

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 12th March 2018**

**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***

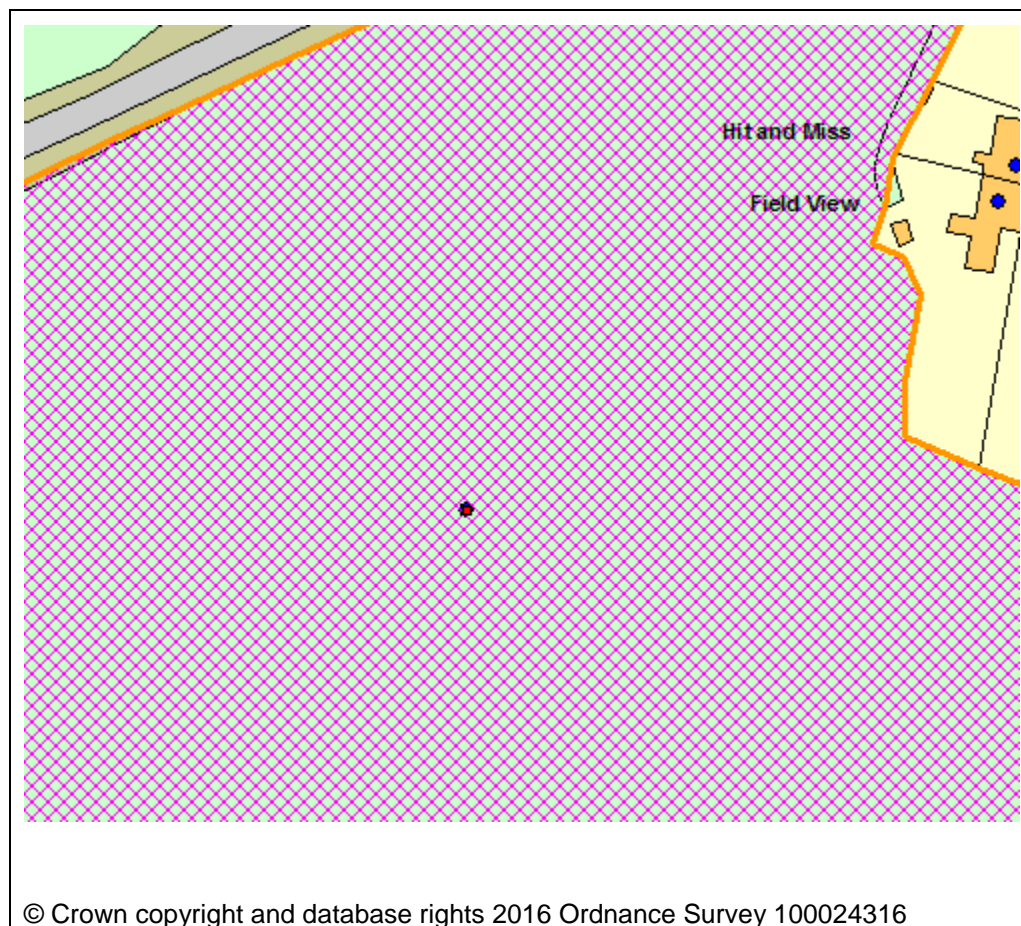
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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](http://www.westoxon.gov.uk/meetings)

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
17/02463/RES	<a href="#"><u>Land South of New Yatt Road, North Leigh</u></a>	3
17/03527/FUL	<a href="#"><u>8 Curbridge Road, Witney</u></a>	23
17/03653/FUL	<a href="#"><u>97 Bluebell Way, Carterton</u></a>	31
17/03717/OUT	<a href="#"><u>Land East of Monkswood, Pink Hill Lane, Eynsham</u></a>	36
17/04112/FUL	<a href="#"><u>Barn at Holwell Manor Farm, Holwell</u></a>	56
17/04113/FUL	<a href="#"><u>Barn at Holwell Manor Farm, Holwell</u></a>	64
17/04117/FUL	<a href="#"><u>Land Between Glebe Farm and The Orchard, Hayway Lane, Weald, Bampton</u></a>	71

Application Number	17/02463/RES
Site Address	Land South of New Yatt Road North Leigh Oxfordshire
Date	28th February 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438228 E 213001 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Erection of 76 residential dwellings together with associated works (matters to be considered; appearance, landscaping, layout, and scale).

### Applicant Details:

Ms Victoria Southern, C/o Agent

## I CONSULTATIONS

- I.1 Adjacent Parish Council Hailey Parish Council objects to application 17/02463/RES on the following grounds
- I.1 In the Planning Statement the applicant refers to Policy BE2:  
"New developments should respect and, where possible, improve the character and quality of its surroundings...."  
"Proposals will only be permitted if .... the following criteria are met;  
Quality of Development and Impact upon the area;  
a) the proposal is well designed and respects the existing scale, pattern and character of the surrounding area;  
b) new buildings.....are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining building traditions reflected as appropriate;  
f) in the open countryside, any appropriate development will be easily assimilated into the landscape....."
- I.2 The two "2.5" storied blocks of flats on the SE corner of the site have been placed at its highest point and will dominate the skyline. They obstruct the view and seriously overlook properties and gardens of residents at the western end of Perrot's Close. Single story bungalows proposed at lower levels of the site would be more appropriately located at the higher part of the site and would respect the scale of existing properties on Perrot's Close.
- I.3 The site occupies the highest point of the village, and as such impacts on the sky line when viewed from the south and from the north. The applicants claim under para. 7.19 that design and landscape mitigates the view from the A40 is irrelevant and misleading. There is no view of North Leigh, let alone the site, from the A40 trunk road which runs east to west 2 miles south of the site.
- I.4 Para 7.3 claims to respect the character of the local area in terms of design and claims that the materials chosen also reflect the local character of the area. Para 7.26 claims that dwellings are in keeping with local styles and materials. Para 28 declares that the proposed housing will comprise 76 two-story dwellings. These are all misleading statements.
- I.5 One bedroom maisonettes in 2.5 storey blocks of flats are not local and alternative designs should be found in order to respect the character of the surrounding area.  
Red brick, buff brick and off-white rendering are rare and unusual for properties on New Yatt Road which in the vast majority of cases are stone or reconstructed stone faced. In order to respect local building materials and traditions, all units on the site should be stone or reconstructed stone finish.  
The housing comprises 2.5 storied flats and detached properties, 2 storied detached and semi-detached dwellings and single story bungalows. It seems that the writers of the planning statement have not seen the layout and design plans.  
The designs proposed are clearly intended for large urban and suburban developments. This site is in open countryside; the designs are therefore inappropriate for this rural landscape and should be

reconsidered.

2.1 The applicant refers to Policy BE3

"Development should make provision for the safe movement of people and vehicles"

"Proposals will only be permitted if... the following criteria are met;

a) safe and convenient circulation of pedestrians and cyclists, both within and externally to nearby facilities.....

b) safe movement of all vehicular traffic both within the site and on the surrounding highway network."

2.2 The projected refuse collection movement drawings assume nil on-street parking. The domestic car parking arrangements on site fail to recognise the common practice of on-street parking by residents and visitors. Whilst a total of 161 parking spaces are provided on the site, there are insufficient spaces provided in the SE corner ie. in the affordable housing zone. Many spaces in other zones are 'linear' pairs which are effectively single places.

2.3 Overall the proposals encourage on-street parking on relatively narrow streets and increase the risk of serious traffic incidents. The provision of more street laybys would better meet the criteria for the safe movement of vehicular traffic.

2.4 Major highway alterations, including new footpaths, on New Yatt Road towards North Leigh village are subject to S106 conditions in application 17/01845/OUT for 40 units on the north side of the road. The highway alterations have not yet been finalised. Clearly this development of an additional 76 units will have a serious impact on the 'surrounding highway network'.

The PC urge the committee to defer any decision on 17/02463/RES until the highway problems of 17/01845/RES have been resolved.

3.1 Should this application be approved, and without prejudice to our objections, the Parish Council would require the following compensation in mitigation of the social impact of the development and the added demands on the village infrastructure.

3.2 The importance of the 233 bus service is shown by the recent increase in the service to two per hour weekday daytimes. The service is acknowledged in the Local Transport Plan as providing North Leigh with a credible link with employment opportunities, a better connection with trains at Long Hanborough station and better connections to strategic bus services to Oxford. To make the increased service as attractive as possible, the Parish Council demands a contribution to the local transport infrastructure of £49,200 for the construction of 6 bus shelters on Common Road and Park Road.

3.3 This development together with the approved development on the north side of New Yatt Road, will add a total of 116 units, (probably 230 extra cars) whose access to the A4095 is directly through the centre of the village. The primary school, the village Post Office and shop and the Community Hall will be exposed to a dramatic increased flow of traffic. The Parish Council requires a Zebra Crossing at the school entrance to ensure the safety of children and village residents, practical details to be agreed by OCC

		Highways Dept. and Bellways, in discussion with the Parish Council.
I.2	Major Planning Applications Team	No Comment Received.
I.3	Parish Council	No Comment Received.
I.4	OCC Highways Drainage	Original Plans Objection on the grounds that the required sight stopping distance cannot be achieved at the proposed pedestrian crossing south-east of the property known as Conifers. This could lead to an increase in collisions between pedestrians and motorists approaching the crossing from the south-east. Also, the applicant has not demonstrated that a refuse vehicle of not less than 11.6m in length can enter, turn in, and exit the development safely in forward gear  Amended Plans No response to date
I.5	Parish Council	The Parish Council objects to application 17/02463/RES on the following grounds I.1 In the Planning Statement the applicant refers to Policy BE2: "New developments should respect and, where possible, improve the character and quality of its surroundings...." "Proposals will only be permitted if .... the following criteria are met; Quality of Development and Impact upon the area; a) the proposal is well designed and respects the existing scale, pattern and character of the surrounding area; b) new buildings.....are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining building traditions reflected as appropriate; f) in the open countryside, any appropriate development will be easily assimilated into the landscape....." I.2 The two "2.5" storied blocks of flats on the SE corner of the site have been placed at its highest point and will dominate the skyline. They obstruct the view and seriously overlook properties and gardens of residents at the western end of Perrot's Close. Single story bungalows proposed at lower levels of the site would be more appropriately located at the higher part of the site and would respect the scale of existing properties on Perrot's Close. I.3 The site occupies the highest point of the village, and as such impacts on the sky line when viewed from the south and from the north. The applicants claim under para. 7.19 that design and landscape mitigates the view from the A40 is irrelevant and misleading. There is no view of North Leigh, let alone the site, from the A40 trunk road which runs east to west 2 miles south of the site. I.4 Para 7.3 claims to respect the character of the local area in terms of design and claims that the materials chosen also reflect the local character of the area. Para 7.26 claims that dwellings are in keeping with local styles and materials. Para 28 declares that the

proposed housing will comprise 76 two-story dwellings.  
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With regards to the amended plans they advise:

Whilst the Applicant has amended some elements and reduced ridge heights of Dwellings on Plots 3 to 7, and 8 to 11, the overall density in this corner of the site nearest existing neighbours is still higher than the western part of the site. The appeal Inspector had before him an illustrative scheme with open space nearest Perrott Close, so he felt the development could be satisfactorily integrated into the edge of the village with a suitable green buffer between existing and new. That is no longer the case with units along most of the eastern boundary of the site close to existing properties or their back gardens. (see para 51) and generally a narrow buffer containing a footpath separating them.

Our overall impression of the scheme is one of an URBAN housing estate more suitable to the edge of a town rather than a rural village like North Leigh. As such the scheme fails to reflect sympathetically the local vernacular sufficiently in character, scale, design and materials nor does it happily integrate with the existing built form of the village. (The Sweetcroft Homes scheme at Beaumont Green at Sutton is an excellent example of how to deliver an attractive development that relates well to that village). (See para51).

Red roof tiles and brown brick would be wholly alien to the village whilst a paler buff tile would better match stone or stonesfield slate. In a wider landscape we believe darker materials grey/blue/black are preferable on rooves in this prominent position.

For example here, the bungalows should all be in stone rather than brown brick, and the type of red brick and roofing material for other house types needs careful selection to be in keeping with the village character/vernacular (see red brick houses in Park Road). There is



limited evidence of slate being proposed or much slate coloured roofing material - but a quick drive round the village shows there is a significant amount of slate or mostly dark coloured roofs in evidence especially when coming from New Yatt (the west). (see paras 27, 35, 51 and 60).

Why could plot 6 and 7 not be bungalows to reflect character of Perrott Close and reduce overlooking? (see paras 80 and 81)

Does the village really need more 5 bed houses when probably fifty plus are going to be built here and in the Hanboroughs and Freeland. Smaller houses or bungalows are likely to be easier to sell as well (three 5 bed houses in New Yatt have taken ages to find buyers and one still remains unsold- by comparison the six bungalows built by Abbeymill Homes opposite the village shop/PO at Minster Lovell all sold off plan we hear. The demand reflects many people (given the demographics in West Oxfordshire and the county) looking to downsize.

Why not place the flats lower down the site and have more bungalows near the ridge line so as to reduce the visual impact? (paras 35, 51 and 60)

There is no provision apparent for sale of affordable units outright - only a proportion of the affordable units are for shared equity deals. Some young people in the village or locally will want to buy dwellings outright albeit with the discount secured for the future. Why is that not possible?

To the east there is no proposal to upgrade the same footpath linking to Heath Farm Lane which could offer, on balance, a much safer route for new residents to access the school and village hall etc in the centre of the village. Such an improved link would be good selling point to prospective buyers considering moving here.

When you compare the site layout plan (drawing 301) and the S.278 plan the latter indicates about 70 metres of hedge to the west of the entrance being removed for sight line purposes but that is not reflected on the site layout plan where a very clear hedge is shown - which is correct? How does that compare to the evidence about robust boundaries enclosing the site, given at the appeal on which the Inspector gave his decision (see para 39).

The footpath that runs down the eastern edge and across the site will become much more enclosed between fences before crossing some open space and then sharing a roadway with cars where no separation is provided - so pedestrians will feel hemmed in and then have to contend with cars reversing out of car park spaces on occasion and as such the configuration is potentially dangerous especially for children.

There appears to be no provision of a bin collection site for the lower part of the site so residents down there will have nowhere to put or collect bins - pushing them up hill (full) will present serious problems for some. The bin lorries will not come down to the bottom of the site if we interpret the plans correctly. See similar comments are raised by OCC representation of 26th January 2018.

Can the root protection area (15metre radius from trunk) of the fine oak tree in Providence Cottage Garden be fenced off as soon as work starts on site to avoid any misunderstanding and made a planning condition.

