
1) Lack of evidence that the applicant has the appropriate legal rights of access across third party land on a stretch of Pinkhill Lane, which abuts the proposed site access.
2) A full drainage strategy is required (see the section on planning conditions).
3) A financial contribution is required to improve bus stop facilities in Eynsham High Street.
4) The applicant has not provided visibility splays at the point of the proposed new access to the site.
5) Lack of clarity regarding the traffic modelling completed for the B4449/ Oxford Road/ B4044 roundabout.
- Archeology - no objection.
- Education - object on the basis that further significant housing in Eynsham is dependent on a long term solution to primary school capacity for which there is no confirmed plan or timescale.
- Library contribution required in the sum of £12,756.00.
- I.2 WODC - Arts
- Contribution of £10,920.00 to develop off-site artist led features to enhance the interpretation of the environs and help foster healthy lifestyles.
- I.3 WODC Architect
- Object - Well beyond natural boundary of the settlement. Visual impact from existing dwellings in the lane is limited. Set directly to the south of historic core of the village. Conservation Area boundary in close proximity to undeveloped agricultural land. Abbey site to the north and agricultural lands to the south. Development would compromise southern part of historical setting. Reference by the applicant to screening but this will not necessarily remain in perpetuity. Views of houses would destroy agricultural character.
- I.4 Biodiversity Officer
- The Biodiversity Officer assessed the applicant's submissions and requested further information. Final comments will be provided at the

meeting.

I.5 ERS Env Health -
Lowlands

The development site is close to an industrial estate which has the potential to have an adverse impact with respect to noise and general nuisance. However a site visit did not identify any impact that would call into question the suitability of the site. I also note that residential use is already established in the area. I therefore have no recommendations to make with respect to noise and other nuisance.

The change of use to sensitive development requires an assessment to establish whether the site is suitable for use. The following conditions are recommended:-

1. 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 development 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.

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| I.6 | Environment Agency | No detailed advice. |
| I.7 | WODC Housing Enabler | A policy compliant 50% contribution to affordable housing would be required. |
| I.8 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.9 | WODC - Sports | £60,112.00 off-site contribution towards sport/recreation facilities within the catchment.
£42,536.00 for the enhancement and maintenance of play/recreation areas within the catchment. |
| I.10 | Thames Water | <p>Waste Comments</p> <p>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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</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</p> |

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

Water Comments

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.

Supplementary Comments

WASTEWATER - Thames Water have been unable to assess the wastewater infrastructure requirements for this development due to insufficient information. We require a drainage strategy for both foul and surface water detailing (1) Connection points for both foul and surface water discharge to the public sewer, (2) the peak foul and surface water discharge rates as well as confirmation of how the flow is discharged i.e. pumped or gravity. Thames Water would expect the development to adhere to the hierarchy of disposal methods for surface water run-off with demonstration of how this have been examined and proven to be impracticable. The disposal hierarchy being :- 1st Soakaways; 2nd Watercourses; 3rd Sewer.

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|------|-----------------------------------|---|
| I.11 | WODC Env Services - Waste Officer | No Comment Received. |
| I.12 | Major Planning Applications Team | see above |
| I.13 | Parish Council | Eynsham Parish Council objects to this application. The application documents provide no evidence that the Applicant has, or can acquire, right of access to the development site. The Parish Council further met with representatives of the Applicant who informed the Council that Pinkhill Lane, which is also Bridleway 206/1, is unregistered and that the owner is unknown to them. They were unable to demonstrate that they could obtain a legal right of access to the development or had a right to make up the lane to a standard which would be capable of being adopted by, and vested in, the highway authority pursuant to the Highways Act 1980, ss38 and 263. |

The proposed development would represent an isolated collection of dwellings remote from the village itself (contrary to NPPF 69), with a single, long access for both vehicles, cycles and pedestrians and without any public transportation, schools or other amenities within a reasonable distance.

The development is an unacceptable urban intrusion into the rural envelope of the village, contrary to LP 2011 BE2, BE4, NE3 and H2, and the emerging Eynsham Neighbourhood Plan. While an outline application, the estate layout demonstrates an awkward collection of dead-end clusters which would provide difficult access to both residents' vehicles and service and emergency vehicles entering and leaving the estate.

The development is also adjacent to the Oakfield Industrial Estate, situated on the opposite side of Pinkhill Lane. The Parish Council receives complaints on a regular basis from the existing residents of Pinkhill Lane regarding noise, smells, fumes, dust and other environmental nuisances emanating from the industrial estate. Bringing a large development immediately adjacent to what would create a nuisance to residential properties would be contrary to LP2011 BE2(c) and H2(d).

If the Local Planning Authority is minded to grant this application, Eynsham Parish Council reserves the right to request a developer contribution in respect of this development.

2 REPRESENTATIONS

2.1 10 objections have been received referring to the following matters:

- Pinkhill Lane is a single track bridleway used by walkers, cyclists and horse riders and is important for health and well-being. There is a safety issue associated with increased use of the lane by vehicles.
- Loss of green space and impact on the character of the area.
- Increase in traffic and congestion (particularly on A4044) and impact on highway safety.
- Vehicles access the industrial estate with hazardous loads.
- Inadequate facilities and impact on infrastructure, particularly doctors and school.
- Proposed developments including Garden Village should be able to meet housing needs. Inadequate public transport. Site poorly located for cycling and walking. Does not minimise need to travel.
- Effect on social cohesion, community, and health and well-being.
- A single new dwelling has been refused in Pinkhill Lane in the past.
- Speculative development is destructive to structure of the village and land should be protected.
- Site has never been considered for development in the past. Starter homes and smaller units would be preferable.
- Similar case in proposal for development in Chilbridge Lane which was refused.
- Impact on wildlife.

- Approval would set a precedent for further development in this area.
- Contrary to emerging Eynsham Neighbourhood Plan.
- Flood risk.
- Bridleway is in private ownership.
- This would be satellite development with no enhancement to overburdened facilities.
- Long walk to village.
- Impact on residential amenity.
- Monkswood has no prescribed right of way to gain access to Pinkhill Lane.

3 APPLICANT'S CASE

- 3.1 This site is deliverable, achievable and viable. It is available now, and therefore able to make an immediate contribution to West Oxfordshire's 5-year Housing Land Supply position.
- 3.2 Whilst West Oxfordshire District Council claims, in its latest 5-year housing land supply position statement, that it can demonstrate a 5 year supply of developable housing land, the reality is that it cannot. We have demonstrated that the approach to the calculation is flawed, due to using an inappropriate methodology and making unrealistic assumptions about the deliverability of sites.
- 3.3 We have demonstrated that the site is in a sustainable location, and is not affected by the flooding issues which are an issue for many areas to the east and to the south of Eynsham. Additionally, there are no designations to prevent development on the site, unlike the land to the east of Eynsham which is in the Green Belt.
- 3.4 The Garden Village and the Strategic Development Location proposals will provide additional infrastructure which will mean enhanced accessibility for southern Eynsham in terms of easier access to Oxford City, as well as bringing new employment opportunities.
- 3.5 We have set out that the West Oxfordshire Development Plan is out of date, and it has been confirmed by a very recent appeal decision published on 17 January 2017, that the emerging Local Plan, in its current stage, carries little weight in the decision making process. Despite this, we have gone through a robust process of ensuring that the proposal complies with the relevant policies. We have carried out a range of technical studies to inform and support the scheme, which demonstrate its deliverability.
- 3.6 The application is an outline application for access only. Appearances, landscaping, layout and scale are reserved for approval later.
- 3.7 The test for the decision maker in assessing this planning application is one of harm. In this case there will be no harm, only strong positives in terms of the provision of new housing. On this basis, and on balance taking into account all the factors above, planning permission should be granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements

BE5 Conservation Areas
 BE8 Development affecting the Setting of a Listed Building
 BE12 Archaeological Monuments
 BE18 Pollution
 BE19 Noise
 BE21 Light Pollution
 H2 General residential development standards
 H11 Affordable housing on allocated and previously unidentified sites
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 NE15 Protected Species
 T1 Traffic Generation
 T2 Pedestrian and Cycle Facilities
 TLC7 Provision for Public Art
 H1NEW Amount and distribution of housing
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS5NEW Supporting infrastructure
 T1NEW Sustainable transport
 T2 Pedestrian and Cycle Facilities
 T3NEW Public transport, walking and cycling
 EW2NEW Eynsham-Woodstock sub-area
 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 52 dwellings on a greenfield site to the south of the village of Eynsham. The illustrative layout shows where the houses would be likely to be built and indicates that there would be a significant area of land at the east end of the site, in the same ownership, retained as open space. A range of supporting information has been provided. The Design and Access Statement indicates a mix of units up to 2 storey in height.
- 5.2 The site lies in the countryside to the east of Pinkhill Lane which is an unadopted, private lane and a bridleway. It is bounded, for the most part by hedgerow and trees of varying density. The site frontage is formed with a post and rail fence. There is a small copse of trees to the north east corner of the site. The land is used for grazing. There are agricultural fields to the north, south and east. To the north fronting the lane there are 7 dwellings, 6 of which are bungalows. To the west is a large industrial estate.
- 5.3 The boundary of the Eynsham Conservation Area lies approximately 130m away to the north of the B4449. There are no listed buildings in close proximity, but there are a large number of them within the Conservation Area. The Conservation Area also includes the Eynsham Abbey Scheduled Ancient Monument. The site is not within a designated area. The Green Belt boundary lies approximately 700m away to the east of the B4044.
- 5.4 There is no relevant planning history.

5.5 The site was not identified in the SHELAA 2016, and is not allocated in the modifications to the emerging local plan.

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

Impact on heritage assets

Trees, landscaping and ecology

Drainage

Residential amenity

S106 matters

Principle

5.7 Eynsham is classified in the Local Plan 2011 as Group C settlement (service centre). Based on the settlement sustainability, weighted assessment (November 2016), the village is ranked third of the nine service centres assessed in terms of services and facilities available.

5.8 The village benefits from services, including a primary school, secondary school, community buildings, recreation facilities, shops and pubs.

5.9 Local Plan 2011 H4 deals with development in the countryside. 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 within Eynsham. However, these policies are 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, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.

5.11 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.

- 5.12 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.13 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.14 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions timetabled for July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.15 Emerging Local Plan 2031 Policy OS2 refers to the main service centres being the focus for a significant proportion of new homes. It is important to note that at Eynsham the Plan envisages large scale development by way of a strategic allocation west of the village to provide around 1,000 dwellings and supporting infrastructure. In addition, a new Garden Village is proposed north of Eynsham to meet Oxford City's unmet need. The plan does not include smaller allocations elsewhere in this settlement and speculative development could place an unacceptable burden on services and facilities. For example, OCC is objecting because of a lack of primary school capacity. Such deficiencies would be addressed by way of planned infrastructure delivery on the allocated sites and significant development in advance of this would be unsustainable.
- 5.16 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.
- 5.17 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

- 5.18 Following initial registration the applicant removed the layout from consideration. Nevertheless, on an indicative basis this shows that a scheme of 52 dwellings can be accommodated within the site area.

- 5.19 The layout shows an intention to set buildings back from the lane, and significant landscaped area would be provided to the east on land in the same ownership. The existing boundary hedges and trees adjoining the north and south boundaries are outside the existing fence line boundary and appear to be in separate ownership.
- 5.20 It is understood that the houses would be up to 2 storey, whilst the existing properties in the lane are primarily bungalows. The house types are for future consideration as part of a subsequent reserved matters application, but it is considered that more modest height would be more appropriate should permission be forthcoming. The design would in all probability be inspired by vernacular forms.

Landscape

- 5.21 The site lies within the Lower Windrush Valley and Eastern Thames Fringes character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is floodplain pasture and the site is considered typical of this type. The development sensitivities identified note that "unspoilt floodplain farmland is of particularly high quality and sensitive to development". One of the principal factors that threatens landscape quality in this area is the expansion of rural settlements and suburbanisation of the wider countryside. The assessment identifies Eynsham as a key settlement and there is a strong landscape edge to the south of village. The site forms part of a contiguous swathe of countryside wrapping around the village.
- 5.22 The development would have significant visual impact locally, in replacing an open field with a substantial amount of housing. The bridleway which passes directly to the west (and continues in a south easterly direction south of the site - ref 206/1/10), and the public footpath to the south east, east and north east (ref 206/2/30), offer viewpoints from which the development could be seen, albeit with varying degrees of filtering from existing hedgerow and trees. These paths are well used and the bridleway provides recreation for walkers, cyclists and horse riders. These receptors would be particularly sensitive to the change in the appearance of the site.
- 5.23 One would imagine that when viewed from the east looking in a westerly direction the industrial estate would provide a prominent backdrop. However, these buildings are not particularly visible. A line of leylandii trees on the west side of Pinkhill Lane opposite the site provide screening and also a visual reference point. The development would not be linear against the lane but would push out some 200m from the existing buildings on the east side of the lane. The existing screening immediately around the site and beyond it is not dense and the tops of the proposed houses would be a prominent feature. Views of Wytham Hill can be gained looking from the bridleway across the site in an easterly direction. The development would close off this view.
- 5.24 Development here would be disproportionate and inappropriate in scale and would not form a logical complement to the existing scale and pattern of development in this area. There is harm in landscape terms and this needs to be factored into to the planning balance.

Highways

- 5.25 The site is not well related to village facilities and feels quite remote given the lack of contiguity with the settlement and separation created by the busy B4449. The centre of the village is approximately 1000m away and the primary school further still. For many people, such as the

elderly and small children, this would discourage walking, and the location of the site is not very sustainable.

- 5.26 Access would be taken from Pinkhill Lane, by way of one estate road. Pinkhill Lane is a private road from a point 10m south of the bend west of the property called Old Level Crossing. The hard surface of the lane is of modest width, around 3m at the narrowest points, with verges on either side of varying width. The applicant has provided an access drawing to indicate improvements to the lane which would allow for a hard surface carriageway between 4.8m and 5.5m wide and a 2m footway on the east side of the lane. They also show 2.4m x 70m visibility splays either side of the access. However, crucially, the applicant has not been able to demonstrate that this arrangement is feasible in construction terms, or that they have control over the lane that would allow the necessary improvement works to be carried out. OCC would not be able to adopt the estate road if it crosses third party land.
- 5.27 It has not been demonstrated that there would be safe forward visibility around the bend in the road where Pinkhill Lane joins the spur off the B4449, west of Old Level Crossing.
- 5.28 The transport assessment is not robust in taking account of future cumulative impact of traffic movements on the B4449/B4044 roundabout. Further work is required in terms of factoring in planned development and using a consistent analysis tool.
- 5.29 On the basis of these shortcomings, the applicant has not demonstrated that they can achieve safe and suitable access for all people and that the development would not have a detrimental impact on the operation of the local highway network. The proposal is therefore unacceptable in highways terms.

Impact on Heritage Assets

- 5.30 Paragraph 131 of the NPPF establishes that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It continues that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 5.31 Eynsham Conservation Area lies approximately 130m north of the site. Within the Conservation Area there are a large number of listed buildings, and the Scheduled Ancient Monument (SAM) of Eynsham Abbey which lies to the south of the village.
- 5.32 Historic England's Practice Advice in Planning Note 3: The Setting of Heritage Assets confirms that heritage assets that comprise only buried remains may not be readily appreciated by a casual observer; they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting. For instance (amongst other examples) they may also be appreciated in historic street or boundary patterns, in relation to their surrounding topography or other heritage assets or through the long-term continuity in the use of the land that surrounds them.
- 5.33 Eynsham has extremely early origins, which pre-date the Benedictine Abbey founded in 1005 and destroyed during the Reformation. Today the 13th century St Leonard's Church (listed, Grade II*) with its attractive prominent 15th century tower fronts the Square and market cross. The

Abbey Farm Barn (listed, Grade II) has possible medieval origins, but mainly dates from the 19th century.

- 5.34 The Conservation Area's significance is heightened by the presence of the many listed buildings within it, including those identified above, as well as the Abbey SAM. The settings of all these heritage assets are varied in size and scope and necessarily overlap or 'nest' to a similarly varied extent. All of the listed buildings and the SAM are heritage assets of nationally designated importance. St Leonard's Church and the SAM are both of the highest degree of significance. Thus the setting of the conservation area where it overlaps with and includes the settings of these is of heightened importance.
- 5.35 The southern part of the Conservation Area features a footpath trail, the focus of which are the Abbey fishponds on the previous course of the Chil Brook (which now flows to the south of the ponds). The fishponds area is owned by Fields in Trust and managed by Eynsham Parish Council.
- 5.36 The fishponds were developed by the monks of the Abbey and their relationship with the SAM has only recently been highlighted. Although they do not fall within the identified SAM, their historic links with it are clearly much valued locally, such that they are a non-designated heritage asset of considerable significance and this is heightened in that they provide a visible historic link to the SAM. The Government's Planning Practice Guidance confirms that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Thus the historic nature of the field around Abbey Farm Barn and of the fishponds area is tangible and the importance of the rural agricultural setting they provide, as well as their probable historic part in the domestic functioning of the Abbey is of high significance to an understanding of the SAM as well as the Abbey Farm Barn and is reflected in their inclusion within the Conservation Area boundary.
- 5.37 Although not within the Conservation Area, the agricultural land to the south of the A4449 is important to the setting of designated area, the Abbey SAM and the associated fishponds. The development would compromise this setting by introducing large scale suburban buildings into a largely unspoilt swathe of land that is a feature in this location. The presence of existing screening, or additional screening, would reduce inter-visibility but the physical presence of the development would still have a bearing on the character of the location and the relationship with the heritage assets.
- 5.38 The harm to the setting of both the Conservation Area and SAM is judged less than substantial under paragraph 134 of the NPPF and this harm needs to be outweighed by public benefits. This will be addressed in the conclusions.

Trees, landscaping and ecology

- 5.39 There are hedgerows and trees adjoining all boundaries of the site. Based on the illustrative layout, the buildings would be set away from the boundaries and there is no reason to believe that the development would require removal of these features. However, should permission be forthcoming it would be necessary to reinforce the existing boundary features with additional planting, particularly given that much of the existing planting appears to be outside the site boundary.

- 5.40 A reserved matters submission would include a landscaping scheme, and the illustrative plan indicates an intention to provide significant additional planting within the development. However, at this outline stage it would be necessary to have some clarity as to the future management of open spaces within the red line area as well as the intentions regarding the retained blue edged area to the east of the proposed development.
- 5.41 The submitted ecological report was considered by the Council's Biodiversity Officer and more information was required. The view of the Council's Biodiversity Officer will be reported at the meeting.

Drainage

- 5.42 The site is within Flood Zone 1 and therefore at low risk of flooding (although Flood Zones 2 and 3 are not far away). Concern has been expressed locally about flooding and drainage, and this is understandable given the local topography and nearby flooding events. It is notable that the submitted flood risk assessment envisages the use of permeable paving and soakaways, but no drainage features such as ponds and swales are proposed. Surface drainage would require further careful consideration but this can be dealt with by the imposition of a suitably worded condition.
- 5.43 Thames Water has been unable to determine that the waste water infrastructure is sufficient. A condition is therefore recommended to require agreement of a foul drainage strategy prior to commencement of the development.

Residential amenity

- 5.44 The indicative layout shows that a development of 52 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.
- 5.45 There is potential for the proposed properties to be affected by noise and disturbance from the industrial estate and the relationship between dwellings and industrial uses is far from ideal. On this basis a precautionary condition would be necessary requiring that appropriate noise levels are achieved within the new properties.
- 5.46 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

- 5.47 The application site is within an area that is generally underlain by deposits of sand and gravel, but published BGS geological mapping shows this site is not itself underlain by such mineral deposits. Rather, it is underlain directly by Oxford Clay, which is generally not an economically significant mineral in Oxfordshire. Land to the east and south east of the application site is underlain by sand and gravel.

- 5.48 In view of the available geological information about the site, notwithstanding its inclusion within a strategic resource area and a mineral safeguarding area in the emerging new Minerals and Waste Local Plan, it would not be reasonable for the proposed development to be opposed on the grounds of sterilisation of mineral deposits within the site.
- 5.49 The proposed development could have some prejudicial effect on the possible future working of sand and gravel deposits within land to the east and south east of the site, due to the need there would be for adequate buffer distances between any such mineral working and the proposed housing. Such effect is likely to be limited and any prejudicial effect would be unlikely to be significant and not sufficient to justify the application being opposed on these grounds.

Contamination

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

S106 matters

- 5.51 The Council would require 50% affordable housing in this location. The applicant has not explicitly referred to this matter, nor have they submitted a viability assessment to demonstrate why such a contribution could not be made. It is therefore assumed that a policy compliant contribution would be made, and would be the subject of a legal agreement.
- 5.52 A contribution of £10,920.00 to develop off-site artist led features.
- 5.53 A contribution of £60,112.00 off site contribution towards sport/recreation facilities in the area. In addition, £42,536.00 for the enhancement and maintenance of play/recreation areas in the area.
- 5.54 OCC Education Officers are objecting on the grounds that further significant housing development in Eynsham is dependent on a long term solution to primary school capacity for which there is no confirmed plan or timescale. However, should permission be granted against OCC advice a contribution of £329,128.00 would be required towards the necessary construction of a new permanent 2 form entry primary school serving the area.
- 5.55 A contribution of £20,204.00 towards improvement of existing bus stop infrastructure in Eynsham High Street.
- 5.56 A contribution of £12,756.00 towards Eynsham Library.

Conclusion

- 5.57 Eynsham provides a range of amenities and is considered a suitable location for some new development. This is recognised in policies OS2 and EW2 of the emerging Local Plan. However, the housing needs in this part of the District are to be addressed by way of a large allocation to the west of the settlement which will deliver appropriate infrastructure to support it. The Garden Village is intended to address Oxford City's unmet need. Other, speculative developments are not envisaged here and would compromise the principles of sustainable development by overburdening existing infrastructure.

- 5.58 Objection is raised by OCC in relation to lack of capacity at the local primary school and the potential pupils arising from the proposed development could not be accommodated. On this basis the proposal would create demand that cannot currently be met and could result in unsustainable travel to schools in other locations and lack of community cohesion.
- 5.59 OCC raises objection in highways terms. Importantly and fundamentally, the applicant has not been able to demonstrate that the access arrangement is feasible in construction terms, or that they have control over the lane that would allow the necessary improvement works to it to be carried out. OCC would not be able to adopt the estate road if it crosses third party land. In addition, it has not been demonstrated that there would be safe forward visibility around the bend in the road where Pinkhill Lane joins the spur off the B4449, west of Old Level Crossing. The transport assessment is not robust in taking account of future cumulative impact of traffic movements on the B4449/B4044 roundabout. Further work is required in terms of factoring in planned development and using a consistent analysis tool.
- 5.60 On the basis of these shortcomings, the applicant has not demonstrated that they can achieve safe and suitable access for all people and that the development would not have a detrimental impact on the operation of the local highway network. The proposal is therefore unacceptable in highways terms.
- 5.61 Existing trees and hedgerow within the site could be retained, and additional landscaping would be provided as part of any future scheme. However, the development would represent a significant change in landscape terms and the character of the area and public views would be affected to a harmful degree. The proposal does not relate well to the existing settlement, being located adjacent to an outlier of development rather than the main body of Eynsham and it would not form a logical complement to the existing scale and pattern of development in this location.
- 5.62 There is harm to the setting of both the Eynsham Conservation Area and SAM. This harm is judged less than substantial and this harm needs to be outweighed by public benefits.
- 5.63 The site is in Flood Zone 1 and a sustainable drainage scheme can be secured by condition.
- 5.64 The findings of the Council's Biodiversity Officer as regards ecological impacts will be reported at the meeting.
- 5.65 There is concern about the proximity of the industrial estate and potential noise and disturbance affecting residential amenity. However, suitable layout and conditions could address this. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place. This could be addressed by a construction management plan.
- 5.66 As regard the various contributions required, as set out above, satisfactory legal agreements have not been completed and this therefore adds to the grounds of refusal in the proposal failing to make provision for affordable housing, education, sports/recreation, public art, landscape management, bus infrastructure and library.
- 5.67 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 definitively 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 (in general terms), and in particular the required 50% affordable housing in this case. The economic benefits associated with the construction of new dwellings, and potential economic activity associated with new residents are acknowledged.

- 5.68 Notwithstanding these benefits, it is considered that they do not outweigh the harm to the setting of the Eynsham Conservation Area, Eynsham Abbey Scheduled Ancient Monument and other associated heritage assets, nor do they outweigh the significant and demonstrable harm to the character and appearance of the landscape in this location. In addition it has not been demonstrated that safe and suitable access for all can be achieved, and the local primary school cannot accommodate the children who may live in the proposed dwellings. The proposal does not therefore represent sustainable development and is accordingly recommended for refusal.

6 REASONS FOR REFUSAL

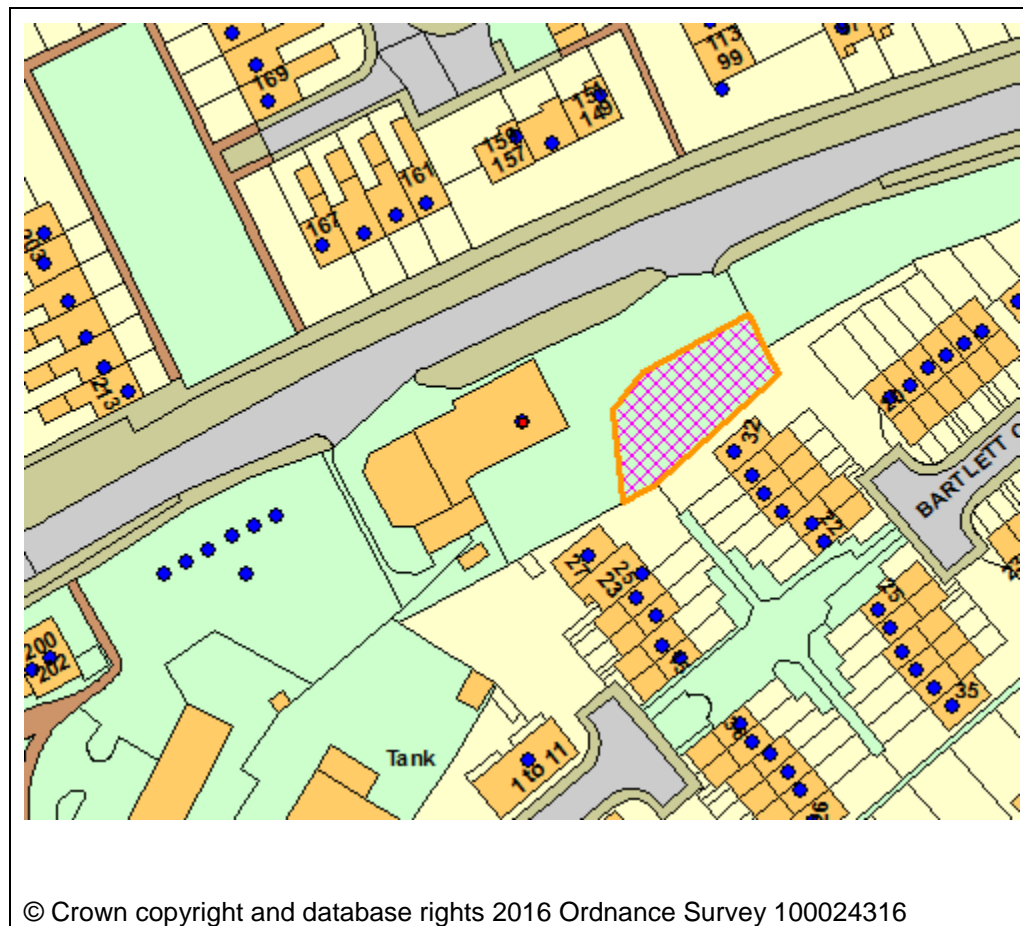
- 1 The site is located in the countryside beyond the existing settlement edge of the village of Eynsham. Although located adjacent to existing buildings, these are part of outlying development from the village and are separated from it by open countryside. The development would encroach unacceptably into an extensive area of pasture that characterises the landscape in this location. It would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for the village, and it would not easily assimilate into its surroundings in resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in public views from the west along Pinkhill Lane which is a public bridleway, and would also be visible at various points along rights of way to the south, south east, east and north east. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraphs 17, 58, and 109.
- 2 The location of the site is within a swathe of countryside to the south of Eynsham that provides a setting for the village and its Conservation Area. The southern side of the Conservation Area includes the Eynsham Abbey Scheduled Ancient Monument, a number of Listed Buildings and the undesignated heritage asset of the Abbey fishponds. The proposed development would significantly encroach into the countryside and would have an urbanising effect on the setting of the heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies H2, BE5, BE8, and BE12, emerging West Oxfordshire Local Plan 2031 Policies OS2 and EH7, and the relevant paragraphs of the NPPF, particularly paragraphs 132, 134 and 135 of the NPPF.
- 3 The development would be likely to create demand for primary school places that cannot be accommodated in Eynsham Primary School because the school cannot be satisfactorily expanded on its current site. This would result in unsustainable travel to schools in other locations and lack of community cohesion, which is contrary to West Oxfordshire Local Plan 2011 Policy BE1, emerging West Oxfordshire Local Plan 2031 Policies OS2 and EW2, and the relevant paragraphs of the NPPF, particularly 17, 34, 69 and 70.

- 4 The applicant has not demonstrated that the necessary improvements to Pinkhill Lane in terms of carriageway width and pedestrian footway are feasible in construction terms, or that they have control over the private lane that would allow the necessary improvement works to be carried out. The Highway Authority would not be able to adopt the estate road if it crosses third party land. It has not been demonstrated that there would be safe forward visibility around the bend in the road where Pinkhill Lane joins the spur off the B4449, west of Old Level Crossing. The transport assessment is not robust in taking account of future cumulative impact of traffic movements on the B4449/B4044 roundabout. On the basis of these shortcomings, the applicant has not demonstrated that they can achieve safe and suitable access for all people and that the development would not have a detrimental impact on the operation of the local highway network. The proposal is therefore unacceptable in highways terms and contrary to West Oxfordshire Local Plan 2011 Policies BE3 and T2, emerging West Oxfordshire Local Plan 2031 Policies T1 and T3, and the relevant paragraphs of the NPPF, in particular 17, 32, 34, and 69.

- 5 The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, and makes an appropriate contribution to public transport infrastructure and public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

Application Number	17/00599/FUL
Site Address	Witney Service Station Welch Way Witney Oxfordshire OX28 6JL
Date	31st May 2017
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435008 E 209844 N
Committee Date	12th June 2017

Location Map



Application Details:

Part change of use to car sales with portacabin (Amended Plans)

Applicant Details:

Motor Fuel Group Motor Fuel Group Motor Fuel Group
Building 2
Abbey View
Everard Close
St Albans
AL1 2QU
England

I CONSULTATIONS

- I.1 Town Council
- Mrs S Groth Witney Town Council objects to the use of a porta cabin and suggest that a properly constructed building in keeping with the surrounding area is constructed. The Town Council also had concerns about the 3m high floodlights and the hours of their illumination.
- Amended Plans comment;
The Town Council's Planning Committee has advised that whilst it is pleased that the floodlights have been removed, it still wishes to object to the construction of a temporary building and wishes to see a permanent building that is in keeping with the area.
- I.2 OCC Highways
- I've no objection to the principle of car sales here but given the proposed layout how will the visitors access the parking spaces if cars for sale occupy the spaces as shown ?
Perhaps the applicant could reconsider the layout or perhaps access the visitor spaces direct from the forecourt.
- Amended Plans
Manoeuvring is a little tight but acceptable.
No objection
- I.3 ERS Env Health - Lowlands
- Mr ERS Pollution Consultation I have reviewed the lighting data submitted by Tamlite and raise the following concerns.
- The existing site already has a number of floodlights. No data is provided for these, or the overall impact of all lighting from the site.
- The drawing showing horizontal illuminance contours resulting from the new floodlights does not extend beyond the site boundary and include the lighting impact on neighbouring properties.
- My recommendation is to request the submission of a lighting impact assessment which considers the impact of new lighting on adjacent residential properties in the context of existing lighting conditions.
- I request that this report is submitted prior to determination of the development so as to inform the design of the lighting scheme.

2 REPRESENTATIONS

- 2.1 No third party comments received at the time of writing.

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted as part of the application. It has been summarised as:

This application seeks permission for part change of use of the site to car sales on a vacant area to the rear of the forecourt, currently laid to gravel. The vacant area would be laid out to accommodate a limited number of display spaces, a total of 14 with a further 3 spaces dedicated to customer parking.

The vacant are is already well defined by perimeter palisade fencing and low level timber rail fence to the petrol filling station.

Within the car sales compound an office porta cabin would be sited alongside the vehicular entrance.

Against the porta cabin would be a fenced and gated enclosure for waste storage - waste wheelie.

This application represents a proposal to utilize vacant land contained within an established petrol filling station.

The proposed hours of operation would not extend beyond the PFS and the operation would be of limited activity. Noise and disturbance arising from the vehicles entering and leaving the site would be no more than the current petrol station activity.