How will WODC monitor ground levels and ridge heights on the site effectively? Will conditions imposed refer to specific plans and with properly recorded /defined heights of existing ground levels and eaves and ridge heights so that what is built can be verified against the approved plans?

Have WODC now received suitable commitment from Thames Water that the work to enlarge sewer capacity down stream of this and the other site north of New Yatt Road will be completed before any of the houses are occupied and if not when do they expect to have done the work? TW said work was necessary for just the 76 site but since then an extra 40 units are now being built connecting to the same sewer.

A quick look at the twenty or so sites in Oxfordshire and adjoining counties where the applicants are currently building and offering houses (mostly in edge of town locations) gives one the distinct impression that many of the house types here are being "recycled" from elsewhere, albeit with different names, and that scant attention to actually reflecting the local vernacular is being made. Their main market and typical developments appear to be predominantly URBAN in nature and dare one say their concept of rural is inevitably different from locals here.

#### Off Site Highway issues

There are a number of highway related issues in the context of the S 278 plan and schedule of works - which are wholly different from the scheme originally in front of the Appeal Inspector and call for detailed scrutiny.

The S.278 plan shows the New Yatt Road reducing in width to under 5metres(4.87m to be precise) and the adjoining footway reduced from 1.8m to 1metre in width - so in effect 116 new dwellings will access onto the road in the near vicinity in addition to all existing traffic but instead of the road being widened to accommodate the inevitable increase in traffic, it remains reduced in width and pedestrians will have to walk right beside the road where a lorry and

a bus might be trying to pass each other in opposite directions( probably not physically possible) - we suggest that represents a clear and present danger to pedestrians and vehicles. At the very least some form of protective railing along the kerb should be erected to give pedestrian some sense of security. A safer route is from the site via Heath Farm Lane which the applicant could be asked to upgrade the short section alongside the reservoir.

Following pressure from ourselves and local residents, OCC are now requesting a series of three traffic calming cushions as a solution to slowing down traffic but the S.278 plan and works do not show these as yet and we assume these could be required by condition or the S.278 amended accordingly to ensure delivery by the applicant - we still do not know why we could not have one pinch point and a speed cushion - like there are coming into Witney on the New Yatt Road - we would ask the Committee to insist on this as a condition to enable a safer crossing for pedestrians and slowing traffic down. Refer to para 95 of the Inspectors report where the Inspector said "he considered such an obligation would meet the relevant tests".

Is it possible to get all the off site S278 highway works done as soon as possible rather than being left to the very last? The planning condition no 8 imposed by the Inspector needs replacing as the plan he refers to has been dropped and the footway and highway configuration completely changed. So WODC can now impose a new one with a timetable.

Surface water Drainage provision - none seems to be provided by the shared drive entrance north of Providence Cottage and surely there should be drainage here to catch water from higher surface and rest of road - if puddles accumulate here there are risks to pedestrians and vehicles especially in icy conditions.

Non - skid surface for junction of shared drive north of Providence Cottage, where footway will cross - can this be required?

No mention of gas pipe in road which will almost certainly need to be protected from works proposed.

Relocation of telegraph pole and stay and BT manholes - no clear solution as to where they will be relocated to safely - moving them onto neighbouring land will require consents not currently in place.

Pedestrian Crossing arrangement by Holly Tree Cottage and Woodman PH - there are no details provided as to what provision is being made on north side of road

No work shown on roadside ditch west of the site Surface Water outfall and down to bend in NYR opposite Whitehill Farm. There will be a significant increase in run off even if attenuated so the ditch must

be prepared to cope with this extra flow, otherwise danger of water spilling onto the highway with inevitable damage and risk of flooding/ice.

- I.6 Major Planning Applications Team No Comment Received.
- I.7 Biodiversity Officer The 15m landscape buffer along the southern boundary has not been extended along the full length of this boundary (to the eastern side) as recommended in Ros' comments. However, in general, the landscaping proposals shown on the planting plan appear to be satisfactory. The wildflower meadow proposal at the eastern side of the site should be extended along the full length of the public right of way along this edge of the development, as there are a few blank spaces along this side on Planting Plan 1.  
I concur with Nick Dalby's comments on the protection of the TPO Oak tree in the northeastern corner of the site.
- I.8 WODC Housing Enabler There remains a buoyant mix of households who have selected North Leigh as their first choice for affordable housing. Having reviewed the developers AH offer, I can support the scheme as it stands.
- I.9 WODC Landscape And Forestry Officer Original Plans: Plot 1 is far too close to this impressive landscape feature and I suggest the whole corner of the site, under and around the tree, needs to be re-examined. Even the building itself falls within the RPA (which has been capped at 15m as the tree is so large). There is useful information in the Arb report about the tree and its importance and that there should be no development in or close to the RPA.
- I.10 WODC - Sports No Comment Received.
- I.11 Thames Water Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes.
- I.12 WODC Env Services - Waste Officer No Comment Received.

## 2 REPRESENTATIONS

- 2.1 I13 objections to the original and amended plans have been received. The objections refer to the following matters:

### Design and Layout

- Development too large and dense for the village.
- New plans will create constant noise and disruption in a currently quiet area.
- Perrott Close seriously affected by overlooking flats. Flats will tower over neighbouring bungalows.
- North Leigh does not have the infrastructure to deal with increase in population.
- Unsightly flats not in keeping with the aesthetics of North Leigh. Not blending in with bungalows in Perrott Close and Cottages in Hit and Miss.
- Proposed flats to sit at the highest point of the site. Will further detract from scenic views.
- Use of red brick and proposed building materials not in keeping at all with local traditional Cotswold dwellings.
- Limited parking for new development.
- Minimal recreational areas for children.
- Loss of privacy.
- 3 storey apartment block too close to boundary line of Perrott Close.
- Proposed footpaths are in dangerous positions.
- Development will spoil the look of existing properties.
- Flats will be an eyesore.
- The exposed gardens of Perrott Close properties, backing onto the new parking areas, could incur targeting/safeguarding issues.
- Overcrowded.
- Concentrated housing does not encourage integration of community and housing types.

### Ecology

- Green corridor for wildlife.
- Will affect the significant wildlife activity and widespread bird life in area.
- Owls unable to hunt at night in local fields due to light pollution.
- Concerns over construction affecting the stability of the reservoir and wildlife ponds.
- Should have trees on each side of development to encourage biodiversity.
- Wildlife buffer on East, North and West side required. and was recommended in Ecological report.

### Highways

- Increase in traffic through the village. Will cause dangers for vehicles, cyclists, horse riders and joggers.
- Amplified use as a 'rat run' to avoid A40 and A4095 traffic.
- A4095 even busier due to train station.
- Surge in traffic at school times.
- Roads in very poor condition. Heavy, large vehicles used for construction will only make them even worse and more dangerous. Will increase pressure during peak rush hour times.
- Further traffic could cause damage to historic buildings.
- Increase demand for parking. On-street parking dangerous in narrow streets.
- Need for traffic calming and road signage to avoid accidents through tight road networks and blind corners. Speeding a recurring issue.
- Emergency services will struggle in high-density area.

- Travel Plan out of date.

#### Landscape

- Hedging and tree lining between existing properties needs to be enhanced to reduce visual impact.
- Concerns about trees with a 'Preservation order' being affected. Ancient oak trees and hedgerows on site, as well as trees with TPO's.
- PROW impacted and needs to be retained. Will cause conflict.
- Moving large amounts of soil will change the lay of the land. Eliminating beauty of landscape.
- No green corridor.

#### Neighbourliness

Noise and light pollution.

#### Flooding

- Increased risk of flooding. More green space should be added to compensate for concreted areas.
- Severe runoff and flooding along Green Lane.

#### Other

- Residents feel the Appeal Inspectors report has been ignored. Disregarded directions laid out in the NPPF.
- Residents informed that proposed housing would not affect skyline. Will be taller than current properties in North Leigh and out of place.
- Require improved public transport, medical resources, school facilities and roads before a development like this should be implemented.
- Schools at capacity.
- Village sewage system already under immense strain.
- Medical services seriously stretched.
- Unstable drainage.
- Unaffordable housing.
- Lack of 'Local Plan' in place regarding development.
- Substantial changes to the original plan set forward by Bellway.
- Impact of both developments together accumulating to 116 dwellings not being taken into account.

#### Design and Layout

- Original outline plans were more acceptable due to less visual impact.
- Original numbers for dwellings were better received.

### 3 APPLICANT'S CASE

- 3.1 Writing in support of the application and the amendments the agents have tabled a comprehensive suite of information that may be viewed on line in the usual manner. The summary of the Planning statement is reproduced below:
- 3.2 This is an excellent opportunity for 76 new high quality homes in North Leigh, located at land south of New Yatt Road, which would be built by the reputable housing developer, Bellway Homes Limited (South Midlands). It is acknowledged that West Oxfordshire District Council are unable to demonstrate a five year supply of deliverable housing sites. Accordingly, policies relevant to the supply of housing are considered out of date and afforded no weight, in accordance with Paragraph 49 of the NPPF. In accordance with Paragraph 14 of the NPPF "where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless: 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". North Leigh is a sustainable location for new housing. It is a "medium sized village" within the settlement hierarchy of the adopted Local Plan, and a 'village' within the emerging Local Plan. It has provision of existing services and facilities. It is excellently positioned with respect of supplying homes for the Eynsham - Woodstock sub-area and Oxford and Oxfordshire City Deal area, and is located within close proximity to two bus stops, which provide sustainable links, areas of growth and employment potential. Both the NPPF and recent appeal decisions have made clear that the Objectively Assessed Need for housing is not a limit to housing growth, rather a minimum target point for the delivery of new homes, and that it should be our proactive strategy to "boost significantly the supply of housing" (NPPF). This proposal can contribute towards the strong need for housing in the region. Oxfordshire has an acute market and affordable housing shortage. This particular proposal can help contribute to alleviating the shortfall of affordable homes. In accordance with emerging local planning policy, 50% affordable housing is provided, thereby contributing to the proactive efforts to improve Oxfordshire's affordability. Furthermore, the mix of homes in the proposal will closely accord to that set out in the Oxfordshire SHMA (an evidence based document), and correspondence with West Oxfordshire District Council. The proposal submitted has come forward with due regard for its context. It has a high quality urban design, representing layout, scale and materiality that reflects North Leigh and the surrounding towns and villages within West Oxfordshire. The proposed development is a logical extension to the village. It will preserve the character of the surrounding open countryside, and will fit seamlessly with the neighbouring residential development to the north and east. All technical matters accord with planning policy and the application is duly supported by the submitted technical consultant reports. The proposal constitutes sustainable development, in the context of the economic, social and environmental roles, which the Government are encouraging to promote.
- 3.3 Benefits Arising from the Development. In summary, there are a number of significant benefits of the scheme, including but not limited to:
- A deliverable housing site. This proposal is a much needed contribution to the five-year housing land supply in the District. It will provide 76 new homes for future occupiers. It can be considered to deliver these within the proximity of Oxford (meeting some of its unmet need), and within a medium village of good sustainability.
  - Provision of affordable homes. The supply of affordable units in Oxfordshire is highly constrained and the region has been well documented for its severe lack of affordability.

The provision of affordable housing within this location is therefore highlighted as a major benefit to which significant positive weight should be afforded.

- Natural environment - The proposal retains and enhances existing boundary planting, and provides ecological biodiversity enhancements. Public open space is provided above policy standards.
- Urban design - The proposal is of a high quality, led by a landscape based design. The public open green space provides an inviting setting for relaxation and social activities for local residents. The scheme has been developed to seamlessly integrate with the village. The proposal succeeds in reflecting the scale, siting, density and form of the established character and distinctiveness of the settlement. The proposal would not dominate the village, rather it would be a logical and appropriate siting of new homes, on a site which borders residential development.
- Economic support - The increased population level will increase local spending power and accordingly will support local business and amenities. The development will provide a boost to the local workforce and support a strong, responsive and competitive economy.
- Job creation - The proposal will create construction employment roles and support the local employment market accordingly. This economic benefit will also trickle down to ancillary services such as estate agencies and local removal firms.
- Planning obligations - The proposal will contribute appropriately to planning obligations, which positively influence the local context.

3.4 This Planning Statement has demonstrated that the proposal constitutes a sustainable form of development and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposals. Therefore, planning permission should be granted in accordance with paragraph 14 of the NPPF.

3.5 Writing in response to some of the concerns raised the agent advises as follows:

A public comment submitted on the above application addressed the Transport Statement submitted with the application. The Transport Consultant has prepared the below response to these comments.

a. The information on local facilities, amenities and employment opportunities is based on out of date information and is disingenuous at best. The Post Office is not located where stated (and hasn't been for many years) and the 'employment opportunities' listed are mainly minimal-sized businesses often operating from their own homes.

RESPONSE A second Post Office was shown on the plan, but only one described within the document text. The remaining facilities are or were open during the time of writing the report. We did not include all facilities such as North Leigh Business Park, North Leigh Football Club and Eynsham Hotel which are also important employment opportunities within North Leigh.

b. In pushing the benefits of "a modal shift" the consultants have failed to provide hard data on traffic breakdown and movements. In addition there is, therefore, no quantifiable data on how this development will materially affect those figures.

RESPONSE A Transport Statement was prepared by Waterman Group. This was approved at outline planning stage and would have included this information. This Travel Plan has not been prepared to address multi-modal trip generation and impact.

c. Whilst "a modal shift" may possibly reduce the size of the impact of primary traffic on local roads there will, nevertheless, still be an increase; on roads which at peak times of day are failing



to cope already. It is noted that the current cycle path between Witney and North Leigh (along the A4095, North side only) is shared with pedestrians and somewhat limited in width. It is already common practice for cyclists to ignore it altogether and to travel on the vehicular carriageway instead, thus considerably slowing the flow of traffic; this causes increased congestion and pollution.

RESPONSE The Transport Statement prepared by Waterman Group at outline planning stage was prepared to address traffic generation and impact. This report is to highlight opportunities for modal shift which is primarily encouraged through the S.106 contributions. These include:

- The development of bus services through North Leigh, at a rate of £1,000 per additional dwelling as requested by OCC; and
- A contribution of £2,000 towards the cost of installing modern bus stop pole/flag/information cases at the Masons Arms bus stop.

d. The much trumpeted "modal shift" takes no account of how, people who lack cars and are served by only 1, small single—decker bus an hour (between 07:07 and 19:12 on weekdays, 20:07 on Saturdays but none at all on Sundays) are going to meet their needs for transportation of goods to, or from, their homes (e.g. groceries, large items of shopping etc). This requirement will, inevitably, be met by a substantial increase in the numbers of delivery vans travelling through the village and the size and frequency of buses also. Nor does it acknowledge the desire of parents to transport their offspring to school themselves, with the closest secondary school being in Woodstock Road in Witney over 2 miles away.