The existing access into the site is proposed to be used for vehicles entering the car sales compound and is considered an acceptable approach that will not impact upon the safety of the existing highway.

Given the existing use of the site as a whole and under utilization of the area in question, which it is understood has been occupied in past years, with imposition of conditions for environmental protection, planning permission should be granted.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

BE19 Noise

BE21 Light Pollution

E6 Change of Use of Existing Employment Sites

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located on the edge of Witney's town centre, along one of the main routes into the centre. It is not located within the Conservation Area, but is set within a

residential context. The application site area is part of the existing service station and is proposed to use an area of vacant land for the use proposed.

- 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 Your officers consider that as the proposed use will be used alongside an existing mature use of the service station, the principle of such a use is acceptable. The area of vacant land which is to be used is modest in scale which limits the scale of the car sales.

Siting, Design and Form

- 5.4 The application proposes a portacabin type building for use as an office in association with the car sales area. The original plans showed the building within a prominent position to the front of the application site, which officers considered it to have more of a visual impact on the existing streetscene. Since amended plans were received, the proposed portacabin has been relocated towards the rear and side of the site. Whilst it is still not of a more permanent construction which the Town Council would prefer, officers have suggested that the building should be removed after three years, to enable a more permanent structure to be erected.

Highways

- 5.5 Since the revised plans, OCC Highways have not objected to the proposal.

Residential Amenities

- 5.6 Your officers consider that given the current use of the whole site as a petrol station with associated services such as a vacuum bay, the proposed use for a car sales area would not harm the residential amenities of the neighbouring properties. The flood lights have now been omitted from the scheme, which alleviates your Environmental officers concerns. The agent has included opening hours within the application, which officers have included within the suggested conditions.

Conclusion

- 5.7 Given the existing use on site, and the modest scale of the proposed use, your officers consider that the principle of the proposed use is acceptable in this location.

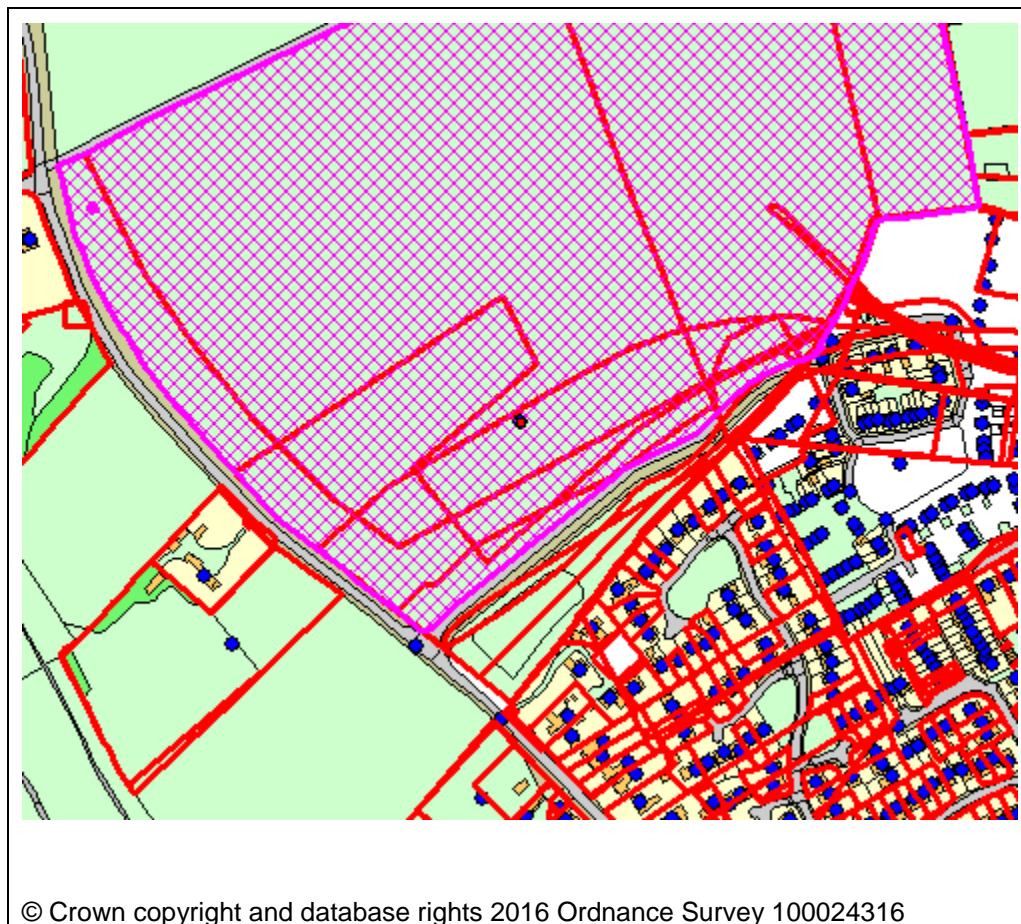
6 CONDITIONS

- I 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 The development shall be carried out in accordance with the plans accompanying the application as modified by the agent's email dated 4 May 2017 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 3 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.
- 4 The portacabin building hereby permitted shall be removed after three years from the date of this permission.
REASON: The use is only justified by the need for the development and to allow for a more suitable building of a more permanent nature to be erected on site.
- 5 No floodlighting or other form of external lighting shall be installed.
REASON: To safeguard the character and appearance of the area, and to protect the residential amenities of adjacent properties.
- 6 The site and hereby approved portacabin shall be used for the purposes 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 to protect residential amenities of existing properties adjacent to the site.
- 7 The premises shall not be open for customers outside the following hours: -
08:00 - 20:00; Mondays - Fridays
08:00 - 20:00; Saturdays
09:00 - 16:00; Sundays and Bank Holidays
REASON: To safeguard living conditions in nearby properties.

Application Number	17/00699/OUT
Site Address	Land West of Swinbrook Road Carterton Oxfordshire
Date	31st May 2017
Officer	Abby Fettes
Officer Recommendations	Refuse
Parish	Shilton Parish Council
Grid Reference	427289 E 208437 N
Committee Date	12th June 2017

Location Map



Application Details:

Outline application (all matters reserved except access) for up to 115 residential dwellings (C3 Use Class), up to 100 sqm charity office space (BI Use Class), extension to Country Park and associated landscape enhancements.

Applicant Details:

C/O Agent
Norgate House
Tealgate
Charnham Park
Hungerford
RG17 0YT
Berkshire

I CONSULTATIONS

- | | | |
|------|-------------------------------------|---|
| I.1 | Parish Council | Shilton Parish Council: |
| I.2 | Major Planning Applications Team | Highways
No objection subject to conditions and S106 contributions

Archaeology
No objection

Education
S106 contributions for Primary, Secondary and Early Years |
| I.3 | WODC - Arts | Should this proposal be granted planning permission then the Council would favour the following approach:
An allocation of £24,150 towards public art to enhance onsite public spaces and infrastructure by introducing unique features to aid orientation and create engaging places for people/residents to meet and interact, socialise and keep healthy. |
| I.4 | WODC - Sports | Should this proposal be granted planning permission then the Council would require a contribution towards sport, recreation and play facilities. |
| I.5 | WODC Housing Enabler | No Comment Received. |
| I.6 | WODC Architect | No Comment Received. |
| I.7 | Environment Agency | No Comment Received. |
| I.8 | Biodiversity Officer | The botanical survey and breeding bird survey should be carried out before determination (if minded to approve) and the results used to design an adequate compensation strategy and corresponding landscape strategy. |
| I.9 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.10 | Natural England | No objection |

- I.11 Wildlife Trust No Comment Received.
- I.12 Thames Water No objection subject to condition
- I.13 Adjacent Town Council Carterton TC:
 Mr Bennett and Ms Hext reside in Swinbrook Road and Mr Bennett wished to make a representation to the Council regarding 17/0699/OUT.
 Mr Bennett has lived in Swinbrook Road for 40 years and prior to the new development which has been completed he has never experienced any sewerage issues. Since the new development macerated sewerage has risen out of a drain in his garden on two occasions.
 He strongly believes that if the new development is permitted the sewerage pipe which is only 6" wide will not be able to cope with the added sewerage and flooding will occur.
 When the matter was reported to Thames water he went with the Thames Water engineers to the Swinbrook Road main drain at the crossroads with the new estate and it was determined that the blockage had been caused by paper towels and non human waste. His attempts to discuss the matter with the builder and Thames Water have not been fruitful.
 Both he and Mrs Hext strongly object to the proposed development as they believe the arrangements for sewerage and water pressure are totally inadequate.
 Cllr Coul stated that since the new development there was a smell of sewerage in and around her home which supports the view that the sewerage infrastructure is not robust. The proposed development will cause issues with water pressure which is borderline.
 Traffic management is very difficult at the moment with no centre line markings or bollards.
 Cllr Mrs Little stated that there was not enough information to make a decision regarding the development. The district council had not passed the original application because of lighting issues from the Football Club. We need homes but they must have the correct drainage and water pressure.
 Cllr J Hayes agreed with Cllr Little's comments. The 6" pipe was a standard size.
 Cllr Mrs C Wilson stated that we need housing but we had to get it right.
 Cllr Mrs D Bulley stated that the speed that people drive down her road is excessive and dangerous. Water pressure was low. People drive with excess speed and are dangerous for bikers and children.
 Cllr MS Coul said that there was a traffic problem and the movable barrier had not been installed and should be before this goes through.
 Cllr N Leverton stated that Thames Water identified the inability to deal with sewerage and water on their website.
 The CPRE is against development of the green belt buffer. The Council wanted this buffer to surround the north, west and east of the town. The Council robustly objected to the development

at Scholars Acre for the same reason.

There was no sustainability and large numbers of people are forced to work outside of Carterton.

This would be a dormitory estate.

Cllr Mrs L Little stated that as there was no local plan, if the development to the north went ahead it would link to this development and provide the infrastructure.

A vote was taken 4 Councillors voted not to support the application, 2 voted in support of the application 1 Councillor abstained, (declared interest).

I.14 Adjacent Parish Council No Comment Received.

I.15 Ramblers Association No Comment Received.

I.16 CPRE

It's important that a green buffer is maintained as a soft edge to the town. This buffer should be continuous and connected from The Shill Brook corridor to the west, incorporating the country park to the north and picking up the new green buffer around Carterton East. This proposal erodes this green buffer, setting a precedent for further nibbling away at the green space that is available for the town. No development should occur within this planned buffer.

The application also reduces the buffer with Shilton and the Shilton Conservation Area, so that it is unacceptably small.

The recent houses built alongside this application site are visually intrusive from some distance away, so further housing located further north would exacerbate this issue.

There is already an allocation for 70 houses to the east of Swinbrook Road, so another 115 to the west are not needed. Carterton's housing allocation is sufficient and the town already has a lack of jobs and poor infrastructure. Applications in the pipeline are progressing slowly, indicating a flat market.

The mix of housing does not match the occupancy assumption in the SHMA of 1.8 for new households forming, which indicates a need for 1 & 2 bed only. There are plenty of larger homes in existing stock. People cannot currently afford to under-occupy houses.

The proposed application would increase traffic at the junction with the A40 at Burford, which is already a problem.

Any development to the north of the town and at REEMA sites should seek to ensure that the new link road to the rear of Shilton Park is completed (as currently it seems to stop at the new houses and become convoluted) and that a link is created from REEMA North to the new developments to the north and to the Country Park, via a strip of land on the south western perimeter of Shilton

Park. These roads are needed to improve the connectivity of these new developments. Shilton Park is particularly poorly connected, with the entrances pointing away from the town and some houses located deep within the development. Therefore, an east/ west link from Shilton Park to the new site and a north/ south link from the new developments to REEMA North are essential, creating a connecting crossroads. This will make the town centre more accessible and limit traffic heading to Witney for shopping.

I.17 ERS Env Health - Lowlands

ERS Pollution Consultation A request for further details has been made for an assessment of the impact of Light spillage/pollution from adjacent floodlighting has been made via email to the case officer.

Comments on noise matters will also follow on receipt of the light impact study

I.18 ERS Air Quality

No Comment Received.

I.19 ERS Env. Consultation Sites

ERS Pollution Consultation The following conditions are recommended:-

1. 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 development 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.

2 REPRESENTATIONS

2.1 Thirteen letters of objection and one general comment received. They are summarised as follows:

Principle of development

- This development was refused by WODC in October 2015 because the "visibility of the proposed development and the encroachment of the site beyond the limits of the settlement into an important area of open space and buffer land between Carterton and Shilton, the proposal represents a discordant and intrusive development that would harm the landscape setting of Carterton and the setting of Shilton Conservation Area"
- This still stands and on these grounds I strongly object to 115 houses (85 in the previous planning 15/03869/OUT) or any development on this buffer land.

Conservation Area and landscape

- Completely ignores the principle that there should be a delineated buffer zone between Carterton and the Shilton Conservation Area.
- I object to these and any other proposals to build more houses on the green buffer zone between Carterton and Shilton.
- The views out of as well as into the Conservation area must not be compromised any further.
- The extent of building development is already visually intrusive from quite some distance.
- The development is within the area designated as landscape and visual buffers to Shilton, Brize Norton and Alvescot.

- The development will be clearly visible from the Shilton Conservation Area, will do nothing to preserve or enhance the setting of the Conservation Area and will adversely affect the setting of the heritage assets contrary to policy BE5 and the provisions of the NPPF.
- Whilst we welcome the proposal to increase the area of the Kilkenny Country Park we do not consider that this will provide sufficient screening for the Conservation Area.
- will adversely affect the setting of the heritage assets contrary to policy BE5 and the provisions of the NPPF.

Highways

- The existing road infrastructure is not sufficient to support this development & the increase in traffic through the Shilton Dip on the B4020 would create further risk to Shilton residents exiting the village through this already dangerous junction.
- The surrounding area already has a poor highways infrastructure. The rural landscape is being increasing urbanised by additional housing development affecting both local ecology and tourism.

Residential amenity

- Additional development would also increase light pollution.
- This development which will inevitably increase the amount of light pollution experienced in the Conservation Area, already at a very high level with the Carterton Football Club lights.

Other matters

- Local residents are aware of flooding problems with this site With changing weather patterns and the increase in exceptional weather events recently experienced, we believe that this proposal does not sufficiently address this problem.
- The impact of the development on the sensitivity of the biodiversity of the Shill Valley must be of importance, as this area is already under pressure, as noted in the Local Plan.

3 APPLICANT'S CASE

3.1 Several supporting documents have been received with the application and are available to view online. The Planning Statement is concluded as follows:

- This planning application seeks outline planning permission for up to 115 dwellings associated access, up to 100sqm of BI office space, public open space and landscaping, including an extension to Kilkenny Lane Country Park. All matters are reserved, except for access into the site. As part of this application process, we have engaged with the local community, whose views have helped inform the proposals.
- The proposed development will give rise to the need for planning contributions made necessary by the development. The Council seeks such contributions under saved Policies BE1 & TLC7 of the West Oxfordshire Local Plan and the Council's Affordable Housing Supplementary Planning Document.
- It is expected that the development will make a range of contributions to infrastructure and services, either through on site provision, secured by Section 106 agreement or via the provision of a financial contribution to off-site works or public services. These will be the subject of more detailed negotiations and discussions as part of the planning application process.

- This statement has demonstrated how the proposed development meets all three aspects of sustainable development:

Social

- The development will provide up to 115 new homes, including affordable homes providing much needed housing for Carterton and West Oxfordshire, which is currently suffering from a housing supply shortage. The homes will be a mix of tenure type and size to meet the varied needs of West Oxfordshire residents.
- The scheme makes use of existing social networks and facilities in Carterton, including shops, play areas, schools and leisure provision. Furthermore, the development will provide new social infrastructure including an extension to Kilkenny Lane Country Park and a play area and amenity green space as well as a Trim Trail and enhancements to the existing walking and cycling network.
- This provision secures Open Space for Carterton and in part addresses the priorities for the area as detailed in the Open Space Study 2013. The proposal provides opportunities to enhance play provision for young youth and adults through not only the Country Park extension and associated play infrastructure, but also the localised area of play. The proposal enhances the existing PRow network through a series of linkages enabling sustainable alternative connections.
- The development will benefit from pedestrian and cycle connections to the town centre, encouraging residents to make sustainable trips for their day to day needs, such as convenience goods shopping. There will also be off-street pedestrian connections running through the development, enabling pedestrian connections to the Bridleway bounding the north of the site, facilitating accessibility to the public right of way network.
- Carterton is well served by regular bus services which operate throughout the day to a range of destinations in the area including Burford, Witney and Oxford. Currently, the nearest bus stops to the proposed site are on Shilton Road, within a 300m walking distance from the proposed development.
- The proposals demonstrate that the scheme will not cause an increased flood risk for existing residents and properties, nor will it place new homes at risk of flooding.
- The development will enable the delivery of an extension to Kilkenny Lane Country Park, which will provide a defined landscape edge to the north of Carterton, helping to meet local policy aspirations for this area. The proposals would be successfully assimilated into the existing, developing and planned settlement edge of Carterton, set within a robust landscape framework, and provide an appropriate transition to the wider countryside.

Economic

- The development would address the shortage of homes in West Oxfordshire and contribute to the strengthening of Oxfordshire's economy by providing homes for workers. The development of new homes and supporting infrastructure across Oxfordshire is a key component of the Oxfordshire City Deal, Strategic Economic Plan and Local Growth Funding, the latter of which has secured £108.5m from government.
- The proposals would also provide local jobs in the construction industry.
- The proposals have been designed to take account of local character, and where appropriate local design policies, both adopted and emerging.
- Local planning policies seek to resist development in this area and to retain a landscape buffer on the northern edge of Carterton to resist urban sprawl from the town. This application includes a small incursion into the landscape buffer of residential development,

but also includes a proposal for an extension to the Kilkenny Lane Country Park to provide a strong landscape edge to the north of Carterton.

- The site proposal includes substantial structural planting, including a landscape buffer along the western edge of the site adjacent to Shilton Road. The accompanying Landscape and Visual Impact Assessment demonstrates that the changing topography, in combination with the structural planting, will filter or completely curtail views of the development. The proposals will therefore create a stronger and well defined landscape edge to the north of Carterton, and will not prejudice the objectives of saved policy NE2.
- In any event, this planning statement has demonstrated that limited weight should be given to this policy due to the lack of up-to-date housing policies in West Oxfordshire. West Oxfordshire District Council have acknowledged their inability to demonstrate a five year housing land supply against their objectively assessed need of 660 homes per annum. In this instance, national policies states that decision takers should apply a presumption in favour of sustainable development, in line with paragraph 14 of the NPPF. The proposed development would help address the housing shortage in West Oxfordshire, by providing an early delivery of up to 115 new homes, of which up to 40 will be affordable homes.
- The site is suitable, available and development is achievable in the next five year period and is therefore considered a sustainable location for development to meet the challenge of boosting significantly the supply of housing, a core requirement of the NPPF. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits: there are none in this case.
- The proposals accord with relevant planning policy considerations and there are no material considerations that would suggest otherwise. It is therefore respectfully requested that planning permission is granted. The granting of planning permission will ensure high quality housing is delivered in the short term. We would urge the Council to adopt the proactive and positive approach to planning that the NPPF advocates and to grant permission for the development in light of the case made herein.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

BE5 Conservation Areas

BE19 Noise

BE21 Light Pollution

NE1 Safeguarding the Countryside

NE2 Countryside around Witney and Carterton

NE3 Local Landscape Character

NE13 Biodiversity Conservation

NE6 Retention of Trees, Woodlands and Hedgerows

H2 General residential development standards

H7 Service centres

H11 Affordable housing on allocated and previously unidentified sites

T1 Traffic Generation

T2 Pedestrian and Cycle Facilities

T3 Public Transport Infrastructure

TC1 Chipping Norton Neighbourhood Plan

OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS3NEW Prudent use of natural resources
 OS4NEW High quality design
 OS5NEW Supporting infrastructure
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH5NEW Flood risk
 EH6NEW Environmental protection
 EH7NEW Historic Environment
 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
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks consent for a residential development of up to 115 dwellings on land north of the link road between Shilton Park and Shilton Road. The applicant has submitted a blue line boundary to indicate land ownership, and within this a red line to denote the development area. The proposal includes up to 35% affordable housing, in line with the emerging local plan policy. The site is on rising land in Shilton Parish. Carterton is to the south, the Kilkenny Country Park and the football club and allotments to the east, Shilton to the west and open countryside to the north.
- 5.2 The site lies outside the settlement edge of Carterton and is part of the countryside setting for the town and a buffer between Carterton and Shilton. The site is adjacent to the Shilton Conservation Area.
- 5.3 The relevant planning history is as follows:
- 13/1752/P/FP 250 dwellings were granted permission by Lowlands sub committee. The application included the provision of a permissive path secured by the S106 from the link road to the bridleway that runs along the northern boundary of the proposed site which has yet to be provided, and a significant landscape buffer along Shilton Road which has yet to be planted.
- 15/03869/OUT An application for up to 85 units and extension to the Country Park on the same site was refused under delegated powers in 2015 on the grounds of landscape amenity and impact on Shilton Conservation Area, future residential amenity and S106. The applicant started the appeal process but this was later withdrawn. The site area was broadly the same as this proposal but included additional football pitches for Carterton Football Club within the space for the Country Park.

- 5.4 The site was put forward for inclusion in the Council's SHELAA but has not been allocated due to landscape sensitivities. A site to the east has been allocated for up to 70 dwellings in a less visually sensitive spot. The SHELAA states that "The site is more visually exposed and ecologically sensitive in the northern part of the site".
- 5.5 Shilton Parish Council and Carterton Town Council have both objected so the application is before committee at the request of Local Councillor Howard.
- 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

Impact on the landscape and Shilton Conservation Area

Siting, design and form

Highways

Residential Amenities

Other matters

Principle

- 5.7 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, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.8 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.
- 5.9 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.10 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.

- 5.11 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions timetabled for July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.12 With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, it is considered that the harm to the landscape and the coalescence with Shilton outweighs the benefits in terms of housing provision and the S106 package. These matters shall be discussed in more detail below.

Impact on the landscape and Shilton Conservation Area

- 5.13 Although urban influences are visible on the existing edge of the settlement, the site reads very much as part of the countryside. Both the adopted and emerging Local Plans (Policies BE2 and OS2 respectively) refer to protection of the landscape settings of settlements and the relationship of development to its surroundings.
- 5.14 The West Oxfordshire Landscape Assessment states that this site is open limestone wolds within the Shilton Downs. In the Carterton Key Settlement chapter the key sensitivities and considerations make clear that there is:
- A need to strengthen the landscape edge.
 - A need to improve overall landscape quality and ensure that new development on allocated land strengthens the landscape edge and maintains the buffer between Carterton and Shilton.
- 5.15 It also states that the ridgeline east of Shilton carrying the B4020 is very sensitive to landscape change, and that there are intrusive features such as floodlighting.
- 5.16 The proposal is on rising agricultural ground that is visible from view points a considerable distance to the north and east and from the footpath at closer range. It is therefore a key component in the setting of Carterton and this was recognised by the LP Inspector when considering allocation of the land as part of the 2011 local Plan. He variously described it as open and rural and outside the built up area of Carterton. He noted that the site is closer to the Conservation area and would be visible from the CA and that the development would "constitute an unacceptable encroachment into the countryside".
- 5.17 Officers do not consider that there has been any pertinent and material change in circumstances that would lead to a different conclusion on landscape grounds now. The proposal would adversely affect the landscape surrounding Carterton, it would not easily assimilate into the landscape, and would not form a logical complement to the character of this location. Whilst the higher ground is proposed to become part of the country park, and the scheme includes a landscaping belt across the centre of the site, these will take time to mature and even when mature will not either protect the buffer zone or the closing of the gap to the Shilton Conservation Area or fully screen the site on the approach to the town or from the footpath.

The harms will persist and in that the Country Park etc were "secured" on the back of the earlier resolution on the site that it is considered acceptable to develop there is an element of potential double counting of that benefit. In fact in previous offers the entire site had been put forward as an extension to the Country Park.

- 5.18 Furthermore, the site is encroaching into the open space between Carterton and Shilton village. This stealthy coalescence is considered to be the harm to landscape and the setting of the Shilton Conservation area. Notwithstanding the submitted landscape assessment and the assertions of the applicant in referring to its findings, Officers are of the view that there would be significant visual and landscape harm arising from the proposal. This harm needs to be factored into the planning balance. The proposal is considered contrary to policies BE2, BE5, NE2, and EH1 of the Emerging Plan.

Siting, Design and Form

- 5.19 The proposal is in outline form so only an indicative scheme has been submitted to show how the applicant believes 115 units can be accommodated. The plans will be displayed at the meeting. The general layout is an arc from the Shilton Road towards the football club. There is a small amount of open space shown in the centre. There are two access points onto the link road, one is 90m from the junction and the other is 250m from the junction. Officers consider that 115 units could be accommodated within the area indicated on these plans.

Highways

- 5.20 The site is located on the north western edge of Carterton just under 2km from the town centre. The main access to the site would be from the B4020/Shilton Road and then the new access road, known as Price Way, serving the 250 homes currently under construction on the adjacent site. In time the new access road will connect through to Elmshurst Way on Shilton Park and therefore onwards to the eastern edge of the town onto Monahan Way. The layout principle plan shows an indicative layout for the 115 homes with two vehicular access points onto the new access road coming from the B4020.
- 5.21 The County as Highway Authority have not raised any objection subject to conditions and contributions.

Residential Amenities

- 5.22 The proposal includes housing right up to the boundary with the football club (which the previous application sought to extend but this proposal just abuts the existing pitches), as well as a potential future access onto the football club site. It is felt that this relationship will be detrimental to the amenities of future occupiers through noise and potential light pollution and this was a position endorsed by the LPI (Inspectors Report June 2005) who stated "prospective residents would be (disturbed) on match days" and that the floodlights proposed were likely to be a nuisance to residents in close proximity which added weight to not allocating the site.
- 5.23 The same position persists now, Environmental Health have raised concerns as it has not been demonstrated that the proposal will not detrimentally affect amenity and therefore the application is considered to be contrary to BE2, BE19, BE21 and H2 of the adopted plan and OS2, and EH6 of the Emerging Plan.

Other matters

- 5.24 The previous scheme to the south for 250 dwellings required an area of calcareous grassland to be translocated. This area is within the Country Park extension land so is considered to be protected. However the ecologist has requested further information on some of the details within the supporting biodiversity information and as this has yet to be received an ecology reason for refusal is included in the recommendation.
- 5.25 Although there have been some comments regarding sewerage capacity and threat to those downstream of this site, Thames Water have been consulted on the scheme and have raised no objection subject to conditions.

S106 agreement

- 5.26 Several S106 contributions have been requested and are detailed below.

Sport:

Shortage of football pitches in Carterton at present so request provision of onsite football pitches plus £117,534.60 (£1,022.04 x 115) contribution towards football pitch maintenance and also £818 x 115 = £94,070 for the enhancement and maintenance of play/recreation areas within the catchment.

Public Art:

An allocation of £24,150 towards public art to enhance onsite public spaces and infrastructure by introducing unique features to aid orientation and create engaging places for people/residents to meet and interact, socialise and keep healthy.

Highways:

A contribution of £115,000 towards the improvement in the frequency of local bus services travelling between Burford, Carterton, Witney and Woodstock via the development. This is based on a calculation of £1000 per dwelling which is used throughout Oxfordshire.

A contribution of £259,291.65 towards strategic transport improvements along the B4477 between its junctions with Monahan Way and the A40.

Two courtesy pedestrian crossings, together with two sets of tactile paving and dropped kerbs that will connect residents of the proposed development with the existing pedestrian footway on Price Way.

A Residential Travel Plan monitoring fee of £1240

Primary Education:

£405,248 Section 106 required for the necessary expansion of Carterton Primary School.

Secondary Education:

£463,659 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, at Carterton Community College.

Early Years:

£36,756 Section 106 required as a proportionate contribution to sustainable provision of sufficient nursery education provision.

- 5.27 Officers are awaiting a statement from the applicants agent regarding the contribution requests and will update members at committee.

Conclusion

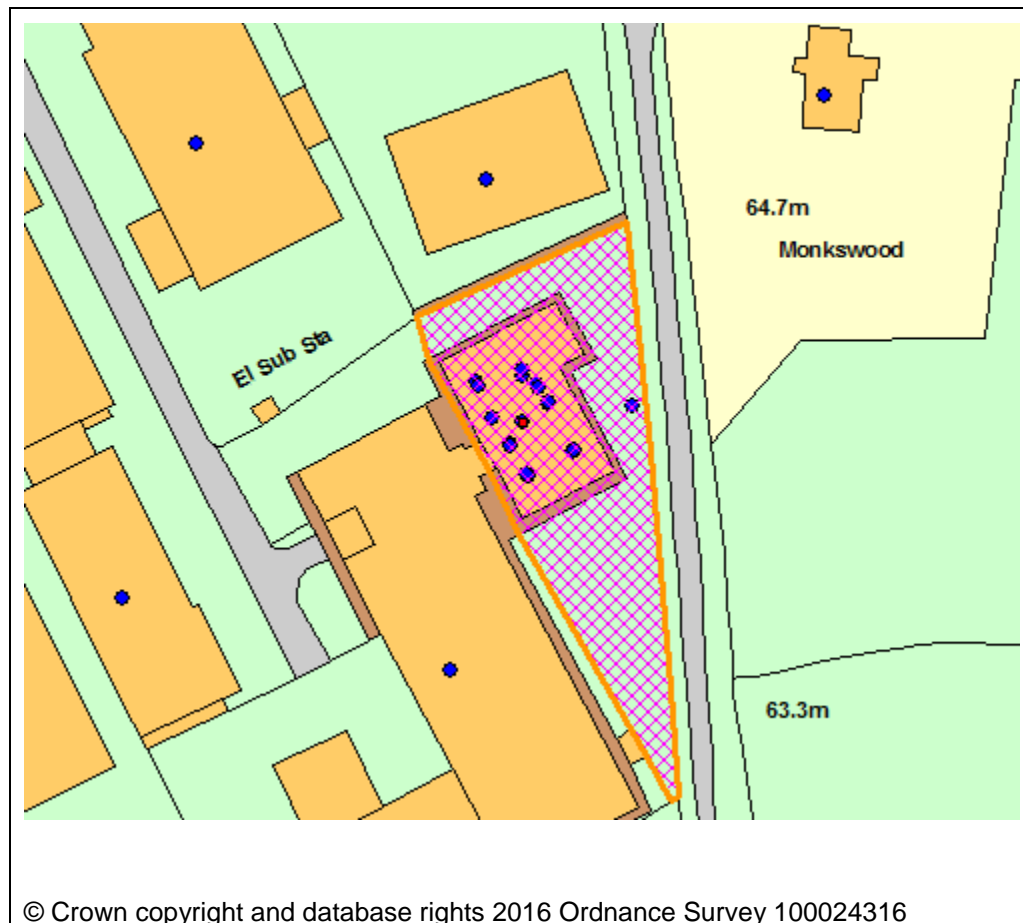
- 5.28 Taking in account the assessment above, it is considered that the harm to the landscape, visual amenity and character of the area including the setting of Shilton Conservation Area, and future substandard residential amenity in close proximity to the football club outweighs the benefit of housing delivery in this case. A suitable mitigation package by way of legal agreement has not been resolved. Accordingly, the proposal does not represent sustainable development and is recommended for refusal.

6 REASONS FOR REFUSAL

- 1 By reason of the visibility of the proposed development and the encroachment of the site beyond the limits of the settlement into an important area of open space and buffer land between Carterton and Shilton, and the lack of the buffer planting that was to be provided by application 13/1752/P/FP along the Shilton Road, the proposal represents a discordant and intrusive development that would harm the landscape setting of Carterton and the setting of Shilton Conservation Area. As such, it is considered to be contrary to policies BE2, H2, BE4, BE5, NE1, NE2, NE3 of the Adopted Plan 2012, policies OS1, OS2, OS4, EH1, EH7 of the Emerging Local Plan, The West Oxfordshire Landscape Assessment and the provisions of the NPPF.
- 2 By reason of the proximity of the proposed residential units to Carterton Football Club pitches and flood lighting, it has not been demonstrated that future residents would not suffer from unacceptable levels of light pollution, noise and disturbance to the detriment of residential amenities. The proposal is therefore contrary to Adopted Plan policies BE2, BE19, BE21 and policy EH6 of the Emerging Local Plan, and the provisions of the NPPF.
- 3 In the absence of an agreed mitigation package it has not been demonstrated to the satisfaction of the Local Planning Authority that the development will mitigate its impact and provide the requisite affordable housing and other community benefits contrary to the provisions of the NPPF, policy BE1 of the adopted local plan and OS5 of the emerging local plan.
- 4 It has not been demonstrated that the proposal would not be unacceptably detrimental to local biodiversity. The proposal is therefore contrary to policies NE13 of the Adopted Plan, EH2 of the Emerging Plan and the relevant paragraphs of the NPPF.

Application Number	I7/00777/FUL
Site Address	Kian Court Southfield Road Eynsham Witney Oxfordshire OX29 4FP
Date	31st May 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443066 E 208664 N
Committee Date	12th June 2017

Location Map



Application Details:

Creation of hardstanding and pedestrian access, refuse area and associated landscaping. (Part retrospective).