RESPONSE The original Transport Statement would have detailed the trip generation of the site, this would include all trips to all destinations. The travel plan's modal split information is based on 2011 local census information. Cars will still be used, but it is the aim to encourage residents out of their car and on to alternative modes of sustainable transport.

e. The access roads to this site all have restrictions in width and sight lines. New Yatt Road is a country lane with crumbling edges, no kerbs, blind double bends and significant 'traffic calming' at the Witney (western) end. Access to Church Road and Common Road is, initially, only possible via a narrow, blind, double bend with on-road parking to boot. Even once Church Road has been accessed it has 2 narrow blind bends and is very narrow at the Boddington Lane end. Boddington Lane itself has a blind, narrow, double bend. Common Road is better served with proper kerbs and reasonable width; however, it can only be reached through a very narrow bottleneck with reduced width pedestrian footpath and, again is subject to much on-road parking. There is an alternative exit from the village, once the narrow bottleneck has been passed, along Park Road. Park Road, whilst well furnished with kerbs, has several difficult sight line points, serves the primary school, the Memorial Hall (where daily activities and the library are located) and the Post Office. Daytime, on-road, parking along Park Road around this area effectively renders the road single—track.

RESPONSE The Travel Plan is to encourage sustainable travel. Any issues with visibility, road condition parking and capacity would have been addressed as part of the outline planning application (if required by the highway authority) and not a travel plan.

f. The A4095 is a well—found single carriageway 2—way road linking Witney and Woodstock, and passes to the South and East of the village. Access onto the A4095 is either from the Southern end of Common Road or the Eastern end of Park Road. At peak load times of day this road carries very heavy traffic and frequently tails back all the way from Long Hanborough (a problem likely to increase with the construction of the 'Hanborough Gate' development). Traffic turning across the flow in order to enter, or exit, the village can cause a serious restriction to flow and poses an inevitable accident risk. The proximity of the A40 (a road which

features almost daily in the traffic reports on the stretch between the A415 and Cassington), together with the large number of new dwellings being built around Witney, means that the volume of traffic along the A4095 has increased substantially due to people avoiding or leaving the A40 in order to avoid that congested highway.

RESPONSE This Travel Plan is not designed to address traffic capacity. This would have been considered at outline planning stage within the Transport Statement (if requested by the highway authority).

- 3.6 The conclusion to the revised Design and Access Statement indicates that it supports the Reserved Matters planning application for the residential development of 76 new high quality homes, including 38 affordable dwellings, in the village of North Leigh. The proposals provide a varied choice and mix of tenure and type, which delivers a housing mix that meets the local need and encourages a sustainable community. The scheme will utilise and enhance existing features on site to provide a development that is in keeping with and will enrich the local area. It will create a safe and accessible environment for residents and visitors alike. The proposals respond to the local character, as well as creating a well-designed distinctive place with a strong identity. The scheme has been progressed in close discussions with the Local Authority, as well as specialist consultants covering areas such as architecture, landscape, transport and highways. The proposals incorporate all these elements to deliver a premium residential development which meets the Local Authority's requirements. The level of development balances need and suitability against recognition of the sensitive character of the village and its surrounding context. The site is in a convenient and sustainable location, and the development will reinforce existing links and create new connections to the local context and surrounding area. The proposals are enhanced by an attractive landscaping scheme which provides open amenity spaces with an overall improved ecological value. The design has also considered issues of accessibility and security by creating a welcoming and inclusive environment. It incorporates principles of sustainability, creating a new neighbourhood which will evolve over time. We therefore trust that the Council and its members will support the proposals.

## **4 PLANNING POLICIES**

- 4.1 The policies of the adopted plan are the starting point for consideration of the application but are now increasingly out of date. The policies of the emerging Plan can now be accorded substantial/almost full weight in that it is now close to adoption.
- 4.2 In that regard and with the principle of development already having been established it is considered that Policy BE2 of the adopted Plan and OS 2 and OS 4 of the emerging plan are of most relevance.
- 4.3 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 located on the right as one enters the village from New Yatt direction. Members will recall that outline consent was secured at appeal for a development of this description and this application therefore seeks to address the details rather than the principle. Conditions imposed as part of the appeal decision addressed such matters as time limits, compliance with the approved plans, no more than 76 units on the site, compliance with

the parameters plan, archaeological investigation, provision of off site highway improvements, road details, parking details, Travel Plan, insulation against road noise, affordable housing delivery, decontamination, landscaping, ecological management, CEMP, lighting, levels and drainage. Funding was also secured through the 106 obligation towards school expansion, open space provision and maintenance, public transport improvements, libraries, public art etc.

- 5.2 In that these matters are already subject to control through the outline proposal they are not directly relevant to this application - albeit that for example it will only be possible to fully design the landscaping when the layout to be considered as part of this application is resolved.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### Principle

- 5.4 As advised above the principle of this number of units on this site was approved at appeal. The houses are included within the supply figures that underpin the local plan. As such the principle of development is considered acceptable
- 5.5 In terms of the details of the scheme the conditions require, inter alia, compliance with the access details approved at outline and with the parameters plan that accompanied the outline application. In large part the layout does conform to these principles other than as regards to the exact location of the open space. As approved at outline this sat towards the rear of the site where it was not particularly visible but did help to reduce landscape impact from distant views form te A4095. With the agreement of your officers it has now been relocated such that it sits adjacent to the footpath running through the site and in a location towards the brow of the hill. Where it was originally proposed is designed as rear gardens. In your officers assessment this will result in a better standard of amenity for the users of the footpath and with a landscape screen proposed along the boundary with the site facing towards the A4095 any visual harms are considered to be outweighed by the more localised benefits to the footpath.
- 5.6 The affordable housing offer at 50% was committed as part of the outline scheme and is delivered in a form that the Housing enabler considers acceptable.

#### Siting, Design and Form

- 5.7 Members will note that there has been a number of revised plans tabled by the applicants with a view to balancing the impacts on neighbours against the fact that the site already enjoys planning permission for development of this scale. In that regard the layout has been altered on a number of occasions and bungalows have been inserted into various parts of the development in an attempt to reduce further the loss of views and outlook.
- 5.8 The scheme broadly follows the layout approved at appeal with a single access point entering the village close to where the existing footpath crossing the site starts. This then gives access to a series of culs de sac. The house types range from large detached 5 bedroomed units with double garages to terraced flat units and houses. Where the site approaches the corner where it would be prominent in views up the New Yatt Road the units are set back behind a drainage swale to reduce their visual impact. Parking is generally on plot and where it is to serve the flat

blocks it is located where it is convenient for the occupiers to use. The layout is considered acceptable in planning terms.

- 5.9 The house types are the usual neo vernacular forms albeit a number have been improved such that they are consistent with the improvements negotiated for the scheme by the same developer on the opposite site of the road. Whilst it is accepted that they have been the subject of some criticism from objectors your officers consider that they are attractive forms and will be built of materials that are based in local vernacular principles. There are however considered to be too many red brick houses as, whilst this material is featured in the village, it is far from common. The agent has been asked to replace these with a more suitable material.
- 5.10 With regards to the concerns expressed at the proximity of one of the units to the TPO tree adjoining the footpath the plot in question has been re designed to avoid the root protection area and the entrance to the footpath opened up to enable a greater extent of open space with less land incorporated into private garden. The removal of p.d rights will ensure that root protection distances are retained.

#### Highways

- 5.11 At the time of agenda preparation the final views of OCC as regards the technical details of the layout are awaited. They have however signed off the works to be implemented within the highway to improve access to both this site and the other site under construction opposite and it is anticipated that by the date of the meeting officers will be in a position to give a verbal update.

#### Residential Amenities

- 5.12 This is a key issue as regards the concerns of neighbours. Those neighbours whose houses sit at a lower level opposite the access will have increased noise and disturbance. However this was already approved at appeal and the proposed new houses are in the main sat gable end on to the existing houses such that the potential for any undue adverse impacts is minimised.
- 5.13 The second group of affected neighbours are those who occupy houses in Perrotts Close. These have long back gardens running up towards the site. The applicants have redesigned the layout so as to remove a car park and replace it with gardens and to introduce a landscape buffer along the existing hedgeline. The nearest house is eaves on rather than a full gable end. There is no doubt that the outlook and amenity of these properties will be affected, but not to the extent that it contravenes any of the usual privacy and light rules of thumb and as such the impact on these neighbours is considered acceptable.
- 5.14 The final and most affected group are those who have houses facing down the site who currently enjoy an open aspect with far reaching views to the AONB beyond. This open aspect will be radically changed and be replaced with a housing scheme rather than an attractive rolling field. The Inspector noted that "there is no doubt that the outlook from these dwellings would change as a result of the proposed development (and that this would be significant) and an undesirable outcome for the occupiers. Change however does not automatically mean harm and there is no right to a view....I am satisfied that given the distance that these dwellings are set back from the appeal site any new buildings on the site, appropriately scaled and located would not be oppressive upon the outlook of the occupiers of the extant dwellings". In light of this fact and that the developer has replaced the closest housetypes with bungalows and created a new

green corridor for the footpath to run in thereby allowing some intervening vegetation to soften the impact of the new houses, your officers are of the opinion that the scheme as designed meets the aspirations of the Inspector and as such is not refuseable on planning grounds.

### Conclusion

- 5.15 This scheme was controversial when considered at Outline, was hard fought at appeal and has been the subject of considerable comment in terms of the details now up for consideration. Much of the detail is reserved for condition on the outline application but the scheme as now proposed is considered to represent an appropriate balance between the principles established by the Inspector and the concerns expressed by neighbours. The applicants have engaged with those neighbours much more fully than is usual in situations where the principle is already established and have amended the scheme to seek to meet their issues as far as is reasonable in your officer opinion. As such the reserved matters consent is recommended for approval.

## **6 CONDITIONS**

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 15/01934/OUT, or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect the amenity of neighbours and the landscaping
- 4 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 5 The external walls to be constructed from artificial stone shall be constructed of artificial 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.
- 6 The walls of the proposed building shall be laid and pointed with 'bagged' joints unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that a traditional practice of the area is carried out in the interests of the finished appearance of the building.

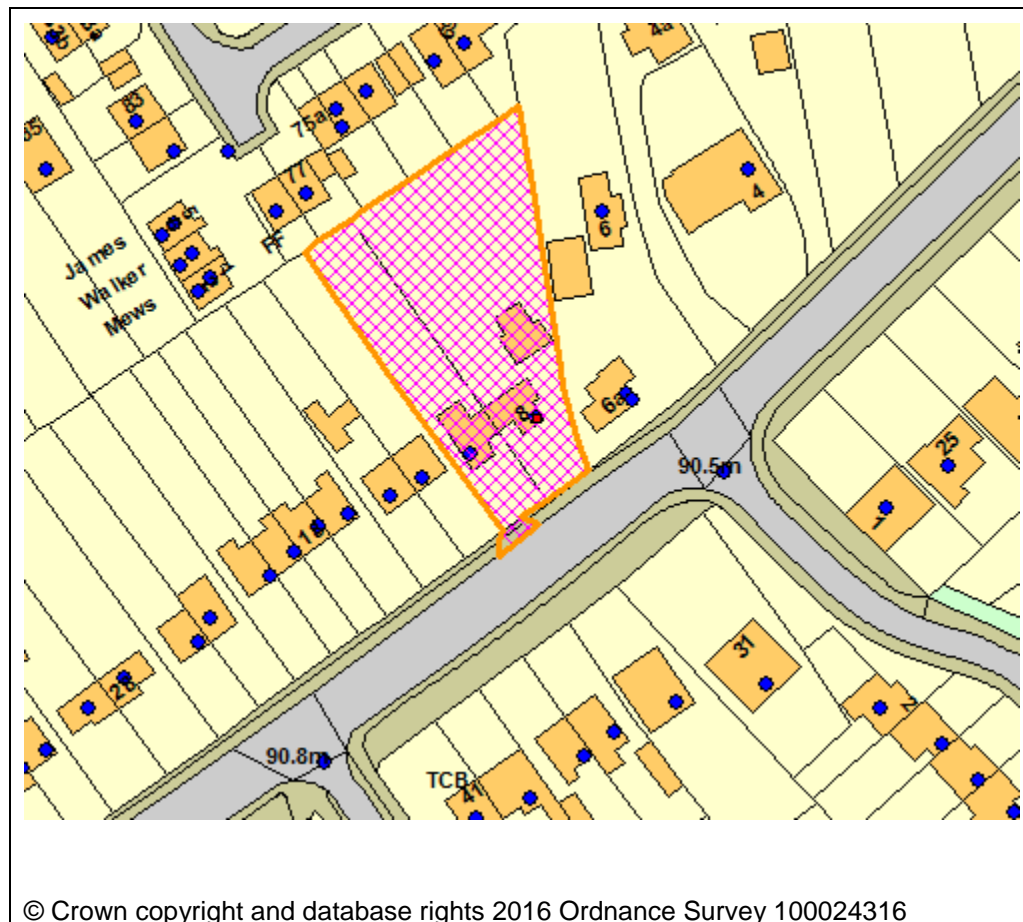
- 7 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

NOTE TO APPLICANT

You are reminded of the terms of the Conditions imposed on the outline application and the parallel legal obligations which will need to be cleared.

Application Number	I7/03527/FUL
Site Address	8 Curbridge Road Witney Oxfordshire OX28 5JR
Date	28th February 2018
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	434547 E 209523 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Construction of 4 x 2 bed and 2 x 3 bed houses each with storage shed to rear. Widening of vehicular access following demolition of existing buildings.

**Applicant Details:**

Mr P Hodgson  
Heynes Place  
Avenue Two  
Witney  
Oxon  
OX28 4YG

**I CONSULTATIONS**

- I.1 Town Council                      Witney Town Council objects to this application on the following grounds:  
1) the design access statement indicates 24 parking places have been catered for, however provision for only 12 difficult to use parking places have been drafted.  
2) insufficient space has been allocated for turning vehicles around to ensure vehicles enter and exit the site in a forwards direction.  
3) visibility splays of a very busy footpath used by children to go to school are insufficient and raise a safety concern.  
4) a site of this size requires a 2 way road to permit vehicle exiting and entering to pass, and not force the vehicle entering to reverse out onto the very busy Curbridge Road.  
5) Lack of provision for Waste Trucks and emergency vehicles to enter, turn around and Exit the Site.
- 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 subject to conditions.
- I.3 WODC Drainage Engineers                      No Comment Received.
- I.4 Biodiversity Officer                      No Comment Received.
- I.5 Thames Water                      No comments received from Thames Water.