Applicant Details:

Mr M Patel

I CONSULTATIONS

- 1.1 Parish Council Eynsham Parish Council objects to this application. The applicant exceeded the General Permitted Development Order by removing the barrier and landscaping between the industrial estate upon which 'Kian Court' is sited and Pinkhill Lane, to provide access to what is only a private road and bridleway. The Parish Council has serious reservations as the applicant has already constructed a metal fence which not only has a pedestrian gate but a vehicular gate providing unauthorized access to Pinkhill Lane. Adequate access for pedestrians, vehicles and refuse vehicles can be obtained from Southfield Road. If WODC are minded to grant this application, it should be conditional on removal of the vehicular gate.
- 1.2 OCC Highways OCC Highways have raised the following points:
- The pedestrian access is supported.
- The refuse area is acceptable as the residents can put their wheelie bins out via the proposed pedestrian gate.
- Any proposed vehicular access onto Pinkhill Lane is not acceptable. However, although a vehicular access has not been explicitly applied for in the application details, the construction 'on the ground' actually comprises of a fence, a vehicular access gate and a pedestrian gate. Therefore, the vehicle gates should be replaced with a similar fence or amended such that they cannot be opened.
- This application also shows the loss of 4 parking spaces adjacent to the proposed access compared with the original application 15/01021/PN56 in order, I presume, to accommodate the vehicular access. The loss could be reduced to just the 1 parking space for the pedestrian only access.

2 REPRESENTATIONS

- 2.1 No letters of representation have been received at the time of writing.

3 APPLICANT'S CASE

- 3.1 A full copy of the Design and Access statement submitted in support of this application is available on the Council's website. The Design and Access statement has been concluded as follows:
- 3.2 The NPPF establishes a presumption in favour of sustainable new development and such is the "golden thread" running through National Planning Policy.

- 3.3 The proposals would have a beneficial impact on sustainable transport options from the site enhancing footway and cycle links from the site and would avoid an unacceptable harm to the appearance or character of the area.
- 3.4 The proposal would also avoid any unacceptable impacts upon matters of neighbour amenity and access/parking issues and would constitute a sustainable development of the site.
- 3.5 Paragraph 14 of the NPPF identifies that in decision-making such a presumption in favour means approving development proposals that accord with the development plan without delay and the Applicant submits that this scheme is in accord with the development plan.
- 3.6 In addition paragraph 14 advises that where the development plan is either absent, silent or that the relevant policies are out of date permission should be granted unless either specific policies in the NPPF indicate that development should be restricted or that:
- "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole"
- 3.7 It is against such an impressive list of benefits and avoidance of harm, that we respectfully suggest that permission should be granted on the site in accord with paragraph 12 of the NPPF.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 OS2NEW Locating development in the right places
 T1NEW Sustainable transport
 T2NEW Highway improvement schemes
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks part retrospective consent for the creation of hard standing, a pedestrian access, and refuse area with associated landscaping to serve the 16 residential apartments currently undergoing construction at Kian Court in Eynsham; the construction of the refuse area is the proposed element. The site lies in an established commercial estate on the southern edge of Eynsham and sits adjacent to Pinkhill Lane. Prior Notification approval was granted for the conversion of the vacant office building to 16 residential apartments under reference 15/01021/PN56 which has been implemented. Eynsham Parish Council have raised objections to the application which is why the application has been brought to Members of the Planning Sub Committee for consideration.
- 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;
 Impact on the character and appearance of the area;
 Highways Safety;
 Residential Amenity.

Principle

- 5.3 Given the approved residential use of the site, the principle of the works are considered to be acceptable, subject to the development respecting and preserving the character and appearance of the area, not having a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network or on neighbouring amenity. These issues will be considered below.

Impact on the character and appearance of the area

- 5.4 The application site area sits on the edge of the Southfield Road Industrial estate where the commercial units meet the semi rural/residential area of Pinkhill Lane. Officers are of the opinion that the addition of the hard standing, fence with pedestrian gates, and bin enclosure form an appropriate relationship with the approved residential use of the building. By virtue of the materials and scale of the development the application is considered to preserve the mixed commercial/residential character of the area whilst serving the residential needs of the apartments. Further, whilst a small section of the boundary landscaping has been removed and replaced with the hardstanding and fence/gates, the remaining well-established landscaping along Pinkhill Lane retains the semi rural character of the area and screens the bin enclosures from public view. As such, the application is considered to preserve the character and appearance of the area.

Highways

- 5.5 In terms of highways safety, Oxfordshire County Council's highways officer has advised that the construction of the pedestrian access is a good idea and the refuse area is acceptable as the residents can use the pedestrian access to put their wheelie bins out onto Pinkhill Lane where they will be collected from. Pinkhill Lane is already utilised by refuse vehicles for bin collection so this application will not result in any additional vehicular movements along the lane in this respect.
- 5.6 The Highways Officer has advised that any proposed vehicular access from this site onto Pinkhill Lane is unacceptable and could not be supported. The submitted plans show the construction of a 1.8m fence which sits along the north eastern boundary of the site so that no vehicles can access Pinkhill Lane. However, on site a fence with double vehicular gates has been erected and it is not entirely clear if the submitted plans show a proposed fence or the retention of the closed vehicular gates. Therefore, for the avoidance of doubt given the concerns raised by the Highways officer, officers have conditioned this accordingly so that details of a fence to replace the vehicular gates are submitted to and approved in writing within a set timeframe to address the concerns that the gates could be used to for vehicular access onto Pinkhill Lane.
- 5.7 The highways officer also made an observation that this application shows the loss of 4 car parking spaces. However, in order to access the pedestrian gate only the loss could be reduced to only 1 parking space. Therefore, notwithstanding the detail shown on proposed drawing no. PL01, officers have included a condition that a plan showing the retention of three parking spaces should be submitted to and approved in writing by the Local Planning Authority.
- 5.8 In light of the above, subject to conditions restricting vehicular access onto Pinkhill Lane and retaining an additional 3 car parking spaces, the application is considered to be acceptable in highways safety terms.

Residential Amenities

- 5.9 In this regard, Officers are of the opinion that the use of the pedestrian access would not result in any adverse disturbance or noise to the detriment of the occupants of the existing dwellings which sit along Pinkhill Lane. Further, given that Pinkhill Lane is already utilised by refuse vehicles to collect household waste and recycling for the existing dwellings in the vicinity, this proposal will not result in any significant change or additional disturbance to residents in the area caused by these vehicles. The application is not considered to impact on the users of the nearby commercial units to the north and west of the site given the established residential use of the site. In addition, the proposals for a designated refuse area and pedestrian access are considered to benefit and improve the amenity of any future residents of the 16 apartments. As such, the application is considered to be acceptable in these terms.

Conclusion

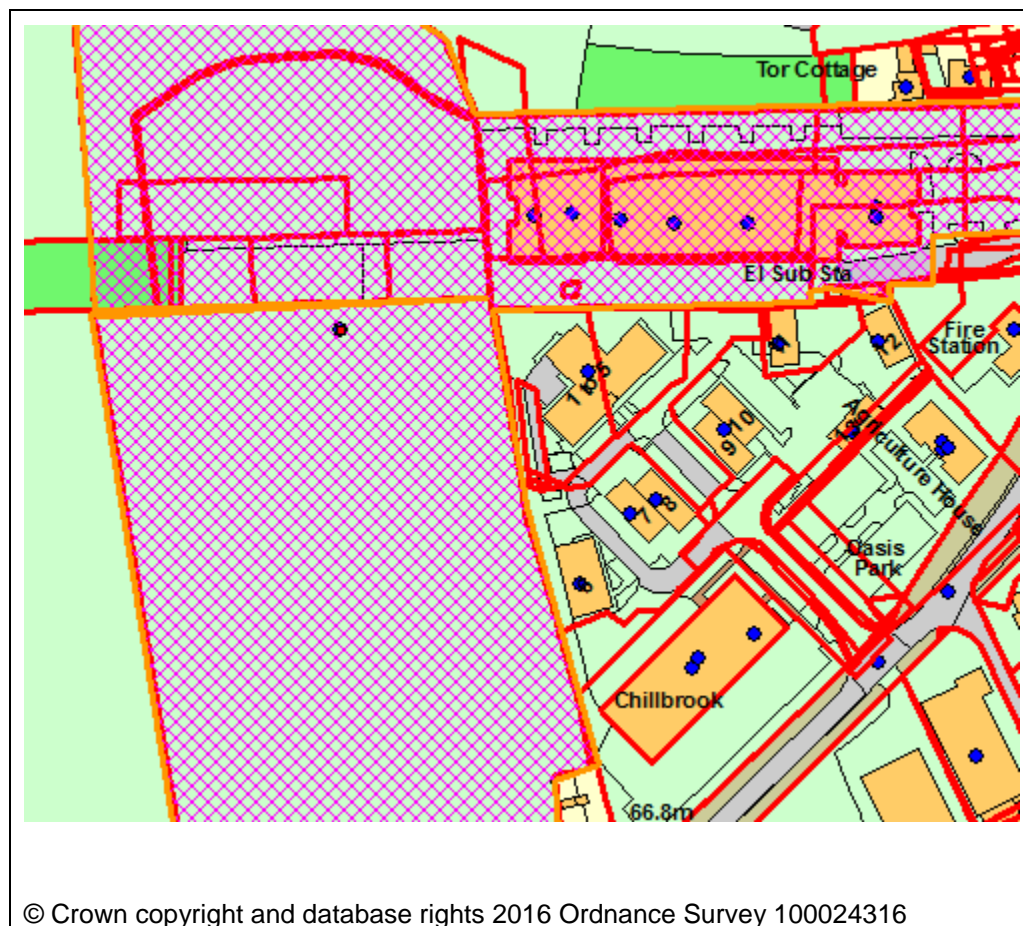
- 5.10 In light of the above, the application is considered to be acceptable and compliant with policies BE2, and BE3 of the adopted West Oxfordshire Local Plan 2011, OS2, T1 and T2 of the adopted West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF.

6 CONDITIONS

- 1 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 2 The development 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.
- 3 Notwithstanding the details submitted on dwg JW671-PL01, 3 car parking spaces shall be provided in the north eastern part of the site in accordance with a plan first to be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission and shall be retained thereafter.
REASON: To ensure that adequate provision is made for off-street parking.
- 4 Notwithstanding the details submitted on dwg JW671-PL01, a fence shall be erected along the north eastern boundary of the site in accordance with a plan first to be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission and shall be retained thereafter.
REASON: In the interest of highways safety.
- 5 Prior to first use of the refuse and recycling area, elevational details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.
REASON: To safeguard the character and appearance of the area.

Application Number	17/01114/FUL
Site Address	Land on Stanton Harcourt Road Old Station Way Eynsham Oxfordshire
Date	31st May 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham Parish Council
Grid Reference	442771 E 208819 N
Committee Date	12th June 2017

Location Map



Application Details:

Construction of new two storey research and development building, in connection with previously approved manufacturing campus (16/02369/FUL) creation of wild flower meadow and diversion of public footpath

Applicant Details:

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

I CONSULTATIONS

- | | | |
|-----|----------------------------------|---|
| I.1 | Parish Council | No Comment Received. |
| I.2 | WODC Planning Policy Manager | With reference to 17/01114/FUL Two Storey R&D Building. Polar Technology is an extremely important and fast growing business. It is a massive asset to the local economy and the economic benefits include the creation of high quality jobs and a growing contribution to the local supply chain. This application has my full support. |
| I.3 | Historic England | No Comment Received. |
| I.4 | Major Planning Applications Team | <p>Objection on the grounds that transport and highway concerns listed in the highways and transport response to Application No: 16/02369/FUL have not yet been resolved.</p> <p>Key issues:</p> <p>This application is closely related to another application (16/02369/FUL) which was approved, subject to the completion of a legal agreement concerning a financial contribution towards a highway mitigation scheme, the possible safeguarding of land required for a new spine road for a potential development nearby, the completion of a satisfactory travel plan, and subject to the discharge of other relevant conditions.</p> <p>This particular application concerns the relocation of a new land use BI(b) research and development building from the south of the site immediately to the east of the proposed access to the north-western corner of it.</p> <p>The issues raised in Oxfordshire County Council's single transport response of 3 November 2016 to Planning Application No. 16/02369/FUL still stand as the issues raised at the planning committee of 14 November 2016 have not yet been resolved.</p> <p>The aisles within the proposed car parks need to be at least 6m in width to enable motorists to reverse out of car parking spaces safely.</p> <p>No archaeological objections subject to conditions</p> |
| I.5 | WODC - Arts | No Comment Received. |
| I.6 | Wildlife Trust | No Comment Received. |
| I.7 | WODC Community Safety | No Comment Received. |

I.8	WODC Architect	No Comment Received.
I.9	Environment Agency	<p>We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included on any planning permission. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.</p> <p>We have reviewed the submitted Flood Risk Assessment and can advise that this confirms the area affected by flooding will be open space, and continue to act as such following development. There will be no building or land raising within the area liable to flood.</p> <p>Condition The development permitted by this planning permission shall be carried out in accordance with the FRA ref. 2015s3480 V2 dated May 2016 and the following measures:</p> <p>1. There will be no development or raising of existing ground levels within the area liable to flood as shown on drawing no. AR_321_001_A. The area to the north of the site will be retained as open space and continue to act as functional floodplain as detailed within section 4.1 of the FRA.</p> <p>End 2</p> <p>Reason</p> <p>This condition is sought in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF):</p> <p>1. To prevent flooding elsewhere by ensuring that storage of flood water is provided.</p> <p>2. To reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.</p>
I.10	ERS Env. Consultation Sites	<p>The application documents highlight the potential for noise to impact nearby sensitive dwellings, I therefore propose the following condition to be attached to any approval.</p> <p>Before the development commences a scheme shall be submitted to and agreed in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme should be maintained and shall not be altered without the prior written approval of the local planning authority.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby.</p>
I.11	WODC Landscape And Forestry Officer	No Comment Received.
I.12	Natural England	Natural England has no comments to make on this application.

- 1.13 WODC - Sports No Comment Received.
- 1.14 Thames Water No Comment Received.
- 1.15 WODC Env Services - Waste Officer No Comment Received.

2 REPRESENTATIONS

- 2.1 None received to date. Any that are received will be reported verbally to the meeting

3 APPLICANT'S CASE

Writing in support of the proposals the agent has tabled a series of supporting documents that may be viewed in full on line. In summary they state that the applicant is an established local employer wishing to expand, that the NPPF supports economic growth, that more employment will be retained in Eynsham rather than commuting, that this development does not impact on the SAM and the benefits of the development outweigh any harms to its setting, that the site lies outside the floodplain and would be seen as a rounding off of the industrial estate opposite with the landscaping enhancing the setting of the settlement. Permission should be granted as the scheme is policy compliant.

4 PLANNING POLICIES

BE2 General Development Standards
 E7 Existing Businesses
 OS4NEW High quality design
 EI NEW Land for employment
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a site located between the existing southern limits of Eynsham and the Scheduled Ancient Monument located to the west of the B4449. Members will recall that they recently resolved to grant permission for an existing successful local company (Polar) to create a substantial new employment complex in that area which in part was justified by the provision of land for the first section of the proposed link road that would serve this site and the wider west Eynsham allocation.
- 5.2 As negotiations have proceeded with the various land owners in order to formalise the legal agreement to deliver the link road (and secure the other amendments that Members wished to see when they gave officers delegated authority to approve the application) the company have continued to enjoy success in securing new contracts and the offer of a land swap between the company and one of the key landowners emerged. This has the substantial benefit of enabling one of the new buildings to be relocated away from the road and 2 existing cottages and give more room around the complex for landscaping etc. However as the new land lies outside of the red lined site area of the extant resolution a further application is required to facilitate the amended layout. This is that application.

- 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 The principle of a building of this general form and in this general area has already been secured by way of the extant resolution to approve the earlier application. Our own policies seek to allow businesses to expand on or adjacent to their own sites and whereas the overall scale of the development would have sat outside that which would have been allowed under the policies the delivery of the first phase of the link road was considered a sufficient planning benefit that in the planning balance helped to justify the proposals. Your officers consider that the same issues apply here and as such are supportive of the principle of development.

Siting, Design and Form

- 5.5 As with the extant resolution the form of the buildings is modern comprising of a series of dark and light "shards" and a serrated roofline. The advantage of the purchase of the additional land is that it is not part of the Scheduled Ancient Monument and as such the additional space has allowed the site to breathe a bit more with a greater opportunity to create a landscaped context than with the previous scheme. Additionally the building line has become more fragmented on the landscape edge of the settlement which will help to reduce the blockiness that may have arisen from the previous proposals. Your officers consider that it is a better scheme than that already the subject of the approval resolution.

Highways

- 5.6 This is the reason that the application is being brought back to members rather than being dealt with under delegated powers. Members will recall that as part of their earlier resolution they agreed to accept a lower highway contribution towards A40 improvements than would have been the usual pro rata rate but one that was based upon the actual traffic generation that was likely to arise rather than a notional "average" user. In return Polar accepted the need for a planning condition to ensure that they were the first occupier of the buildings. OCC did not agree with this approach and are disputing the basis upon which the reduced contribution is being derived. They also have a series of more minor technical issues that could be resolved by condition.
- 5.7 Officers will use the submitted plans and background information to run members through the various highway points with a view to securing clarity in order to move the negotiations forward.

Residential Amenities

- 5.8 The relocation of the building the subject of this application away from the cottages means that the nearest proposed building to the cottages is now 85 m with the building proposed to be replaced with a car park. Whilst the previous arrangements were considered acceptable the revised arrangements, subject to additional landscaping within the car park, are considered to be an improvement.

Conclusion

- 5.9 This is an evolution of the scheme that has already secured consent that in your officers opinion offers a better form of development and potentially could have been dealt with under delegated powers. The highway issues do however have the potential to further extend the negotiations that are already underway and as such officers intend to seek explicit clarity as to what Members are seeking. Assuming that the application is approved then it would be the intention to tie this application into the existing application and I06 (with that application having been amended by the deletion of "this" building from that scheme and its replacement with a landscaped car park) with a view to enabling both consents to be issued expeditiously.

6 RECOMMENDATION

In that a number of consultees have yet to respond it is not at the point of agenda preparation possible to frame a full set of conditions. It is however likely that conditions will be required to cover:

Time limits

Materials to be used

Use of the building

Highways

Noise controls

Drainage

Archaeological investigation and recording

Landscaping

Development only as an alternative to the building it "replaces"

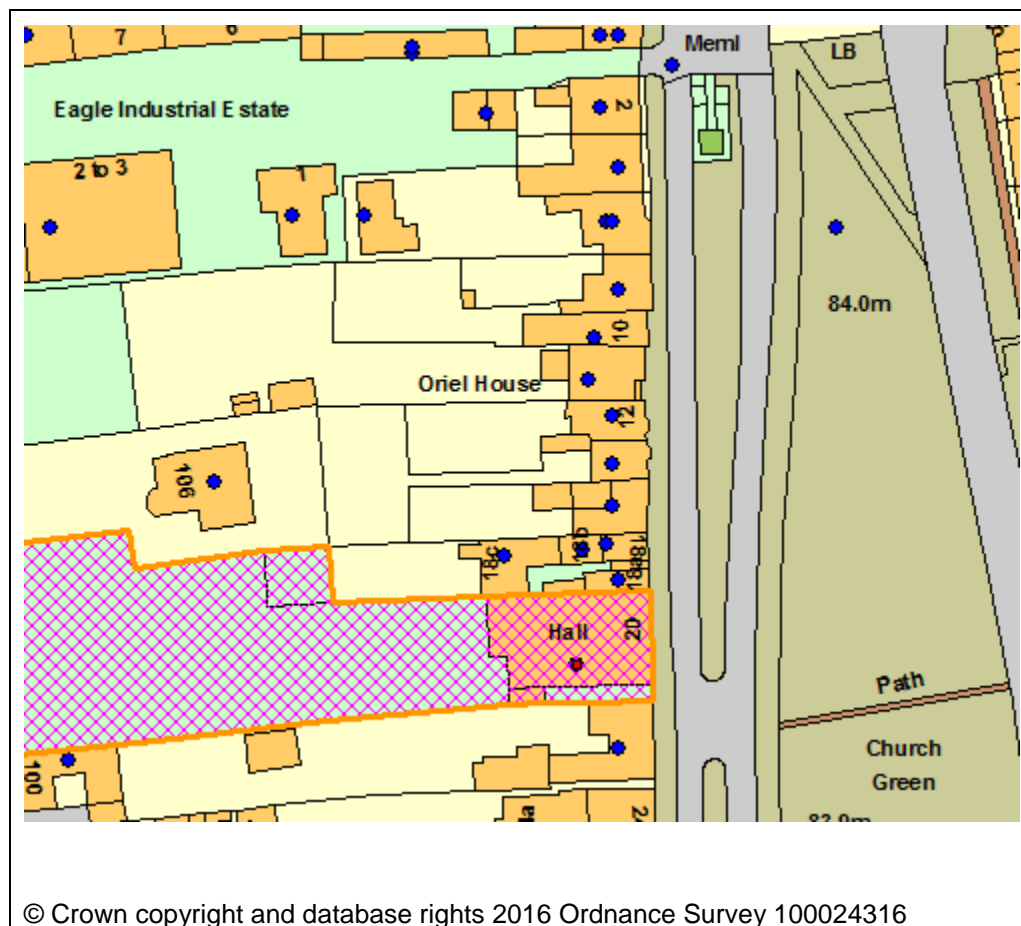
Decontamination if found

Removal of pd rights for extensions or alternative uses

Etc

Application Number	17/01193/FUL
Site Address	Masonic Hall 20 Church Green Witney Oxfordshire OX28 4AW
Date	31st May 2017
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435568 E 209422 N
Committee Date	12th June 2017

Location Map



Application Details:

Alterations, refurbishment and new rear extension to improve facilities to the Witney Masonic Centre.

Applicant Details:

Witney Masonic Centre Ltd
Masonic Hall
20 Church Green
Witney
Oxfordshire
OX28 4AW

I CONSULTATIONS

- 1.1 Town Council
- Witney Town Council objects to this application. The Town Council has concerns over the effect on the residential neighbouring properties due to the potential for increased commercial activity which is contrary to Policy OS4 of the West Oxfordshire Emerging Local Plan which states "development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties"; the proposal does not "preserve or enhance areas, buildings and features of historic, architectural and environmental importance" (Policy OS4) as the proposed materials are not in keeping with the existing listed building or the neighbouring listed properties which are 200 years old. Witney Town Council also questions whether the proposal should include an application for change of use from D1 (non-residential use) to B1 (commercial). If the application is passed by West Oxfordshire District Council, the Town Council requests that the development does not take place until residents parking permits are introduced, as the proposal will result in the loss of parking spaces and generate an increase in traffic commensurate with the increase in business.

2 REPRESENTATIONS

- 2.1 Objections received from:

W K Dobson & Mrs V Dobson of 18C Church Green
Ross Wackett of 106 The Crofts
Katherine and Patrick Stout of 22 Church Green

- 2.2 Comments have been summarised as:

- Contrary to Policy No WIT 1 of the Local Plan designates it as an area where "the change of use of existing premises to shopping/commercial use or any further intensification of existing shopping/ commercial uses will not be allowed except where the proposed use would be incidental to the primary permitted use of the building (e.g. working at home)." For the avoidance of all doubt, the policy is re-emphasised at paragraph 9.45 of the Local Plan: "In the Buttercross/Church Green area south of Corn Street and Langdale Gate the Council will continue to resist any further intensification of shopping or commercial development."
- Loss of parking, three existing staff places and two disabled spaces.
- Further pressure on the scarce parking spaces on and around Church Green.
- Noise issues by moving the main entrance to the car park.

- Inaccuracy of plans.
- Increase in smoking at rear of building.
- Scale and appearance of extension.
- Result in shadowing and loss of view.
- Affect setting of Listed Buildings.
- Additional building will inevitably overlook our house and garden.
- Not suited to being a heavily used wedding reception venue given the close proximity of many residential properties.
- The statement goes on to discuss the design of the extension, it states 'it will match closely the existing building and vernacular of the town'. This is a very misleading statement, as the plans detail render and Welsh slate, not in keeping at all with its immediate and surrounding properties.
- Sad to lose a historic hall to save energy.
- It also could open up potential problems with security as the barrier is often left open for events.
- The mass of the proposed entrance/toilet facilities which is of concern to us, and considering the proposed venue size increase, we have to question the need for such a large extension. Taking aside the expansion of commercial facilities which is in question, increasing the size of the building past the existing building line.
- We also have concerns about smells from the toilet facilities so close to our kitchen area.

3 APPLICANT'S CASE

A Design and Access Statement has been submitted with the application. It has been summarised as:

- It has been a Masonic Centre for some time and much of the building has been converted or added to provide facilities for Masonic use and other similar functions.
- The proposal is to insert a new floor in the dining hall and provide extra rooms. The extension is to give a new main entrance off the existing car park including extra toilets with disabled facilities and including a wheel chair lift to the first floor.
- The extension will not have any effect on the parking. It is proposed to improve the overall appearance of the car parking at a later stage and also maximise the available space, thus taking vehicles off the adjacent streets.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE7 Alterations and Extensions to Listed Buildings
 BE8 Development affecting the Setting of a Listed Building
 BE19 Noise
 WIT1 Buttercross and Church Green
 H2 General residential development standards
 OS4NEW High quality design
 EH7NEW Historic Environment
 EH6NEW Environmental protection
 TLC12 Protection of Existing Community Services and Facilities

E5NEW Local services and community facilities

WIT4NE Witney sub-area Strategy

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application refers to a Listed Building set within Witney's Conservation Area. The current use of the building is as a Masonic Hall and other spaces within the building can be hired out for wedding receptions, birthday parties and wakes etc. The Use Class of the building is D1 (Non residential institutions) and does not have any planning restrictions to what use the building can be used for within that Class.
- 5.2 At the time of writing, your officers are awaiting amended plans and outstanding consultation responses.
- 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 Your officers consider that the principle of improving the facilities at the existing hall for public events is acceptable. Policy WIT 1 of the West Oxfordshire Local Plan 2011 states that any further intensification of existing shopping or commercial uses will not be allowed except where the proposed use would be incidental to the primary permitted use of the building. As such officers consider that the proposed use of the extension will be incidental to the main use of the building as a public hall. The current use has no planning restrictions and as such a change of use application would not require planning permission for any other uses contained in the D1 use.
- 5.5 With regards to the objections raised regarding noise, as the current uses of the hall are subject to a premises license, such issues would be investigated with consultation with Environmental Health officers. The opening and closing times are also part of the premises license. In terms of the smoking issues, the entrance could be relocated without the need of permission if no external or internal works were proposed. However the owner of the Hall could request that if users of the hall wanted to smoke, to arrange for them to use the front as occurs now.

Siting, Design and Form

- 5.6 In principle, extending a Listed Building is acceptable subject to its design, scale, impact to residential amenities, and impact to any historic fabric being retained. As such officers consider that some form of extension to provide additional facilities such as a new entrance, toilets and access is acceptable. However, at the time of writing, your officers are negotiating a revised scheme which seeks to lower the proposed eaves line to be in line with those of the existing building, and to reduce the length of the extension by a couple of metres. The revisions would then make the extension more subservient to the host building, and to reduce impact to residential amenities. Officers are anticipating that amended plans will be received prior to the meeting.

- 5.7 As the site is located within the 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 subject to the receipt of amended plans based on the above noted revisions 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.
- 5.8 With the proposed revisions, and suitable conditions regarding materials, officers consider that the architectural character and integrity of the listed building will not be adversely affected by the proposed development. As such, the proposals for the building are considered to accord with the requirements of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Highways

- 5.9 The proposed extension will be utilising part of the existing car parking. Officers have consulted with OCC Highways for their comments regarding whether concerns will be raised. Your officers anticipate that a response will be received prior to the meeting where officers will update Members.

Residential Amenities

- 5.10 The existing hall is surrounded by residential properties. Although the extension is set away from both shared boundaries, officers are seeking amendments to reduce the length of the extension. The proposed windows on the first floor side elevations of the extension will be obscurely glazed, given the nature of the accommodation being proposed.

Conclusion

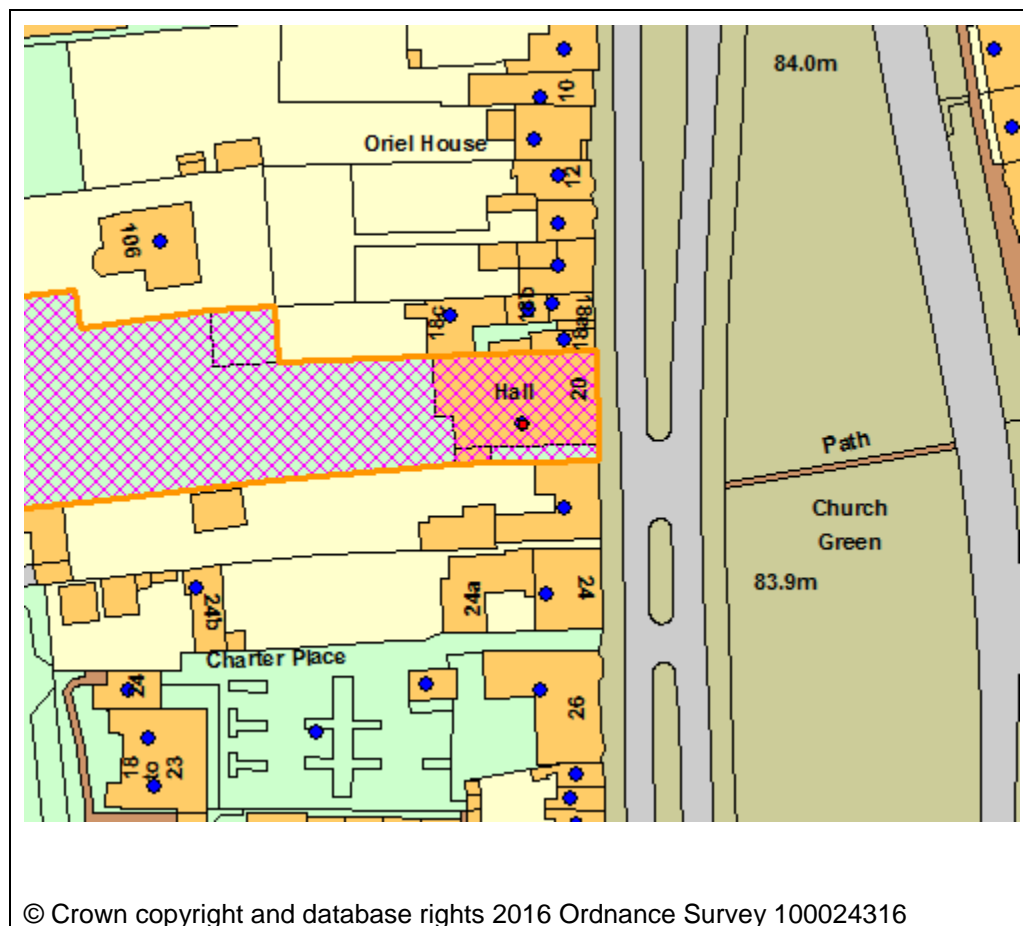
- 5.11 Whilst your officers have taken into consideration the comments received from neighbouring properties and the Town Council, officers do not consider that an extension of a modest scale is unacceptable, nor is the proposal for improved facilities and access. However at the time of writing your officers are awaiting revised plans and outstanding consultation responses. Officers will verbally update Members at the meeting of the final recommendation of the application.

6 RECOMMENDATION

Approve.

Application Number	17/01194/LBC
Site Address	Masonic Hall 20 Church Green Witney Oxfordshire OX28 4AW
Date	31st May 2017
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435568 E 209422 N
Committee Date	12th June 2017

Location Map



Application Details:

Alterations, refurbishment and new rear extension to improve facilities to the Witney Masonic Centre.

Applicant Details:

Witney Masonic Centre Ltd
Masonic Hall
20 Church Green
Witney
Oxfordshire
OX28 4AW

I CONSULTATIONS

- I.1 WODC Architect
- A Grade II listed building, prominently located in the heart of the Conservation Area.
- There are two primary aspects. Considering the rear extension, I note that this would adjoin what appears to have been a sizeable barn, although long incorporated into the masonic usage. They would be removing existing, somewhat unsightly, lean-to additions and a metal fire escape - which is to be welcomed - and there would be a new two-storey cross-gabled wing. Unfortunately, the proposed wing is very sizeable - and is in fact taller at the eaves than the existing barn; it would also be of considerable footprint, with a long projection to the west. From our point of view, this extension needs to be more secondary to the existing range, and I suggest that the eaves are lowered to line with those of the existing building; I am also inclined to think that it should be shortened by at least a couple of metres. It is arguable that the aesthetic should be simplified too, to chime with that of the existing range, although I realize that they want to make an entrance statement here, and I have some sympathy with this. Considering the internal alterations, I note that these primarily affect the more recent fabric around the courtyard infill, with the historic frontage building largely untouched - except for the removal of later partitions, and the adjustment or formation of a couple of doorways. I think it is a great pity that they are not retaining at least some double-height space in the area of the courtyard infill, as the resultant forms are architecturally dull - and with no direct natural light to the main ground floor space. However, I don't think that this aspect is refusable, from our point of view.
- I.2 Town Council
- Witney Town Council objects to this application. The Town Council has concerns over the effect on the residential neighbouring properties due to the potential for increased commercial activity which is contrary to Policy OS4 of the West Oxfordshire Emerging Local Plan which states "development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties"; the proposal does not "preserve or enhance areas, buildings and features of historic, architectural and environmental importance" (Policy OS4) as the proposed materials are not in keeping with the existing listed building or the neighbouring listed properties which are 200 years old. Witney Town Council also questions whether the proposal should include an application for change of use from DI (non-residential use) to BI (commercial).