**2 REPRESENTATIONS**

- 2.1 One representation received from 6 Curbridge Road:
- Potential extra 10 vehicles entering and leaving Curbridge Road, which is already very busy and dangerous.
  - The extra vehicles will cause extra noise to 6 Curbridge Road.
  - The four 2 bedroom Houses will be overlooking my property, especially the bedrooms.
  - Access will be required for me to cut the hedge. Which is the length of the planned project.
  - Will there be compensation for the loss of privacy and the devaluation of my property?



### **3 APPLICANT'S CASE**

3.1 The applicants agent has made the following comments:

3.2 We have now reviewed the consultation responses and objections submitted and would like to respond as follows:

#### Highways:

No objections to the principle of the development in terms of highway safety have been made, which confirms that the scheme is compliant with all policy requirements in terms of vehicle movements, highways safety and parking.

#### Town Council Objection:

1. Clarification to wording in the DAS. Para 2.1 correctly references 12 car parking spaces. Para 7.15, this should have been worded to read 24 spaces total, 12 car parking spaces and 12 cycle spaces. The 12 car parking spaces are designed to standards with adequate 6m clearance to allow for turning etc. Please find attached revised DAS (para 7.15).
2. The car parking layout is designed to standards and allows adequate vehicle movement for private vehicles to turn within the site and leave in a forward gear as indicated above.
3. No highways objections have been raised in respect of highways safety, again the scheme has been designed to standards.
4. The vehicle access is 4.2m in width which allows for two cars to pass side by side.
5. There is no requirement for a waste truck and emergency vehicles to enter the site given the number of units being served and distance from the main road.

No objections have been raised by County Highways with respect to highways safety and standards, and therefore we assume your recommendation will be to support the county highways recommendation.

#### Neighbour Objection:

1. Local Ecology. We assume this refers to natural habitat ecology for which a phase I study has been supplied and any mitigation will be followed in line with the relevant legislation.
2. Highways issues. No objections have been raised by County Highways, the scheme has been designed to highways standards.
3. Overlooking - loss of privacy. The scheme was subject to pre-application advice, and comments were provided requesting that any units facing no.6 be designed to meet the LPA spacing standards, which has been achieved. We would also comment that the positioning between the new and existing properties is not direct and perpendicular. Therefore, there will be no loss of amenity with respect to any perceived loss of privacy or outlook.
4. Private Access and Impact to Property Value. These are not material planning considerations and therefore should not form part of any formal recommendation. Access for property maintenance is a civil law matter which I appreciate the neighbour will have to arrange and negotiate with the appropriate parties.

## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H7 Service centres  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
NE13 Biodiversity Conservation  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH2NEW Biodiversity  
T1NEW Sustainable transport  
T4NEW Parking provision

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The applications seeks consent for six no. two storey dwellings to the rear of 8-10 Curbridge Road, and involves the demolition of the two existing properties. The scheme would take access from Curbridge Road between 6a and 12 Curbridge Road and there are residential properties on three sides of the site. Two of the proposed dwellings would front Curbridge Road and the other four would be sited behind at 90 degrees in two semi detached pairs.
- 5.2 The site is beyond the boundaries of the Witney Conservation Area and there are no adjacent listed buildings. There is no relevant planning history.
- 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 site is within the built up confines Witney on a previously developed residential plot in a residential area. Witney is the most sustainable settlement within the District so new and replacement dwellings are acceptable on brownfield sites. The scheme involves the demolition of two properties so will result in the net gain of four new dwellings. They are proposed to be social rented properties (affordable housing).
- 5.5 On this basis the principle of development in this location is considered to accord with both existing and emerging local plan policy.

### Siting, Design and Form

- 5.6 The site is currently occupied by a pair of semi detached properties on a large plot. There is a stone and slate cottage adjacent on the frontage, and render properties to the other side and render and buff brick properties to the rear in Mirfield Close.

- 5.7 The siting is a T-shape with two properties fronting Curbridge Road and the remaining four properties perpendicular to the frontage.
- 5.8 The proposed house designs are very simple, two storey semi detached pairs, cottage like in form, with simple porches and a central chimney stack. They are proposed to be constructed in reconstituted stone with plain concrete tiles. The surrounding properties are a mixture of materials so the proposed materials are considered acceptable.
- 5.9 The siting and design are considered to be acceptable and policy compliant.

#### Highways

- 5.10 The site will be accessed from Curbridge Road and the scheme makes provision for two spaces per dwelling on site, as well as covered cycle parking for each property.
- 5.11 OCC in their capacity as Highway Authority have summarised that there would be no detriment to highway safety and have raised no objection, subject to conditions being attached to any permission.
- 5.12 The Town Council have expressed some concern regarding egress onto Curbridge Road and parking provision but without an objection from the Highway Authority on these grounds, a reason for refusal could not be justified.
- 5.13 Your officers consider that the proposal is compliant with highway regulations and local plan policies.

#### Residential Amenities

- 5.14 Distance between the proposed plot 3 and 4 and the neighbouring properties is quite tight, 18m from the rear elevation of no. 6 Curbridge Road but there is a single storey building (a garage) between them. The first floor windows serve a bedroom and a bathroom which will have obscurely glazed windows so the level of overlooking is not considered to be unduly harmful.
- 5.15 The distance from the front elevation of plot 3 to the boundary with the garden of 12 Curbridge Road is 13m. The first floor windows of plot 3 serve bedrooms, and again whilst officers consider the distance to be quite tight, given the windows serve a bedroom and they are looking towards garden not windows, the distance is, on balance, acceptable.
- 5.16 The existing boundary treatment is 1m high chain link fence to the western boundary, 2m high hedgerow to the eastern boundary, and a collection of different height fencing to the northern boundary.
- 5.17 It is proposed that there will be 1.8m close board fence to the boundaries of the site, and the hedge on the eastern side is being retained so this will protect neighbouring gardens from overlooking.
- 5.18 On balance, it is considered that the residential amenity of future and existing residents is acceptable.

### Landscape and ecology

- 5.19 There is an existing hedgerow and some trees to be retained on the east and north boundaries. A condition has been attached to ensure their retention.
- 5.20 A preliminary ecology report was submitted with the application. It recommended that further surveys be undertaken for birds, bats and reptiles, however these were not supplied at time of submission. Therefore the District Ecologist could not recommend support for the objection. Since then the further survey work has been carried out and the Ecologist is happy to recommend no objection subject to mitigation being carried out in accordance with the recommendations of that more detailed report.

### Conclusion

- 5.21 The site is a previously developed site in a built up residential area within the most sustainable settlement in the district. The design is considered to be acceptable and in character with the surrounding area. There is no highway objection to the proposal and the ecological concerns have been overcome by the submission of further surveys. The proposal is therefore recommended for approval with the conditions set out below.

## **6 CONDITIONS/REASONS FOR REFUSAL**

- 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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect residential amenity.
- 4 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 6 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard and enhance biodiversity.

- 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 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.
- 9 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.  
REASON: In the interests of road safety.
- 10 That, prior to the commencement of development, 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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).
- 11 Any existing gaps in the hedges along the eastern boundary shall be planted with hedge plants of the same species as the existing hedges in the first planting season following the commencement of the development. The existing hedge, together with the new plants, shall be retained and so tended to grow to and remain at a height of not less than 2 metres and any plant which dies shall be replaced in the next available planting season.  
REASON: To safeguard neighbour amenity.
- 12 The development shall be completed in accordance with the recommendations in Section 5 of the 'Further Ecological Surveys of 8-10 Curbridge Road, Witney' report dated 30th May 2017 prepared by Abricon Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority  
REASON: To ensure that reptiles, hedgehogs and nesting birds are protected in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

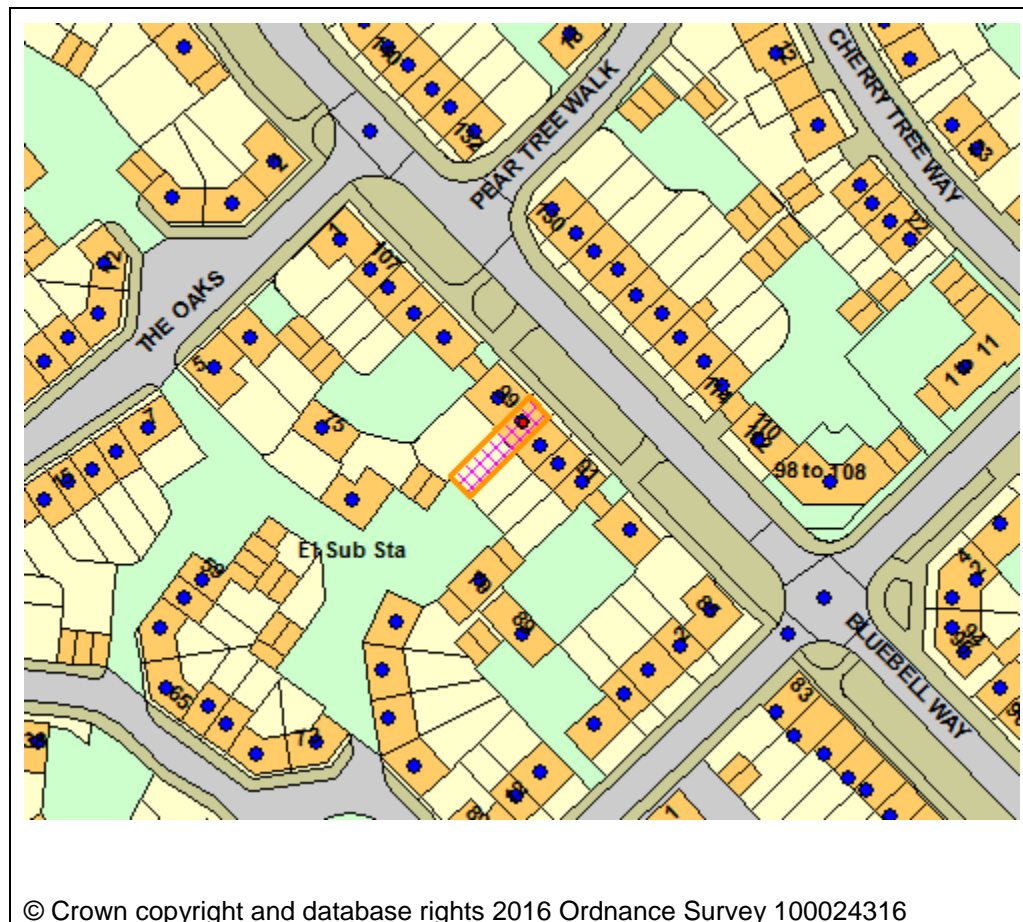
- 13 Before development takes place, full details of the provision of built-in / integrated bat roosting features and nesting opportunities for birds (House sparrow, Starling and Swift) into the new dwellings shall be submitted to the local planning authority for approval, including a drawing showing the types of features, their locations within the site and their positions on the elevations of the buildings. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently retained.  
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

#### NOTES TO APPLICANT

- 1 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)
- 2 Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and off site works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)
- 3 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- (Follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf> ).
- CIRIA C753 SuDS Manual 2015

Application Number	17/03653/FUL
Site Address	97 Bluebell Way Carterton Oxfordshire OX18 1LA
Date	28th February 2018
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	428405 E 207934 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Erection of new outbuilding to be used as mixed residential/commercial use (Beauty Treatment business) (Retrospective).

**Applicant Details:**

Ms Joanna Formela  
97, Bluebell Way  
CARTERTON  
OX18 1LA

**I CONSULTATIONS**

- |     |                             |  |
|-----|-----------------------------|--|
| I.1 | WODC Drainage Engineers     | No Comment Received.   |
| I.2 | ERS Env. Consultation Sites | ERS Pollution Consultation Thank you for the opportunity to provide comment on the above referenced planning application. I have no objections to the development in relation to contaminated land.  |
| I.3 | ERS Env Health - Lowlands   | ERS Pollution Consultation<br>The conditions do address our concerns provided enforcement are able to enforce them where necessary. The suggested temporary period to allow impacts to be assessed is considered an appropriate condition. |
| I.4 | OCC Highways                | No Comment Received.   |
| I.5 | Town Council                | The Parish Council does not support this application due to concerns over parking, noise and nuisance issues.  |

**2 REPRESENTATIONS**

- 2.1 Six neighbours have written letters of objection in relation to this application. These are summarised below:-
- There is no local, communal free parking at Marriotts Wall contrary to what was stated in the application;
  - The drawing depicting proximity and location of parking for the property is inaccurate and misleading: the easiest and shortest access is through the front and not the rear.
  - There is no rear car park - it is private land comprised of parking for residents and the frontage to residents of 77, 79, 81, 85 and 87 Saffron Crescent;
  - Parking to the rear of the property causes congestion and inconvenience to other residents. It compromises the privacy of residents and creates problems for them in accessing their own driveways;
  - There is an increased risk to vehicles and their owners' security through people manoeuvring vehicles about in spaces allocated for access to all the garages;
  - Visitors' vehicles block access to some or all of the garages;



- The current hours of operation appear to be 24/7 which highlights the problems set out above as clients are parking and manoeuvring during returning home hours and weekends;
- This application if approved will be the downfall and ruination of peaceful living;
- This business is being accessed through a private courtyard and the access way to private garages is being compromised on a regular basis by customers and their cars;
- Footfall across the private land causes a significant intrusion into a private residential area;
- People come and go 7 days a week at various times during the day and in the evenings. This activity in a close residential area is an intrusion of privacy and an extreme interference with the courtyard owners' quality of life.
- I am content for the business to continue as long as the property is accessed through their own front door and is not allowed to continue to cause the nuisance, annoyance, disturbance and inconvenience to the owners of the court yard located in the adjacent dwellings;
- The increased footfall, noise, extra rubbish bags being generated and vehicles entering the private courtyard and also illegal parking in front of courtyard owner's garages and parking places is totally unacceptable.

2.2 There have been 22 letters of support for the application. Clients of the applicant have stated that they are told by the applicant not to park behind the property and that they use other parking options in the vicinity including the local Co-op car park.