If the application is passed by West Oxfordshire District Council, the Town Council requests that the development does not take place until residents parking permits are introduced, as the proposal will result in the loss of parking spaces and generate an increase in traffic commensurate with the increase in business.

2 REPRESENTATIONS

2.1 Objections received from:

W K Dobson & Mrs V Dobson of 18C Church Green
Ross Wackett of 106 The Crofts
Katherine and Patrick Stout of 22 Church Green

2.2 Comments have been summarised as:

- Contrary to Policy No WIT 1 of the Local Plan designates it as an area where "the change of use of existing premises to shopping/commercial use or any further intensification of existing shopping/ commercial uses will not be allowed except where the proposed use would be incidental to the primary permitted use of the building (e.g. working at home)." For the avoidance of all doubt, the policy is re-emphasised at paragraph 9.45 of the Local Plan: "In the Buttercross/Church Green area south of Corn Street and Langdale Gate the Council will continue to resist any further intensification of shopping or commercial development."
- Loss of parking, three existing staff places and two disabled spaces.
- Further pressure on the scarce parking spaces on and around Church Green.
- Noise issues by moving the main entrance to the car park.
- Inaccuracy of plans.
- Increase in smoking at rear of building.
- Scale and appearance of extension.
- Result in shadowing and loss of view.
- Affect setting of Listed Buildings.
- Additional building will inevitably overlook our house and garden.
- Not suited to being a heavily used wedding reception venue given the close proximity of many residential properties.
- The statement goes on to discuss the design of the extension, it states 'it will match closely the existing building and vernacular of the town'. This is a very misleading statement, as the plans detail render and Welsh slate, not in keeping at all with its immediate and surrounding properties.
- Sad to lose a historic hall to save energy.
- It also could open up potential problems with security as the barrier is often left open for events.
- the mass of the proposed entrance/toilet facilities which is of concern to us, and considering the proposed venue size increase, we have to question the need for such a large extension. Taking aside the expansion of commercial facilities which is in question, increasing the size of the building past the existing building line.
- We also have concerns about smells from the toilet facilities so close to our kitchen area.

3 APPLICANT'S CASE

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

- It has been a Masonic Centre for some time and much of the building has been converted or added to provide facilities for Masonic use and other similar functions.
- The proposal is to insert a new floor in the dining hall and provide extra rooms. The extension is to give a new main entrance off the existing car park including extra toilets with disabled facilities and including a wheel chair lift to the first floor.
- The extension will not have any effect on the parking. It is proposed to improve the overall appearance of the car parking at a later stage and also maximise the available space, thus taking vehicles off the adjacent streets.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application refers to a Listed Building set within Witney's Conservation Area. The current use of the building is as a Masonic Hall and other spaces within the building can be hired out for wedding receptions, birthday parties and wakes etc. The Use Class of the building is D1 (Non residential institutions) and does not have any planning restrictions to what use the building can be used for within that Class.

5.2 At the time of writing, your officers are awaiting amended plans and outstanding consultation responses.

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 The application relates to a Grade II Listed building located within Witney's Conservation Area. Your officers consider that the principle of extending a Listed Building, is acceptable, subject to its scale, design and impact to the historic fabric and character of the Listed Building.

Siting, Design and Form

5.5 At the time of writing, your officers are negotiating a revised scheme which seeks to lower the proposed eaves line to be in line with those of the existing building, and to reduce the length of

the extension by a couple of metres. The revisions would then make the extension more subservient to the host building, and retain more of the historic character and appearance of the existing building. Officers are anticipating that amended plans are received prior to the meeting.

- 5.6 With regards to the proposed internal changes, your officers do not consider that the internal changes will harm the integrity of any historic fabric of the Listed Building.
- 5.7 As the site is within the curtilage of a listed building, your officers are required to take account of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard the proposed alterations are not considered to have a detrimental impact to the character or setting of the listed building, given the nature of what is proposed and its location. As such, the character or setting of the listed building is preserved.
- 5.8 With the proposed revisions, and suitable conditions regarding materials, officers consider that the Listed Buildings will not be adversely affected by the proposed development.

Conclusion

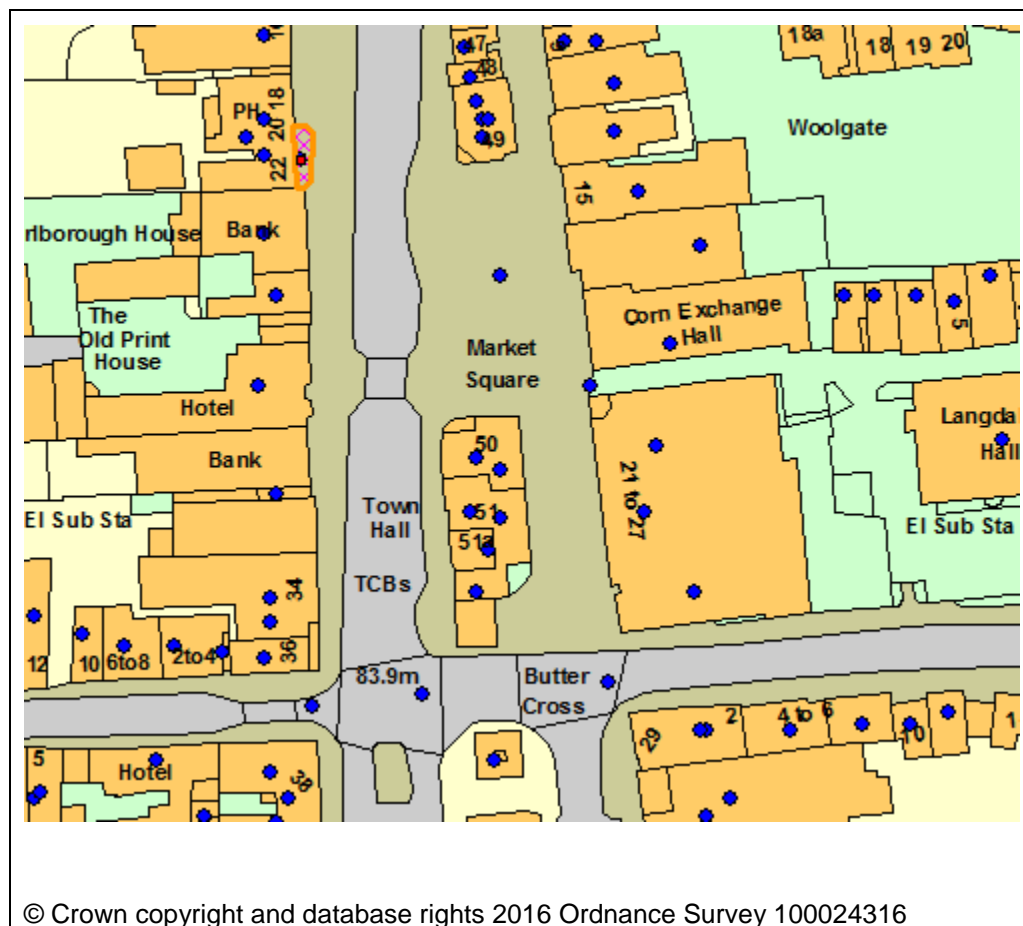
- 5.9 Whilst your officers have taken into consideration the comments received from neighbouring properties and the Town Council, officers do not consider that an extension of a modest scale is unacceptable. However at the time of writing your officers are awaiting revised plans. Officers will verbally update Members at the meeting of the final recommendation of the application and suggested conditions.

6 RECOMMENDATION

Approve.

Application Number	17/01097/FUL
Site Address	Land East of Eagle Vaults 18 - 22 Market Square Witney Oxfordshire
Date	31st May 2017
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435574 E 209665 N
Committee Date	12th June 2017

Location Map



Application Details:

Change of use of public highway to provide outdoor seating area in association with adjacent public house.

Applicant Details:

Mitchells And Butlers Retail Ltd
27 Fleet Street
Birmingham
B3 1JP

I CONSULTATIONS

- I.1 WODC Architect Context: A Grade II listed building, very prominently located in the heart of the Conservation Area.
- Opinion: Where they don't obstruct pavements, or obscure interesting architecture, such proposals are often supportable from our point of view - as they bring vibrancy and character to town centres. In this case, there is plenty of space for the outdoor seating, the defined area would be of no great size, it would be largely tucked into a corner, and the barriers and furniture would be relatively innocuous form. There are no obvious objections from our point of view. Appears compliant with polices BE2, BE5 and BE7.
- I.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
- NB approval and issue of licence will be required from OCC following planning consent approval.
- <https://www.oxfordshire.gov.uk/cms/content/street-licence>
- I.3 WODC Licensing No Comment Received.
- I.4 Town Council Mrs S Groth Witney Town Council objects to this application. It would result in foot traffic being forced onto the sloping aspect of the footpath which would be detrimental to disabled persons and people with pushchairs.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The application site is located within the Town Centre of Witney, within an area of secondary shopping frontage, as designated by the Adopted Local Plan. The public house has been present within this property for a number of years and the principle of the use is already established. Precedent for tables on the frontage has also been established at 2-4 Market Square, where 8 tables were granted.

- 3.2 The furniture proposed is to be located outside the public house in Market Square in the locations shown on the submitted Pavement Licence drawing 15-16-628 PL.
- 3.3 Saved Policy BE3 of the Local Plan prioritises the safe movement of pedestrians, cyclists and people with impaired mobility. The seating area is located within Market Square; a pedestrianised area set back from the High Street. The Square is wide enough to accommodate the tables and chairs for use by customers of the public house whilst at the same time allowing pedestrians to pass safely. The seating and barriers are arranged so that wheelchair users of the adjacent property have sufficient space to access the ramp.
- 3.4 Saved Policy BE19 concerns noise and public safety. The proposed use of the external seating area is the same as the opening hours of the public house (varies Monday to Sunday). These hours are appropriate for a town centre use and, as such, there will be no unreasonable noise disturbance to nearby occupiers. Additionally, the seating will be regularly monitored by staff and is of such a size that it is manageable. It is therefore considered that the proposals would be in accordance with Saved Policy BE19.

Impact on Listed Building and Conservation Area

- 3.5 Saved Policies BE7 and BE8 of the Local Plan prescribe that development should not detract from a listed building or its setting. However, the proposed external furniture has been designed in order to be sympathetic with the features of the listed building described above. The tables and chairs are discreet and the proposed barriers are subservient to the listed building. Their colour and branding are modest and do not impinge on any of the features described in the listing description of the building.
- 3.6 Policy BE5 of the Council's Local Plan seeks to ensure that the character or appearance of the Conservation Area is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the designated area. As noted, permission has been granted further along Market Place for outside seating, where it was considered.

4 PLANNING POLICIES

SH4 Shopping Facilities for the Local Community

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

E6NEW Town centres

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

T4NEW Parking provision

BE8 Development affecting the Setting of a Listed Building

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission to change the use of the public highway to provide an outdoor seating area in association with the adjacent public house. The main building is a grade II listed building and the site is situated within the Witney and Cogges Conservation Area.

Background Information

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

The impact on the Conservation Area and setting of the listed building;
Highway safety;
Neighbouring amenity;

Principle

- 5.3 The application site is located in the heart of the Conservation Area. The application proposes a single line of tables and chairs along the frontage of the building. The tables and chairs will be separated from the rest of the public highway by barriers.
- 5.4 The site benefits from a large area of circulation space around the building and between the seating area and the main road. The barrier will allow the seating area to be contained to the front of the building and will allow a physical separation between the public house and the open space.
- 5.5 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.
- 5.6 Officers are of the opinion that given the town centre location and the space available to the front of the building, the seating area would sit comfortably within the street scene and would not adversely impact the Conservation Area. It should also be noted that planning permission has previously been gained for a similar form of development at No. 4 Market Square which is located on the same side of the highway as No. 18-22.
- 5.7 In addition officers are of the opinion that the position of the outside seating area would add vibrancy to this part of the Conservation Area.
- 5.8 Although the seating area would obscure views of the building given their temporary nature the change of use would not have an adverse impact to the setting of the listed building.

Highways

- 5.9 The Town Council have objected to the application on the basis it would result in foot traffic being forced onto the sloping aspect of the footpath which would be detrimental to disabled persons and people with pushchairs.
- 5.10 Oxfordshire County Council highways have raised no objections to the application. The change of use is therefore considered to be acceptable in terms of highway grounds. The objections raised by the Town Council could not warrant the refusal of the application as highways are of the opinion that the development would not have a detrimental impact to highway safety and convenience of the area.

Residential Amenities

- 5.11 The proposed development is also considered not to cause an undue adverse effect to neighbouring amenity in regards to the loss of light or loss of privacy.

Conclusion

- 5.12 Given the above, the application is considered to be acceptable and in accordance with policies BE2, BE3, BE5, BE7 and SH4 of the West Oxfordshire Local Plan 2011.

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 No occupation of the highway for tables and chairs/planters/barriers shall take place until the highway has been 'stopped up' or a licence obtained for such use from Oxfordshire County Council.
REASON: In the interest of highway safety

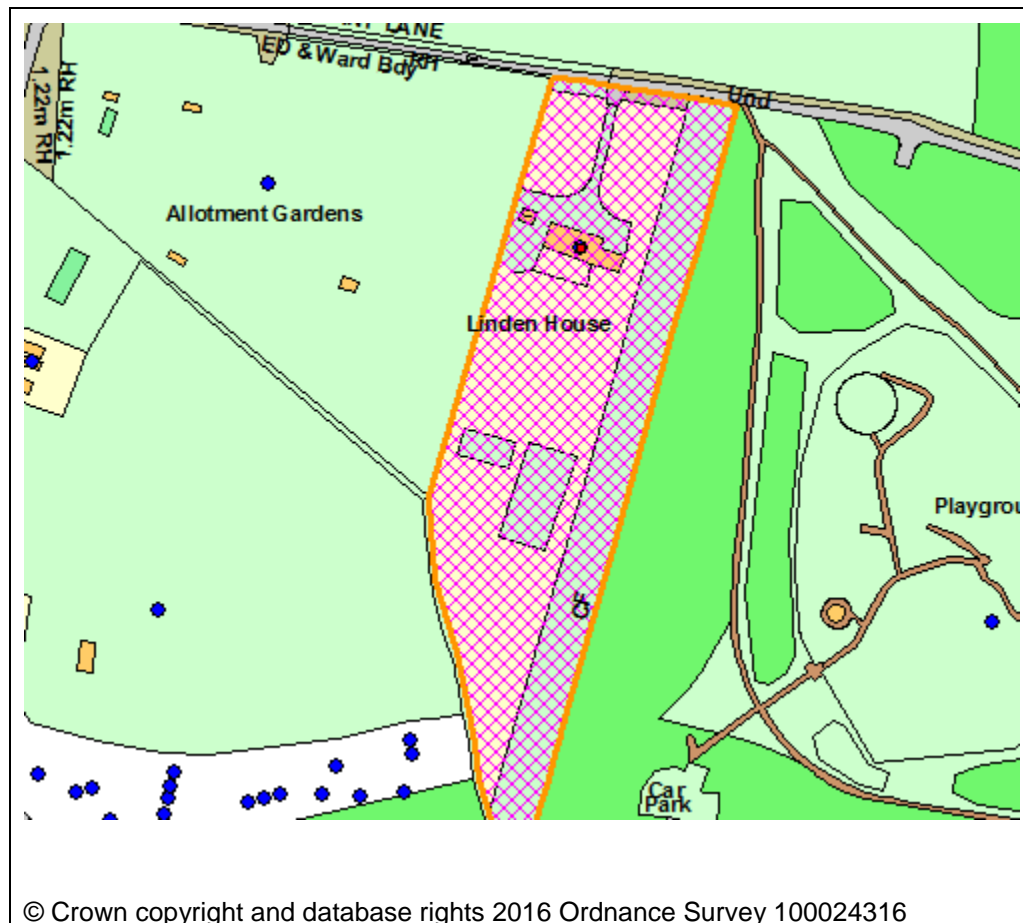
NOTE TO APPLICANT

NB approval and issue of licence will be required from OCC following planning consent approval.