### **3 APPLICANT'S CASE**

The applicant has submitted a Design and Access Statement which is available on the Council's website.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 H2 General residential development standards  
 E3 Individual Premises  
 OS2NEW Locating development in the right places  
 T4NEW Parking provision  
 E1NEW Land for employment  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### Background Information

5.1 This is a retrospective application for the erection of an outbuilding in the rear garden of 97 Bluebell Way and for a mixed residential/commercial use as a beauty treatment business. Officers were made aware of the change of use through a complaint.

5.2 97 Bluebell Way is a terraced house located on the Shilton Park development in Carterton. The outbuilding is a timber construction, has two white UPVC framed windows and a white UPVC framed entrance door facing the garden wall dividing the gardens of 97 and 95 Bluebell Way. The applicant has been operating the beauty treatment business from the outbuilding for a number of months. She proposes to continue to have visits from 2 to 6 clients daily. Access is described by the Design and Access Statement as being via the main dwelling and through the gate to the rear garden. In practice, it would appear clients of the business park in the private courtyard area to the rear of Bluebell Way and gain access to the outbuilding via the gate to the rear garden.

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 This is a high-density residential area and so any business use would need to be very low-key in order to protect residential amenity. The main concerns are vehicular movements and parking, as the courtyard behind the applicant's dwelling is designated as private parking for residents of Saffron Crescent; neighbours complain that clients' parking causes congestion and inconvenience for the residents and compromises their ability to access their own driveways. Officers are of the view that these issues could be addressed by restricting the hours during which the business is allowed to operate and the number of clients that can be on the premises at any one time. Were the business hours restricted to set hours on weekdays only, client visits could be limited to times of day at which most residents were at work and parking problems would be much less likely to arise. Further, if appointments were to be scheduled so that there were no overlap between clients, that is, only one client on the premises at any one time, again this would minimise demand for parking and any disturbance caused by clients entering and leaving the property.

#### Siting, Design and Form

5.5 The outbuilding is constructed of timber and measures 4.2 x 3 metres, with a height of 2.25 metres. In its context, although it projects above the fence to the rear of the property, the outbuilding is not considered to be overbearing, nor do its windows overlook neighbours' properties. In view of this it is considered to be acceptable in terms of its size, design and situation.

#### Highways

5.6 No comments have been received to date, however, as stated above, Officers consider parking to be the main issue in considering this application. Currently it is understood that customers park in the private spaces to the rear of the property, rather than on the road. In Officers' view, this could be addressed by imposing conditions on any permission, as described above.

#### Residential Amenities

5.7 The activities carried out in the course of a beauty treatment business are not ones that in the normal course of events are likely to make any, or excessive, noise. Complaints have been raised in respect of customers entering and leaving premises, however, given the "one-on-one"

nature of the treatments provided by the applicant, the number of visitors on the premises at any one time will always be low. A condition imposed on any permission limiting the hours of operation would ensure the minimal disturbance caused to neighbours by clients' access and egress to the applicant's premises would be confined to limited business hours.

### Conclusion

- 5.8 It is considered that the construction and siting of the outbuilding is acceptable in this urban residential context as it is not overbearing, nor does it overlook neighbouring properties. Officers consider it is unlikely that the activities carried out in the course of the applicant's business will cause a noise nuisance and the disturbance caused by access and egress of clients is unlikely to exceed the disturbance occasioned by social visitors in a non-business context. The main issue appears to be the inconvenience caused by clients parking in private driveways behind the applicant's property, however, in Officers' view, this can be addressed by restricting the hours in which the business is open to 09:30 to 15:30 on week days only and by limiting the number of clients visiting the premises to one client at any time. With these conditions in place the application is considered to be acceptable and compliant with policies BE2, BE3, H2 and E3 of the adopted West Oxfordshire Local Plan 2011, policies OS2, T4 and E1 of the draft West Oxfordshire Local Plan 2031 and with relevant paragraphs of the NPPF.

## **6 CONDITIONS**

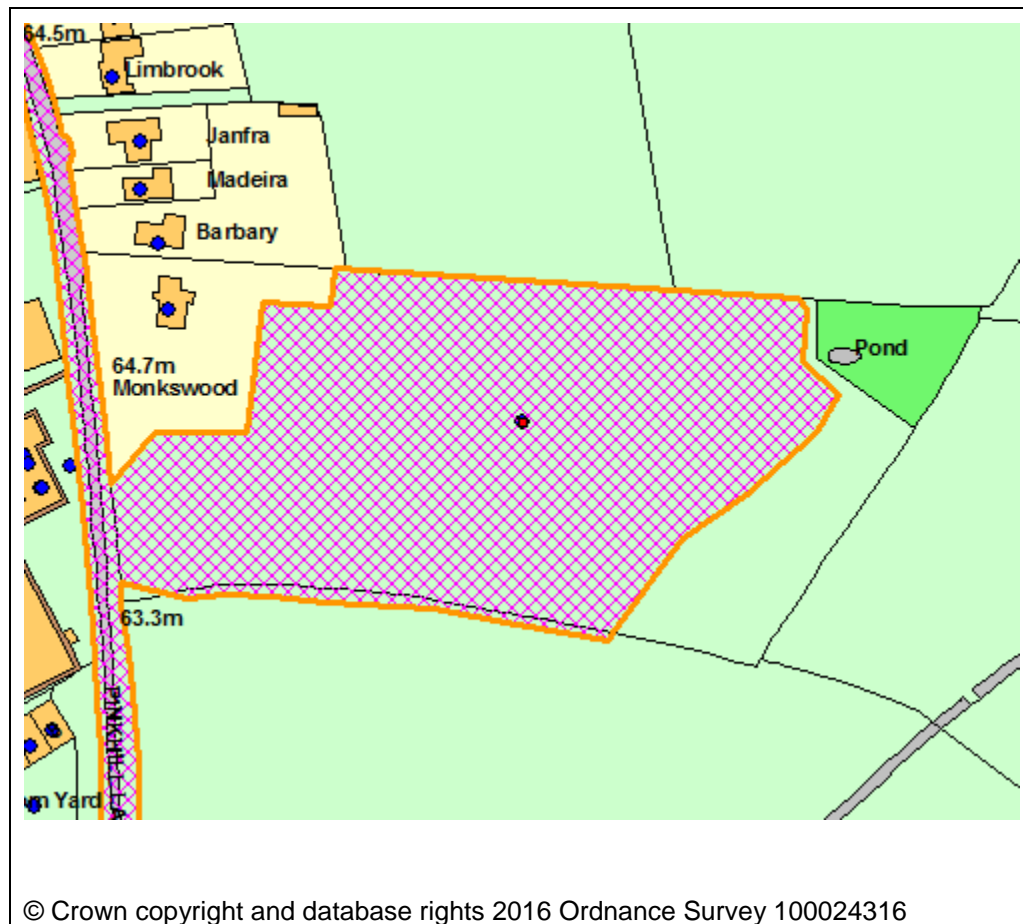
- 1 The use hereby permitted shall be discontinued on or before 14 March 2020.  
REASON: A permanent permission is inappropriate until the effects of the development on the area have been assessed.
- 2 The premises shall not be open for customers outside the hours of 09:30 to 15:30 on Mondays to Fridays. The schedule of appointments shall be made available to the Local Planning Authority on request.  
REASON: To safeguard living conditions in nearby properties.
- 3 Appointments shall be booked so as to ensure that only one client is on the premises at any time.  
REASON: To protect the amenity of neighbours.

### NOTE TO APPLICANT

The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

Application Number	17/03717/OUT
Site Address	Land East of Monkswood Pink Hill Lane Eynsham Oxfordshire
Date	28th February 2018
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443233 E 208681 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Residential development of up to 52 dwellings including access.

**Applicant Details:**

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

**I CONSULTATIONS****I.1 Parish Council**

Eynsham Parish Council objects to this application for the following reasons:

1. The Parish Council met with representatives of the Applicant with regard to its previous application (17/00281/OUT, refused) who informed the Council that Pinkhill Lane, which is also Bridleway 206/1, is unregistered and the owner is unknown to them. This application is substantially the same as the previous one, with the addition of the access via Pinkhill Lane outlined in red on various plans and aerial photographs. However, this implication that Pinkhill Lane is now included in the applicant's development site is nowhere substantiated in the supporting documents. The Planning Statement (at 10.1) says the application is an outline application for access only. As the Applicant has not shown it has legal access to the site or that this access is capable of adoption by the highway authority, particularly in respect of s263 of the Highways Act 1980 (vesting of highways maintainable at public expense), the development would not be reasonably deliverable if consent is granted.

2. 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 vehicles, cycles and pedestrians and without any public transportation, schools or other amenities within a reasonable distance.

3. The development is an unacceptable urban intrusion into the rural envelope of the village, contrary to LP 2011 BE2, BE4, NE1, NE3 and H2, the emerging WODC Local Plan 2031 OS2 and EH1 and NPPF 17, 58 and 109. While an outline application, the indicative 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.

4. The development is also adjacent to the Oakfield Industrial Estate, situated on the opposite side of Pinkhill Lane. In light of the complaints on a regular basis to Eynsham Parish Council from existing residents of Pinkhill Lane regarding noise, smells, fumes, dust and other environmental nuisances emanating from the industrial estate mentioned in the objection to 17/00281/OUT, no appropriate environmental or noise assessment report has been submitted. Bringing a large development immediately adjacent to what would create a nuisance to residential properties would be contrary to LP 2011 BE2 (c) and H2 (d).

5. The Parish Council also adopts the objections of the Local Planning

Authority and Oxford County Council to application 17/00281/OUT in respect of this application to the extent that they are applicable, have not been adequately addressed or are not covered by this objection.

6. 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.

- |     |                                  |   |
|-----|----------------------------------|---|
| I.2 | Major Planning Applications Team | Highways - No objection subject to conditions<br>Archaeology - No objection subject to conditions<br>Education - Object on the grounds of lack of primary school capacity. If the application is approved financial contributions would be required in relation to provision of additional school capacity and school transport.<br>Minerals - No objection   |
| I.3 | WODC - Arts                      | A S106 contribution of £10,920 based on 52 dwellings of market housing, to develop offsite artist-led features to enhance the interpretation of the environs and help foster healthy lifestyles.  |
| I.4 | Conservation Officer             | No Comment Received.  |
| I.5 | Biodiversity Officer             | Thank you for consulting me on the above planning application. I note that the application is very similar to the previous one that was submitted earlier this year (ref. 17/00281/OUT), for which I also provided comments.<br>My main concern with the previous proposal was that the existing boundary hedgerows would become domestic curtilage. This is not acceptable, as the hedgerows qualify as priority habitat and should therefore be retained within the public realm to secure their long-term viability and appropriate management. If the hedgerows are retained as domestic curtilage, then they would become part of the domestic arrangement and their management would be the responsibility of the homeowner. The hedgerows may therefore be subject to inappropriate management, neglect or removal at some point in the future. This is still a key issue that has not been addressed as part of the current application.<br>I therefore object to the current application.<br>Apart from the above, the application includes copies of the previous ecological survey/assessment reports, including the most up to date and comprehensive being prepared by HDA (which also included a survey of the Pinkhill Lane). Once the issue of the hedgerows is adequately addressed, I confirm that my previous comments still stand, including the recommendations for planning conditions. |
| I.6 | ERS Env Health - Lowlands        | A noise report should have been provided.<br><br>No objection as regards contamination, subject to condition.   |
| I.7 | Environment Agency               | No Comment Received.  |

- I.8 WODC Housing Enabler I can confirm that there is significant demand for affordable housing in Eynsham going forwards. There are today 383 households registered with the Council and who would qualify for affordable housing in this settlement were it available. Of these 383, 150 require single persons accommodation, 57 households require one bedroom homes, 139 require 2 bedroom homes, 42 require 3 bedrooms and above. If this proposal were to be successful, then there are more than sufficient numbers of those in housing need to fill the affordable housing element of the scheme.
- I.9 WODC Landscape And Forestry Officer No Comment Received.
- I.10 WODC - Sports 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.
- I.11 Thames Water  
Waste Comments  
With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied -  
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.  
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. 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.

#### Water Comments

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

#### Supplementary Comments

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 water discharge to the public sewer, (2) the peak foul 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.

- 1.12 WODC Env Services - Waste Officer No Comment Received.
- 1.13 Wychwood Project No Comment Received.

## **2 REPRESENTATIONS**

2.1 11 objections have been received referring to the following matters:

1. The proposed development would be an isolated estate of dwellings remote from the village with no amenities within a reasonable distance. It is too far for regular walks to schools, shops, village amenities and bus stops and most residents are likely to use cars instead which is not eco-friendly or sustainable in the long term.
2. The application is an outline application for access only but the applicant cannot prove they have any right to use let alone widen and alter Pinkhill Lane which is a private track of unknown ownership and a Public Bridleway. The purchasers of the existing houses along the lane generally are forced to buy Indemnity Policies against the risk of ownership being proven in the future and their right of access being withdrawn. This risk could make the building of 52 extra dwellings unsustainable and unusable in the future and must surely be a



planning consideration despite the applicant's assertion that the land ownership of the lane is not a planning matter. (Planning Statement page 6).

3. The proposed development would be isolated well outside the village envelope. The compact village centre is bordered on the south by open fields, playing fields, the Old Abbey Fishponds (mostly part of the Conservation Area) and scattered houses. This gives way beyond the B4449 ring road to the open pastures bordered by Pinkhill Lane- the location of this proposed development. The only other built up area here is the industrial zone screened by trees from Eynsham and from the landscape at Pinkhill Lane. The Planning Statement describes this as "semi-urban". I disagree. It feels much closer to "rural" when one stands at the entrance to the development site looking east. The existing houses along Pinkhill Lane are large detached with spacious grounds and blend well with the countryside setting of the village. The proposed houses are different, urban, much higher density with tiny gardens. The Planning Statement says that the development would be a "logical rounding off of this area". This is laughable. The whole thrusts out into the open countryside in a most unnatural way and would be hard to blend into the landscape. The development would be an urban intrusion into the rural envelope of the village as EPC argues.
4. Landscape- The views from the public bridleway at the proposed site entrance are currently lovely stretching far across the Thames valley to Wytham Hill and its ancient woodlands in the distance. This view would be lost harming not enhancing the right of way. Further down the lane the same views are obscured by trees making the view over the proposed site all the more important.
5. The applicant's Planning statement and Heritage Statement imply that the development would have no impact on heritage assets. I disagree. The views out from the Conservation Area, which has many Listed buildings, the Eynsham Abbey Scheduled Monument, particularly from the churchyard and the Abbey Fishponds would be harmed. At present one looks out from the churchyard over meadows and pasture to countryside views with Wytham Hill in the distance. There are trees between the churchyard and filtered views towards the development site. In winter the development would just be visible. The presence of these trees cannot be relied on forever. Mature trees were recently felled in the Fishponds and storms take their toll. The new development could become highly visible and very out of keeping were this the case. This would harm all the above heritage assets.
6. There is evidence of medieval strip field systems on the site from LIDAR images available at- <https://data.gov.uk/dataset/lidar-composite-dsm-1ml>. Archaeological investigations would be needed.
7. The proposed development would be very close to the industrial zone. Sometimes industrial processes cause noise and fumes. The industrial area is therefore a very inappropriate neighbour for 52 new dwellings.
8. 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. There is no street lighting.
9. Loss of green space and impact on the character of the area.

10. Increase in traffic and congestion and impact on highway safety.
11. Inadequate facilities and impact on infrastructure, particularly doctors and school.
12. Proposed developments including Garden Village should be able to meet housing needs.
13. A single new dwelling has been refused in Pinkhill Lane in the past.
14. Impact on wildlife.

### **3 APPLICANT'S CASE**

- 3.1 The application is an outline application for access only. Appearances, landscaping and scale are reserved for approval later. This site is deliverable, achievable and viable. It is available now, in the hands of a willing developer 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 above 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, the site does not lie within the AONB and is not within the Green Belt, unlike the land to the east of Eynsham.
- 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 above that the West Oxfordshire Development Plan is out of date, and the emerging Local Plan, with its ongoing Examination and modifications has a significant way to go before it can be confirmed as sound. We note that further work is ongoing, with the Council's approach to some of its allocations, particularly those within the AONB, still being questioned by the Inspector. 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. The NPPF clearly sets out a presumption in favour of sustainable development. Paragraph 14 clarifies what this means for decision-taking, particularly where the development plan is absent, silent or out of date (as in the West Oxfordshire case). In this case permission should be granted, as there are no adverse impacts of doing so. The test for the decision maker in assessing this planning application is one of harm, and we have demonstrated that in this case there will be no harm, only strong positives in terms of the provision of new housing in a sustainable location. On this basis, and 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  
BE12 Archaeological Monuments  
BE13 Archaeological Assessments  
BE19 Noise  
BE8 Development affecting the Setting of a Listed Building  
H2 General residential development standards  
H4 Construction of new dwellings in the open countryside and small villages  
H7 Service centres  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE13 Biodiversity Conservation  
NE6 Retention of Trees, Woodlands and Hedgerows  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
T3 Public Transport Infrastructure  
TLC7 Provision for Public Art  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH6NEW Environmental protection  
EH7NEW Historic Environment  
EW2NEW Eynsham-Woodstock sub-area  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
OS2NEW Locating development in the right places  
OS5NEW Supporting infrastructure  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
WOLA West Oxfordshire Landscape Assessment  
DESGUI West Oxfordshire Design Guide  
H11 Affordable housing on allocated and previously unidentified sites  
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 red line plan 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 A previous similar application for 52 units was refused in June 2017 (17/00281/OUT).
- 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
  - Landscape
  - Highways
  - Impact on heritage assets
  - Trees, landscaping and ecology
  - Drainage
  - Residential amenity
  - SI06 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 In the emerging Local Plan 2031 the 5 year requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.

- 5.11 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock. In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.
- 5.12 On 16th January 2018 the EiP Inspector wrote to the Council advising that "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.13 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018. Following this the Inspector is anticipated to be in a position to produce his final report.
- 5.14 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, 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. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.15 Emerging Policy OS2 refers to Eynsham making a significant contribution towards meeting the identified needs of the District, and part of Oxford City's unmet need, by way of a strategic urban extension to the west of the village. 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. Deficiencies in services and facilities would be addressed by way of planned infrastructure delivery on the allocated sites.
- 5.16 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.

#### Landscape

- 5.17 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.

- 5.18 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 and the proposed works to the lane which would involve loss of verge and screening and would have an urbanising effect.
- 5.19 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.
- 5.20 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

- 5.21 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 particularly sustainable.
- 5.22 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.
- 5.23 With regard to the previous refusal (17/00281/OUT) this included the following reason for refusal:
- "The applicant has not demonstrated that the necessary improvements to Pinkhill Lane in terms of carriageway width, provision for horses 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. 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."

- 5.24 The applicant has sought to address this by way of the re-submission. In respect of the details provided, the OCC Highways Officer initially maintained an objection. However, further discussions and a site meeting have taken place and the Officer has made further observations.
- 5.25 The mid-point of the proposed bell-mouth access to the development is approximately 170m south of the existing highway boundary on Pinkhill Lane. South of the highway boundary, Pinkhill Lane becomes Public Bridleway 206/1. It is maintained by the Local Highway Authority as a bridleway but is not owned by the Local Highway Authority. Existing residents who live in properties with accesses on to this bridleway have private vehicular access rights along it to access their homes, but there are no full public vehicular access rights along it.
- 5.26 The Local Highway Authority could not adopt the bridleway in order to upgrade its status to that of a public highway with full public vehicular access rights, and see that works are completed which bring it up to this standard without it being dedicated by its owner, or the applicant providing good paper title.
- 5.27 The Applicant has provided Drawing No. PLN-001-TC01 which shows that they intend to complete the works shown in order to bring it up to adoptable standard, but to have the bridleway remain a private road with private vehicular access rights. The works proposed are of the absolute minimum dimensions that the Local Highway Authority would need to see to be sure that the applicant would be in a position to provide safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework and to be sure that the rights and safety of existing bridleway users were protected. Therefore, a Grampian condition is recommended by OCC to stipulate that no dwelling shall be occupied until the works displayed in Drawing No. PLN001-TC01 are completed.
- 5.28 The Highways Officer had concerns that there were pinch points along the bridleway because of the position of hedging to the west of the lane. It is understood that the applicant intends to cut the hedge back to the existing fence line on the west side of Pinkhill Lane to achieve approximately an additional 1.5m to 2m width. However, this vegetation provides screening to the industrial estate and it is not clear that the works to the hedge would be in the control of the applicant.
- 5.29 South of the proposed bell-mouth access to the development, the existing bridleway connects with Public Footpath Eynsham 206/2, Public Bridleway 362/1, Public Footpath 362/25 and Public Footpath 184/34. A financial contribution under S106 of the Town and Country Planning Act 1990 is required to help maintain and improve these public rights of way.
- 5.30 The Highways Officer is satisfied that submitted Drawing PLN-001-TC03 demonstrates that works can be carried out within the highway boundary to ensure a forward sight stopping distance of 22m, adequate for a design speed of 20mph. The applicant would need to maintain the current carriageway width and radius of the bend to give vehicles adequate space to pass each other.
- 5.31 The site access is located approximately 180m south of the nearest footway (within the highway boundary) on Pinkhill Lane. It is located approximately 700m from the nearest bus stops on

Acre End Street, Eynsham, which are served by three services per hour between Oxford City Centre and Carterton town Centre via Witney. This will increase to four services per hour in the future. There is little that this development can do to increase the frequency of services beyond what is already feasible. However, the nearest bus stop is served by premium route daytime and evening bus services to Oxford, Witney and Carterton 7 days per week. There are currently no bus shelters at this stop. A financial contribution would be required to install two standard issue bus shelters.

- 5.32 The site is 1 mile south of Eynsham Primary School and 0.7 miles from Bartholomew Secondary School and Sports Centre. However, in order to access local amenities on foot, residents will have to walk along an unlit part of Pinkhill Lane for a distance of 180m. Therefore, the provision of a footway on the stretch of Pinkhill Lane that is not highway is vital to make the development acceptable in planning terms.
- 5.33 In addition, there is currently no means of accessing the existing footway immediately east of the B4449 Stanton Harcourt Road/Station Road/Station Way Roundabout without stepping on to the carriageway. The ability to access this road is vital to make sure that pedestrians have a continuous and easily understandable footway link to the centre of Eynsham Village along the existing footways on Station Road and Acre End Street. Therefore, the applicant must construct 8m x 2m of footway from the existing footway immediately north-east of the property known as Kite Bank to the existing footway on the southern side of the B4449 immediately east of the B4449/Station Road/Station Way roundabout via a legal agreement under S278 of the Highways Act 1980. In addition, the applicant must use the same agreement to install two dropped kerbs and tactile pavements at the above-mentioned pedestrian crossing point on the B4449 Stanton Harcourt Road.
- 5.34 The applicant proposes visibility splays of 2.4m x 70m in both directions along Pinkhill Lane. Although they do not appear to have carried out 85th percentile wet weather speed surveys along Pinkhill Lane to inform these, the Highways Officer is of the view that this is achievable for the likely design speed of Pinkhill Lane.
- 5.35 Notwithstanding the advice of OCC it is not clear that the applicant has ownership or control of the land required to create the access and deliver the improvements to Pinkhill Lane as shown on drawing PLN-001-TC01. They have completed Certificate C on the planning application form to confirm that they don't own the land, nor have they been able to serve notice on all the landowners with an interest. OCC have recommended a Grampian condition as follows: "No dwelling shall be occupied until works to Public Bridleway 206/1, Pinkhill Lane, Eynsham as displayed on Drawing No. PLN-001-TC01 have been completed to the satisfaction of the Local Planning Authority". However, in your Officers' view safe and suitable access for construction traffic would be required from the outset, not just in relation to occupation of the proposed dwellings. Should it transpire that the applicant/developer was incapable of completing the works to Pinkhill Lane, the development would have already been constructed under the terms of the proposed condition. It is a matter of good practice that conditions are not imposed that the applicant may be incapable of complying with, or which are unenforceable because the applicant doesn't control the land. On this basis, 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

- 5.36 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.
- 5.37 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.
- 5.38 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.
- 5.39 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.
- 5.40 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.
- 5.41 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.
- 5.42 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.

- 5.43 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.
- 5.44 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.
- 5.45 As regards archaeology, OCC advise that to the east of the site aerial photography has identified a ring ditch or site of a Bronze Age burial mound. This survives as a cropmark. Cropmarks are visible, often from the air as marks in some types of growing or mature crops and in pasture when conditions are suitable. They are essentially the result of differential growth in vegetation due to the presence of archaeological features and outlines of them are visible within the crop.
- 5.46 To the north Medieval and Romano British features and artefacts were recovered during the construction of the bypass. Pottery and pits were recorded.
- 5.47 OCC do not object on the grounds of archaeology but recommend that should planning permission be granted the applicant should be responsible for implementing a programme of archaeological work. This can be ensured through the attachment of suitable negative conditions.

#### Trees, landscaping and ecology

- 5.48 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.
- 5.49 The WODC Ecologist has concerns that the existing boundary hedgerows would become domestic curtilage. This is not acceptable, as the hedgerows qualify as priority habitat and should therefore be retained within the public realm to secure their long-term viability and appropriate management. If the hedgerows are retained as domestic curtilage, then they would become part of the domestic arrangement and their management would be the responsibility of the homeowner. The hedgerows may therefore be subject to inappropriate management, neglect or removal at some point in the future. This is still a key issue that has not been addressed as part of the current application. Objection is therefore raised. However, as an outline application it would be possible to ensure that the detailed layout at reserved matters stage took account of these concerns.

### Drainage

- 5.50 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.
- 5.51 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

- 5.52 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.
- 5.53 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. A noise report has not been provided and on this basis a precautionary condition would be necessary requiring that appropriate noise levels are achieved within the new properties.
- 5.54 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

- 5.55 The application site and adjacent land to the east and south east lie within the "Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton" mineral strategic resource area, which is a principal location for sharp sand and gravel extraction in policy M3 in the Oxfordshire Minerals and Waste Local Plan: Part 1 - Core Strategy (OMWCS). The application site is also within a Mineral Safeguarding Area under Policy M8 in the OMWCS. Under this policy, the mineral deposits within Mineral Safeguarding Areas are safeguarded for possible future use, and development that would prevent or otherwise hinder the possible future working (sterilisation) of the mineral will not normally be permitted.
- 5.56 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.
- 5.57 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.

- 5.58 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

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

#### S106 matters

- 5.60 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.
- 5.61 A S106 contribution of £10,920 based on 52 dwellings of market housing, to develop offsite artist-led features to enhance the interpretation of the environs and help foster healthy lifestyles.
- 5.62 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.
- 5.63 Eynsham Primary School has been expanded to 2 form entry size, and is not considered able to expand further. It provides 60 places per year group, 420 in total. As of the September 2017 pupil census it had 367 pupils on roll. Pupil forecasts calculated summer 2017 show that, while the school currently has spare places, the level of spare places is forecast to fall, and by 2024 the school would be expected to be full.
- 5.64 These forecasts do not include the strategic development sites now proposed in the WODC Local Plan. These developments will be required to include new primary schools. Once these primary schools are confirmed, and a timescale is identified, the new schools will provide options for expanding primary school capacity to also meet the needs of other developments such as that proposed in this application.
- 5.65 OCC therefore object to this proposal on the basis that further significant housing development in Eynsham is dependent on a long term solution to primary school capacity, for which there is no confirmed timescale. If the application is nonetheless approved, they would seek developer funding contributions towards the new schools which are expected to be built in Eynsham.
- 5.66 Therefore £339,568 is required towards the construction of a new primary school and £266,000 towards transporting pupils to schools with capacity.
- 5.67 Provision of 2 bus shelters - £16,460.00.

- 5.68 Public rights of way contribution of £15,000.
- 5.69 An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
- 1) The installation of 8m x 2m of footway that will lead from the southern end of the existing footway on Pinkhill Lane immediately north-west of the entrance to the property known as Kite Bank to the existing footway on the southern side of the B4449 Stanton Harcourt Road immediately east of the B4449/Station Road/Station Way roundabout.
  - 2) The installation of two dropped kerbs and two pieces of tactile paving at the above-mentioned crossing point on the B4449 Stanton Harcourt Road.
- 5.70 Oxfordshire Clinical Commissioning Group (OCCG) notes that primary medical care in the West Oxfordshire locality is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure. A developer contribution of £44,928 to support improvement of local primary care infrastructure would be required if this development were to go ahead. This calculation is based on OCCG's adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure. The size of this development does not justify a new separate health centre or equivalent, so OCCG would anticipate funds being used for enhancing existing primary care medical infrastructure to meet the needs of a growing population.