<https://www.oxfordshire.gov.uk/cms/content/street-licence>

Application Number	17/00831/OUT
Site Address	Linden House Kilkenny Lane Brize Norton Carterton Oxfordshire OX18 3NU
Date	31st May 2017
Officer	Phil Shaw
Officer Recommendations	Defer
Parish	Carterton Town Council
Grid Reference	427961 E 208632 N
Committee Date	12th June 2017

Location Map



Application Details:

Residential development of up to 28 dwellings (means of access only), to include 4 affordable housing units.

Applicant Details:

Mr And Mrs R P C Howse
Linden House
Kilkenny Lane
Brize Norton
Oxon
OX18 3NU

I CONSULTATIONS

- | | | |
|------|-------------------------------------|--|
| I.1 | Town Council | The Planning Committee did not support the previous application and feel that the number of homes is excessive for the size of the site. |
| I.2 | Adjacent Parish Council | No Comment Received. |
| I.3 | WODC - Arts | A contribution of £5,040 towards temporary public art activities in the vicinity of the site, post occupation, for the benefit of new and existing residents of the village. |
| I.4 | WODC Architect | This is a significant encroachment of denser built form into an area that is only sparsely developed with flat and open longer views and where trees cannot be relied upon to screen the development. A precedent could be set albeit that 10 dwellings have already been approved. 10 is however less than 28 and would give a softer edge. Do not welcome this proposal and recommend refusal. |
| I.5 | Biodiversity Officer | No Comment Received. |
| I.6 | ERS Env Health - Lowlands | I have no adverse comment on this Outline application and consider that suitable conditions to ensure dwellings are designed to appropriate standards for internal noise criteria, can and will be advised by this team at the appropriate time. |
| I.7 | WODC Housing Enabler | No Comment Received. |
| I.8 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.9 | MOD (Brize Norton) | No Comment Received. |
| I.10 | Thames Water | Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. |
| I.11 | WODC Env Services - Waste Officer | No Comment Received. |
| I.12 | WODC - Sports | £1,156 x 28 = £32,368 off site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter |

2016 using the BCIS All in Tender Price Index published by RICS.
£818 x 28 = £22,904 for the enhancement and maintenance of play/recreation areas within the catchment. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.

2 REPRESENTATIONS

- 2.1 Mr Hughes of Sedge Way considers that there are too many properties planned for this space, and not enough regard to the proximity of the Kilkenny Country Park has been taken in the design of the development. In addition protection of and enhancement to the water course in the area seems insufficient.
- 2.2 However, if you are minded to grant planning permission I hope that you will at the very least ensure significant new planting of trees, hedgerows and shrubs on site. I also hope that new bird and bat boxes are installed and nesting sites for House Martins and Swallows that are numerous in the area are provided. I hope that Hedgehog habitat and highways (including fence and wall holes) are provided and good habitat for pollinators.

3 APPLICANT'S CASE

- 3.1 Writing in support of the proposals the agent has supplied a considerable volume of supporting information that may be viewed on line. In essence the agent argues that the reduction in the level of AH provision is justified as a result of the high site value and higher than average external works costs as a result of a long access road. The proposal is in outline but the masterplan has evolved to enable the landscape setting to be enhanced. The issue of affordable housing was the sole reason that the Inspector dismissed the earlier appeal.

4 PLANNING POLICIES

H11 Affordable housing on allocated and previously unidentified sites.
H3NEW Affordable Housing.
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to the site of an existing dwelling located between the allotments and the Country Park. Members will recall that there is an extant permission for retention of the house and erection of 10 dwellings with a 100k Affordable Housing Contribution but that a scheme for complete redevelopment of the site was refused under application ref 16/00385/OUT. The refusal reasons centred on the landscape impact and the lack of affordable housing. The appeal was dismissed but only as a result of the refusal reason relating to lack of affordable housing. The applicants are now proposing 4 units of affordable housing (14%) whereas the adopted policy would seek 35% (10 units). The previously offered 100k towards off site AH is also offered in lieu of OCC contributions.
- 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 related solely to whether the revised offer has addressed the refusal reason related to affordable housing contributions.

Principle

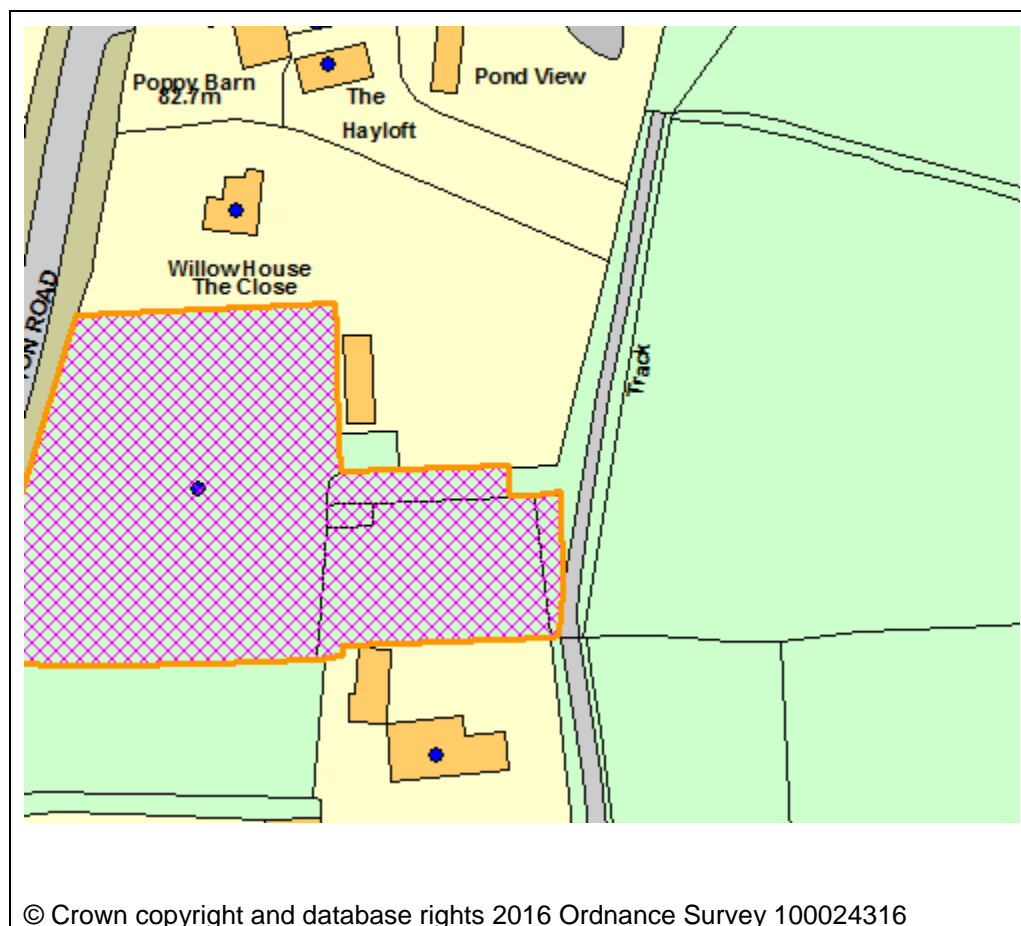
- 5.3 In that the Inspector did not consider that any issue other than the extent of affordable housing contribution was deficient with a recently refused almost identical proposal there would need to be materially different planning circumstances to justify either raising new objections or withdrawing that as a potential refusal reason.
- 5.4 In terms of the former, as will be noted from other applications elsewhere on this agenda, whilst the LPA are now claiming a 5 year housing land supply as part of the emerging local plan process the advice being offered by Officers is that until such time as this has been endorsed by the LPI that as a precautionary approach the so called tilted balance set out in paragraph 14 of the NPPF should be used for determining applications. Thus whilst the housing position has improved markedly when compared to that which was the subject of the appeal deliberations it is not yet at a point where Officers would advise relying upon it to justify a refusal. Secondly a recent court case has clarified the position as regards to landscape policies and their ongoing relevance notwithstanding that they may impact on the ability to deliver houses. This site lies within such a policy area (policy NE2 refers) but given the lack of traction that the landscape impact refusal reason had with the Inspector again your officers would not suggest that this would materially alter the planning balance. Thus notwithstanding the reservations that Officers retain it is not considered that any material changes would justify re-introducing new or refreshed refusal reasons.
- 5.5 This leaves the second element of the equation - has the applicant done enough by way of their revised offer to address the concerns that the AH offer at below policy compliance had not been justified. In order to test that position the applicants full case has been sent to the consultants who advised the Council as regards the viability of the AH policies in the emerging plan for comment. Clearly the presence of an existing house on the site establishes a land value but the applicants claim that the costs of development and existing values are such that the 14% plus 100k offer is all that can be afforded also needs to be looked at in considerable detail. Failure to ensure that this position is fully justified could clearly have considerable adverse implications for the policies of the emerging plan in terms of their ability to meet the pressing AH needs of the area. Your Officers will not be in a position to make a formal recommendation until such time as the consultants response has been received and considered.
- 5.6 In light of the above the application is currently recommended for deferral as it is not possible to frame a recommendation in the absence of the external advice. Members may, in light of the technical/specialist nature of the advice sought, wish to give consideration as to whether if the advice is not received in time for the meeting they wish to delegate authority to Officers to determine or whether they wish to bring the matter back to committee in July. A full verbal update will be given at the meeting.

6 RECOMMENDATION

Defer, but with the possibility of the application being brought forward for determination if the outstanding Consultants report regarding viability is received.

Application Number	17/01318/FUL
Site Address	Glebe Cottage Lew Road Curbridge Witney Oxfordshire OX29 7PD
Date	31st May 2017
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Curbridge Parish Council
Grid Reference	432949 E 207865 N
Committee Date	12th June 2017

Location Map



Application Details:

Construction of four detached dwellings and formation of vehicular access.

Under the terms of paragraph 14 of the National Planning Policy Framework this scheme comprises a sustainable development; as such planning permission should be granted subject to necessary planning Conditions.

- 3.2 The full supporting document can be found on the Council's website.

4 PLANNING POLICIES

H2 General residential development standards

H2NEW Delivery of new homes

H5 Villages

BE3 Provision for Movement and Parking

BE2 General Development Standards

EH7NEW Historic Environment

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

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

5 PLANNING ASSESSMENT

Background Information

Planning History

- 5.1 14/0071- Erection of four dwelling and private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking, to create an independent community for people aged 60-REFUSED and DISMISSED at appeal. This appeal was dismissed on the grounds that there was no affordable housing contribution and that the development would cause some harm to the character and appearance of the area.
- 5.2 15/01257/FUL- Erection of four dwelling and private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking, to create an independent community for people aged 60 (A modification to 14/0071) Conditionally approved.
- 5.3 At the time that this application was under consideration the Government had amended planning policy guidance such that on schemes less than 11 dwellings and an overall floor area of less than 1000 square metres no affordable housing is required.
- 5.4 In assessing this application the development proposal for 4 modestly sized houses was considered to constitute a logical compliment to an existing pattern of development, integrating well with the existing development surrounding it and helping to maintain the vitality of the village. Further, given that the site is located only 2 miles from Witney the principle of the housing was considered to comply with the environmental aspect of sustainability.
- 5.5 Further in assessing the application the other two dimensions of sustainable development needed to be considered and weighted /balanced along with the above.
- 5.6 In this regard the community benefit of a 4 modestly scaled houses and a communal hub building on the site was considered to be a strong social dimension of the proposed scheme.

- 5.7 The economic benefits (work during the construction phase and that future occupiers would spend money in local businesses) weighed in favour of the overall balancing exercise.
- 5.8 16/01973/FUL - Planning permission for five dwellings on the site was refused for the following reason:

By reason of the design, siting and scale of the five dwellings and associated outbuildings the proposals are considered to constitute an overdevelopment of the site which will adversely urbanise the semi - rural character and appearance of the village street scene and further appear at odds with the generally smaller scale linear pattern of development that characterises the southern part of the village. This urbanising impact is likely to be further exacerbated by the pressure to lop and trim back existing mature tree and hedgerow planting which presently surrounds the periphery of the site due to relatively small proposed garden areas serving the detached dwellings. Further, as a result of the harm to the street scene and character of the area, the setting of the nearby listed buildings located to the north known as Dutton's Farm would be harmed, although this harm is judged less than substantial. The proposal is therefore considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011, Policies OS1, OS2, OS4, H2 and EH7 of the emerging Local Plan 2031, and relevant paragraphs of the NPPF. The level of harm identified is not outweighed by the limited benefits of the proposal when assessed against paragraphs 134 and 14 of the NPPF.

- 5.9 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

- 5.10 Curbridge is classified in the Local Plan 2011 as a Group A settlement (villages). Local Plan policy H5 would not allow development of the application site because it involves housing development in depth on the site which fails to comply with the definition of 'infilling'. However, this policy is considered to be out of date.
- 5.11 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, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.12 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.

- 5.13 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.14 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.15 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions timetabled for July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.16 Emerging Local Plan 2031 Policy OS2 allows for limited housing development in the villages which respect the village character and local distinctiveness and which would help to maintain the viability of these communities. The emerging Local Plan does not impose a ceiling on development in any given settlement and Officers are mindful of the Government requirement that authorities should boost the supply of housing.
- 5.17 The site the subject of this application adjoins existing built up development on both sides and as such accords with the spirit of the criteria of H2 and OS2 locational policies. In addition it benefits from an extant planning permission for 4 dwellings and a communal hub which has not been implemented to date.
- 5.18 In terms of the presumption in favour of sustainable development outlined in the NPPF and cited at paragraph 14, this application for the development of 4 modestly sized market houses is considered to constitute a logical compliment to an existing pattern of development, integrating well with the existing development surrounding it and helping to maintain the vitality of the village. Further, given that the site is located only 2 miles from Witney the principle of the housing is considered to comply with the environmental aspect of sustainability.
- 5.19 The proposed development would produce work for builders in the in the construction phase and the future occupiers would spend money in local business and as such the economic benefits of the scheme weigh in favour of the planning balance.
- 5.20 Unlike the extant permission on the site for housing for people aged 60+ with a communal hub building it may be opined that this application for four market has a more limited positive social dimension to be weighed in the planning balance. However, it will provide 4 additional houses within the village which will help support the local community.
- 5.21 In terms of the benefits of the principle of allowing this a site to be developed for market housing, this proposal would result in 4 additional house towards the supply of housing. In

addition it would provide some level of economic benefit and social benefit that would weigh in favour of the proposals.

Siting, Design and Form

- 5.22 All the proposed dwellings are one and half storeys and of a generally vernacular design constructed of Cotswold stone with brick detailing and slate/tiled roofs. This approach utilises rooms within the roof space and this enables the ridge heights to be lower than a full two storey dwelling. The reduction in the number of buildings from six (approved scheme) to four has allowed for the retention of a greater amount of existing planting /screening on the site and provides space for additional planting. The retained and additional planting will ensure that the future development is adequately screened in the interests of the semi rural character and appearance of the village street scene.
- 5.23 In addition by virtue of the screening and the siting of the buildings as proposed, the setting of the listed building known as 'Duttons Farmhouse' located relatively close to the application site will be preserved.

Highways

- 5.24 Highways has raised no objection to the proposals subject to conditions.

Residential Amenities

- 5.25 The proposed dwellings are sited and orientated such that the residential amenity of the existing adjoining dwellings is not harmed. It has been noted by Officers that planning permission has recently been granted under 17/00482/HHD for extensions to Glebe Cottage which includes a rear first floor balcony that is within 11 metres of the boundary of the site and will overlook the rear garden serving dwelling no.3.

Conclusion

- 5.26 In light of the above assessment and subject to the outstanding consultation responses not raising any insurmountable objections the application is recommended for conditional approval.

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 external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.

- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), extensions or outbuildings other than those expressly authorised by this permission, shall be constructed.
REASON: Control is needed to in the interests of visual and residential amenity.
- 6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
- 7 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.
- 8 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.
- 9 That a scheme for the landscaping of the site, including the retention of the established hedgerow boundary planting together with 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 destroyed within 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.
- 10 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has 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 ensure the safeguard of features that contribute to the character and landscape of the area.

- 11 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area.

- 12 Development shall not commence until a foul water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure adequate means of disposing of foul water and to avoid pollution.

- 13 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 14 Prior to first occupation of plot 3 the first floor windows on the southern elevation shall be obscure glazed and retained as such thereafter.

REASON: In the interests of residential amenity.