### Conclusion

- 5.71 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.
- 5.72 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 be met and could result in unsustainable travel to schools in other locations and lack of community cohesion.
- 5.73 The applicant has not been able to demonstrate they have control over the lane that would allow the necessary improvement works to it to be carried out to Pinkhill Lane. OCC would not be able to adopt the estate road and lane between the site and the highway boundary to the north. The applicant has not demonstrated that the access arrangement is deliverable, 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.
- 5.74 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.

- 5.75 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.
- 5.76 The site is in Flood Zone 1 and a sustainable drainage scheme can be secured by condition.
- 5.77 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.
- 5.78 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, bus infrastructure and health.
- 5.79 Given that the saved Local Plan Policies for the supply of housing are time expired, and the emerging Local Plan is yet to be adopted, 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, subject to consideration of restrictive footnote 9 policies.
- 5.80 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. Notwithstanding these benefits, it is considered that they do not outweigh the less than substantial harm to the setting of the Eynsham Conservation Area, Eynsham Abbey Scheduled Ancient Monument and other associated heritage asset.
- 5.81 In respect of the wider planning balance, the benefits do not outweigh the significant and demonstrable harm to the character and appearance of the landscape, and the inappropriate location in relation to the settlement. In addition it has not been demonstrated that safe and suitable access for all can be achieved, and there is objection as regards provision for education. The proposal does not therefore represent sustainable development and is accordingly recommended for refusal.

## **6 REASONS FOR REFUSAL**

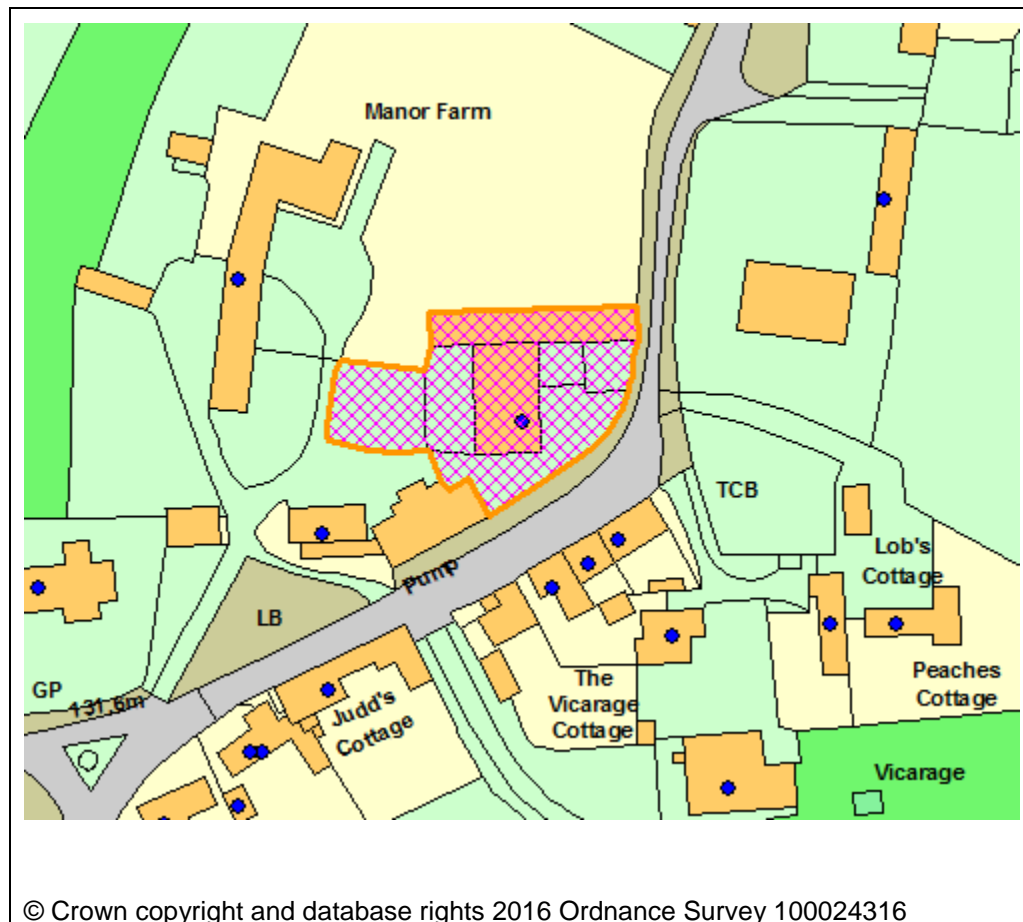
- 1 The site is located in the countryside beyond the existing settlement edge of the village of Eynsham. Although located adjacent to existing buildings, these are part of outlying development from the village and are separated from it by open countryside. The development would encroach unacceptably 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 and rural lane 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 and 58.

- 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, provision for horses 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 and the relevant parts of Pinkhill Lane required to be improved if they cross third party land. 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, makes an appropriate contribution to public transport infrastructure, public art and health provision. 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	17/04112/FUL
Site Address	Barn at Holwell Manor Farm Holwell Burford Oxfordshire
Date	28th February 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Holwell Parish Council
Grid Reference	423284 E 209164 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Conversion of disused farm building to dwelling (Amended Plans)

### Applicant Details:

Mr & Mrs Tom Shutes  
C/O Agents



## I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- No objection subject to Prior to 1st occupation the provision of vehicular/cycle parking in accordance with standards to be submitted and approved.
- I.2 Biodiversity Officer No Comment Received.
- I.3 Conservation Officer No Comment Received.
- I.4 ERS Env Health - Lowlands Mr ERS Pollution Consultation  
I have no objections and no conditions for this application.
- I.5 ERS Env. Consultation Sites Mr ERS Pollution Consultation Thank you for the opportunity to provide comment on planning application 17/04112/FUL. Our records indicate that there is an area of unknown filled ground approximately 100m from the subject site. The area appears to be associated with an pond which may have been partially in filled over time.
- From the information submitted with the application it is understood that the proposed development building has been used for the storage of agricultural equipment and farm machinery and stabling livestock. There is therefore considered to be potential for sources of contamination to have been stored in the buildings. Please could the applicant confirm if any fuels, chemicals or other potentially contaminating substances have ever been stored in the barns? If this is the case I would request a contaminated land desk study condition if not I would request an encountered contamination condition. I can provide the wording for the condition once I have received a response from the applicant.
- Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner as detailed in the National Planning Policy Framework.
- I.6 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.7 Parish Council I have circulated your two letters and attachments dated 9 January to my predecessor, Ms.J. Edwards, about the above applications to all the households on the Holwell Parish electronic mailing list and made sure that the one resident who has no direct access to email is aware of these applications.  
Ms. Edwards has made the hard copies of the plans which you sent her available for inspection.

In addition to the one response from a Holwell resident which I forwarded to you yesterday (29 January) one other resident, who wishes to remain anonymous, has indicated support for the applications and expressed concern at the dilapidated state of the present building. Although I am not aware of any, others may have contacted you directly with comments.

## **2 REPRESENTATIONS**

2.1 Six letters of support, one letter of objection, and one general comment have been received. They have been summarised as:

- Whilst I have no objection in principle to the conversion of the barn and sheds to either a dwelling or an office, I am concerned about the floor to ceiling glazing shown in the plans for the cow sheds. This is of particular concern to me since my home, The Brewhouse will look directly at (and into) the proposed yard and these rooms from both the first and second floors.
- I am also concerned that the materials specified for the barn roof (which we have been told will be corrugated and dark in colour) will dominate the view from my windows in an overwhelming way.
- There is not much information about the intended materials for the conversion, particularly for the Cow barn. The drawing shows horizontal lines on the walls, rather than the existing brickwork, nor is it clear what material is to be used on that important element, the roof. The present one is, I think, neither original nor very sympathetic to its surroundings.
- I found the East and West Elevations somewhat misleading. The Eastern elevation appears to show the Cow barn is joined to the Carthouse at its east end, while the drawing of the Western elevation seems to show the Cow Barn connected to the Carthouse just proud of its west end. In reality, as the North and South elevations clearly show, the Cow barn is joined to the Carthouse about a third of the way along its length, measuring from the west,
- I wish to support this application for conversion of redundant agricultural buildings into a family home. The proposed design is entirely in keeping with the traditional old style sheds and will not look out of place within the village of Holwell.
- A dwelling would be much preferable to the alternative proposal to build an office and studio on the site (Planning Application No. 17/04113/FUL) because it would increase the community, bringing active family life which would be most welcome in a small village where many residents are either elderly or second-home owners.
- My only concern is that the proposed large glass windows are adequately screened or curtained at night so as to preserve the rich quality of darkness which gives the village an enviable and much-cherished nighttime skyline.
- The chance of any of the farm buildings being needed for agriculture again seems remote, and empty, neglected buildings are a depressing sight. The plans seem to me to be sympathetic and imaginative, and I would be very disappointed with my council if they were turned down.
- We support the application to reuse these redundant buildings into an accessible building which will greatly improve the setting and landscape of Holwell village.

## **3 APPLICANT'S CASE**

3.1 As part of the original submission, a Planning Statement was submitted. It has been summarised as:

Research of the planning history has confirmed that this building has been the subject of a number of applications, with a similar planning application having been withdrawn in 2016 and subsequent prior approval notifications having been refused for the reason that insufficient evidence had not been produced to demonstrate that the lawful primary use of the building was solely for an agricultural use as part of an established agricultural unit.

The planning history has also revealed that permission was granted in 2000 for the northern wing of this building to be converted into a dwelling, a permission that is still extant as the development permitted was lawfully commenced. This is, therefore, a material consideration to be taken into account when this application is determined, a matter that will be expanded later in this statement. It is part of our case that as the brick building that runs at right angles to the south of the permitted residential conversion dates from the C19th, it is a non-designated Heritage Asset that should be preserved and that the best way to do this would be for a new use to be found, rather than for it to be demolished as has been permitted.

The site is within Holwell, a small village located 4km south west of Burford. The building forms part of Holwell Manor Farm on the Bradwell Grove Estate.

The application building comprises a former cart shed at the northern end, constructed of natural stone walls and a slate roof with a wider spanned brick, former cow shed with cement fibre roofing projecting southwards. The northern section has extant permission to be converted into a dwelling with the brick building to be demolished but this scheme seeks permission to retain it and use it as additional residential accommodation.

Whilst the brick built former cow shed is a later addition to the cart shed, it was in place in the late C19th, with it being shown on the 1881 and 1899 Ordnance Survey Maps. Due to its age, it could be classed as a non-designated Heritage Asset, although it is not a traditional or vernacular building but it does reflect the evolution of the building in this part of Holwell.

This application seeks permission to convert the existing buildings into one dwelling. The northern wing will form the sleeping accommodation, comprising four bedrooms whilst the brick building to the front will contain the kitchen and living areas.

Externally, the existing openings will be utilised to provide daylight within the proposed dwelling with the post retained in the former cart shed and the gaps infilled with glazed screens. On the brick building, the existing openings will also be retained as windows and doors with the main door on the south elevation to be replaced with a glazed screen. The only new openings will be two rooflights in each of the north, east and west slopes. The only other change will be the installation of photovoltaic panels on part of the west section of the south elevation.

Planning permission was granted in 1995, by decision reference W95/1658 to convert two barns to residential use, these being the one that is the subject of this application and the other being located to the south. The cowshed was to be demolished as part of this proposal. This decision was renewed in April 2001, by permission reference W2000/1791 and this was subject to 11 conditions, 4 of which were pre-commencement conditions. In January 2006, details were submitted to discharge the conditions and these were duly discharged on 14th March 2006. As stated above, this permission also concerned the barn to the south of this application site and part of the permission included the installation of rooflights into that other barn, a Listed Building, works that were carried out within the prescribed time period for the commencement of the development (with Listed Building Consent also having been granted). Accordingly, the

development that was permitted has been commenced and so that grant of planning permission to convert the northern part of this application building benefits from extant permission.

In June 2017, planning permission was made to convert the whole of this building into a single dwelling. During the course of this application, the Local Highways Authority confirmed that it had no objection as there would not be a significant detrimental effect on the local road network. The Council's Ecology Advisor also stated that if all the recommendations in Section 6 of the Ecological Report submitted with the application were followed, there would be no harm to bats and it was recommended that a condition be imposed regarding compensatory provision. However, in August 2016, that planning application was withdrawn.

Applications were subsequently made under the provisions of the Town and Country Planning General Permitted Development Order for Prior Notification Approval, references 16/02685/PN56 and 17/00906/PN56. However, both were refused on the grounds that insufficient information had been submitted to demonstrate that there was a lawful primary use of the building as agricultural as part of an agricultural unit.

Whilst the building would physically be capable of use for business purposes, an unrestricted Class B1 use, defined as being an appropriate use within a residential area, could generate significant amounts of traffic. Surveys of such uses have been undertaken as part of the TRICS database and the accepted traffic generation for a B1 use is one vehicle movement per day per 10m<sup>2</sup> of gross floor area. For a building of this size, this could mean in the region of 40 vehicles per day visiting the site. The Highways Officer, in the consultation response on the previous application for the re-use of this building as a dwelling (16/01862/FUL), stated that there was no objection as there would be no significant detrimental effect on the local road network. However, I anticipate that the same response would not be forthcoming for a use that would generate five times the amount of vehicle movements that one dwelling would attract. With regard to community use, Holwell is a small village that does not even have a Parish Council. There is no community use that is required in this small settlement nor any recreational use. Significant funds would be required to make the building useable for community or recreational and the applicants are not aware of any potential users that need or could fund such accommodation.

Tourism accommodation is the other preferred use for buildings of this type but, again, such use would not be financially viable. The costs of converting a building of this type into holiday use would be at least £2,000 per m<sup>2</sup>, which for a building of this size would cost upwards of £800,000, not including the purchase price of the building. Tourist accommodation has vacancy rates in the Cotswolds of about 40% and so to fund such a venture and meet bank and service costs, as well as achieving a yield of about 10%, the income would need to average about £3,500 per week. This is unlikely to be achievable at this location as this is the amount achievable in peak weeks by substantial houses in the Cotswolds, when viewing other holiday accommodation on various websites. No financial institution would lend money to finance such a venture.

Another factor to support this application concerns the extant planning permission for residential use. This is a material consideration that has to be taken into account in the decision making process and confirms that approximately 44% of the application building is already permitted for residential use. The outstanding matter, therefore, concerns the brick built cowsheds that were added to the stone building in the C19th and whether that building is also appropriate for conversion to residential use. The former cowshed, although a later addition to the cart shed, has been part of the local scene for many years and long before the introduction

of planning legislation. In planning terms, it represents the original building and this was also in place when buildings in the vicinity were listed as being of Special Architectural or Historic Interest. Thus, although wider spanned and with a shallower roof pitch, it is part of the heritage and character of this part of Holwell and, in my opinion, should be retained and a new use identified, which would also enhance the setting of nearby Listed Buildings.

Since the initial submission, amended plans have been received. Comments from the agent have been summarised as:

These are submitted due to comments raised by some local residents about certain elements of the scheme and I set out below the changes that have been made:

- 1 Close the opening which is currently shown in the south elevation where the existing large steel doors are located.
- 2 Re-instate the original openings in the same elevation and insert smaller and lower glazed screens.
- 3 The two steps above have the effect of reducing the quantum of glazing in that elevation and thereby mitigating the potential issues of light disturbance or overlooking.
- 4 In the south east elevation introducing a new section of French doors into a new opening onto the adjacent garden area. This makes up for the "loss" of the above and is located so that there is no chance of overlooking plus mitigating any potential light disturbance.
- 5 Closing the gap in the wall of the entrance to the barn yard which is currently two gates wide. This is done by extending the existing dry stone wall and leaving only a pedestrian entrance in that area plus extending the verge to the highway to prevent parking in this area. By taking this step it also moves the entrance to the property to other side where neighbours will not be disturbed.
- 6 The introduction of the dry stone wall also helps to further mitigate the potential issues of overlooking and light disturbance.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE8 Development affecting the Setting of a Listed Building

BE10 Conversion of Unlisted Vernacular Buildings

H10 Conversion of existing buildings to residential use in the countryside and

NE13 Biodiversity Conservation

T4NEW Parking provision

OS2NEW Locating development in the right places

OS4NEW High quality design

E3NEW Reuse of non residential buildings

EH7NEW Historic Environment

EH2NEW Biodiversity

H2NEW Delivery of new homes

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Meeting have not objected to the proposal.
- 5.2 The application involves the conversion of the more traditional barns and a modern barn to a permanent residential dwelling within Holwell which is located adjacent to Bradwell Grove. The application site is not within a Conservation Area but there are Listed Buildings within the vicinity.
- 5.3 The existing buildings comprise of a range of vernacular barns which still have an extant planning permission to convert to residential use, and a more modern structure. Since the extant permission, several planning applications including prior approvals from barn to dwelling have been submitted. However these have been either withdrawn or refused, on the basis that there was not sufficient evidence that the barns had been in agricultural use associated with an established agricultural enterprise.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.5 Your officers consider that as there is an extant planning permission on the existing single storey barns, that the principle of a residential use has been established for those barns. However the applicant proposes to utilise an existing more modern addition which your officers do not consider is worthy to be retained or converted to habitable space.

### Siting, Design and Form

- 5.6 Since the initial submission, amended plans have been submitted in response to comments received as part of the formal consultation process. On balance your officers consider that the changes to the traditional range of buildings is acceptable. However the retention of the more modern building is of concern, with its wide gable span, is not considered to be of a traditional vernacular form. This retention is considered by your officers to adversely affect the visual appearance of the rural streetscene, and harm the setting of the nearby listed buildings. The retention of this building also results in the parking provision and garden amenity area being displaced which again is considered to have an adverse cluttered impact to the general rural visual character and appearance of the locality.
- 5.7 In view of this officers have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through

alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In this case the proposed alterations are considered not to maintain the building's essential historic architectural character and form, and will result in harmful disruption to the original appearance of the building. Given this assessment, it is considered that the special interest and setting of the listed building would not be preserved and the development would not comply with policies BE2 and BE8 of the adopted West Oxfordshire Local Plan and EH7 and OS4 of the emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

- 5.9 Your officers have suggested the idea of a consent for conversion of the traditional barn to residential use and remodelling the modern building by removing the roof to form an enclosed garden area thereby reducing the harms of private garden and parking in the open courtyard to the east of the site. The agent has been advised of this alternative concept but officers have not yet received a response at the time of writing.

#### Highways

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

#### Residential Amenities

- 5.11 Given the amended plans, officers do not consider that the proposal will result in an adverse impact to residential amenities in terms of loss of light or loss of privacy issues.

#### Conclusion

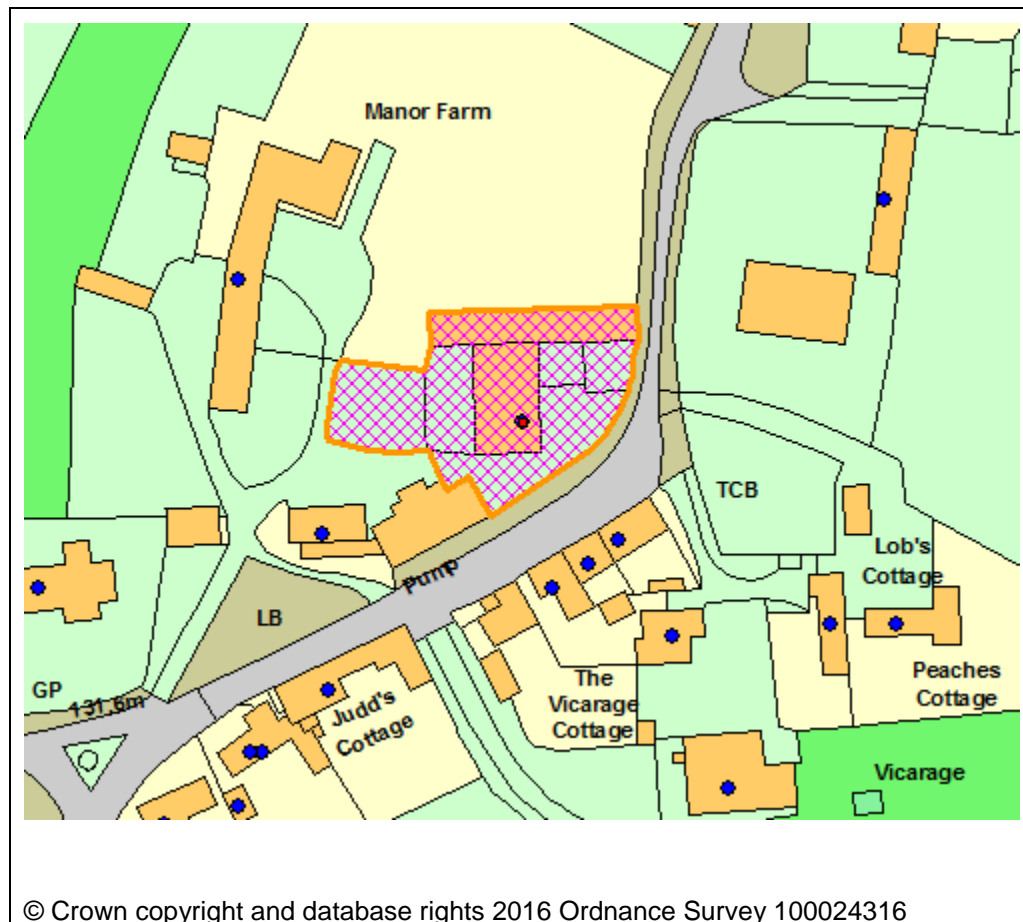
- 5.12 In conclusion your officers consider that there is a scheme which could be supported without the inclusion of the more modern structure which would enhance the visual rural appearance and character of the area. However in its current form, officers consider that the proposal will result in a visually incongruous form, which will lead to more clutter within the streetscene and to the setting of the nearby listed building. As such officers are recommending refusal of the application.

## **6 REASON FOR REFUSAL**

- I The proposed conversion of the modern barn, by reason of its form and design and the sensitivity of the existing context would appear incongruous as a residential unit within this historical farmyard setting. In particular, the existing form and design of the modern building does not positively contribute to the visual character of the area and will lead to visual and physical clutter to the setting of the numerous Listed Buildings which are located in close proximity to the application site. As such the proposal is contrary to Policies BE2, BE8 and BE10 of the adopted West Oxfordshire Local Plan, Policy E3 and EH7 of the emerging West Oxfordshire Local Plan, the West Oxfordshire Design Guide and Paragraphs of the NPPF to include paragraph 55.

Application Number	17/04113/FUL
Site Address	Barn at Holwell Manor Farm Holwell Burford Oxfordshire
Date	28th February 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Holwell Parish Council
Grid Reference	423284 E 209164 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Conversion of disused barn to Class BI Use (offices and studio).

### Applicant Details:

Wakefield Ltd, 38, Berkeley Square, London, W1J 5AE



## I CONSULTATIONS

- I.1 Conservation Officer No Comment Received.
- I.2 OCC Highways  
The site is accessed from narrow rural lanes and poorly served by other than the private car.  
However, the existing use has the potential to generate numbers of vehicular movements including large and slow moving agricultural vehicles.  
  
On balance, I cannot demonstrate that the proposal, if permitted, will have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network  
  
No objection subject to  
G28 parking as plan  
Prior to occupation the submission and approval of a Travel Plan
- I.3 Biodiversity Officer No Comment Received.
- I.4 ERS Env. Consultation Sites  
Mr ERS Pollution Consultation Thank you for the opportunity to provide comment on planning application 17/04113/FUL. Our records indicate that there is an area of unknown filled ground approximately 100m from the subject site. The area appears to be associated with an pond which may have been partially in filled over time.  
  
From the information submitted with the application it is understood that the proposed development building has been used for the storage of agricultural equipment and farm machinery and stabling livestock. There is therefore considered to be potential for sources of contamination to have been stored in the buildings. Please could the applicant confirm if any fuels, chemicals or other potentially contaminating substances have ever been stored in the barns? If this is the case I would request a contaminated land desk study condition if not I would request an encountered contamination condition. I can provide the wording for the condition once I have received a response from the applicant.  
  
Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner as detailed in the National Planning Policy Framework.
- I.5 ERS Env Health - Lowlands  
Mr ERS Pollution Consultation  
I have no objections and no conditions for this application.
- I.6 WODC Drainage Engineers  
No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.7 Parish Council  
I have circulated your two letters and attachments dated 9 January to

my predecessor, Ms. J. Edwards, about the above applications to all the households on the Holwell Parish electronic mailing list and made sure that the one resident who has no direct access to email is aware of these applications.

Ms. Edwards has made the hard copies of the plans which you sent her available for inspection. In addition to the one response from a Holwell resident which I forwarded to you yesterday (29 January) one other resident, who wishes to remain anonymous, has indicated support for the applications and expressed concern at the dilapidated state of the present building. Although I am not aware of any, others may have contacted you directly with comments.

## **2 REPRESENTATIONS**

2.1 3 letters have been received and summarised as:

- At the moment the buildings in question are abandoned and the result is a semi-derelict area in the middle of this little village. As a small friendly community including several weekenders.
- I feel the residential application would definitely be the preferred option and another family unit most welcome, while the commercial scheme, with that degree of office accommodation, would be likely to generate traffic and attendant parking difficulties.
- In my view, a dwelling would be much preferable to the alternative proposal to build an office and studio on the site (Planning Application No. 17/04113/FUL)
- Appropriate uses are need to be found for this buildings.

## **3 APPLICANT'S CASE**

3.1 Research of the planning history has confirmed that this building has been the subject of a number of applications, with a planning application having been withdrawn in 2016 and subsequent prior approval notifications having been refused for the reason that insufficient evidence had not been produced to demonstrate that the lawful primary use of the building was solely for an agricultural use as part of an established agricultural unit.

3.2 The planning history has also revealed that permission was granted in 2000 for the northern wing of this building to be converted into a dwelling, a permission that is still extant as the development permitted was lawfully commenced. This is, therefore, a material consideration to be taken into account when this application is determined. It is part of our case that as the brick building that runs at right angles to the south of the permitted residential conversion dates from the 19th, it is a non-designated Heritage Asset that should be preserved and that the best way to do this would be for a new use to be found, rather than for it to be demolished as has been permitted.

3.3 The application building comprises a former cart shed at the northern end, constructed of natural stone walls and a slate roof with a wider spanned brick, former cow shed with cement fibre roofing projecting southwards. The northern section has extant permission to be converted into a dwelling with the brick building to be demolished but this scheme seeks permission to retain it and use it as office accommodation and a studio, a B1 Use.

3.4 Whilst the brick built former cow shed is a later addition to the cart shed, it was in place in the late 19th, with it being shown on the 1881 and 1899 Ordnance Survey Maps. Due to its age, it

could be classed as a non-designated Heritage Asset, although it is not a traditional or vernacular building but it does reflect the evolution of the building in this part of Holwell.

- 3.5 Externally, the existing openings will be utilised to provide daylight within the proposed dwelling with the posts retained in the former cart shed and the gaps in filled with glazed screens. On the brick building, the existing openings will also be retained as windows and doors with the main door on the south elevation to be replaced with a glazed screen. The only new openings will be two rooflights in each of the north, east and west slopes. The only other change will be the installation of photovoltaic panels on part of the west section of the south elevation.
- 3.6 The proposed B1 use will be accessed from the existing openings to the south and west with cars to be parked in the area to the east of the building and west of the boundary wall.
- 3.7 The supporting text to the policies states that any proposed employment use must be compatible with its surroundings and with the Class B1 Use, by its definition, being acceptable within a residential area, the proposed use will be wholly appropriate to this location. Another paragraph in the justification states that the policy applies to all settlements in the district and reuse may also be acceptable in the open countryside if the location is not too remote from existing settlements and public transport. Holwell is only a few miles away from Burford and is not remote, isolated or inaccessible.
- 3.8 Policy E5 concerns the reuse of non-vernacular buildings and says that their use for employment purposes will only be allowed where all four of the following criteria are met. The form, bulk and general design of the building are in keeping with the surroundings - the building has been here for at least 135 years and is an accepted part of Holwell. The second requirement is that the building is within or adjoining an existing settlement, or forms part of an agricultural holding and will form part of a farm diversification scheme - the application building is within Holwell and does form part of a farm diversification scheme as the land owners are, like many other estates in the area, using contractors to carry out their farming operations, which results in a surplus of buildings. The third requirement is that the scale and type of employment use is suitable for the building and the location and the small-sale office use with an artist's studio would be wholly suitable for this building. The final requirement is that the building must be capable of being converted to an employment use without excessive rebuilding or enlargement which will be tantamount to the erection of a new building. Inspection of the site and the application drawings will reveal that no rebuilding will be necessary with the only change of any significance being the replacement of the roof on the southern section
- 3.9 The only potential material considerations that could override this policy support concerns traffic generation, the concurrent application for residential use stating that unrestricted B1 use could generate in the region of 40 vehicle movements per day. However, it is not the aim of this application and the end user that this will be a significant traffic generator. The owners of the building, by the covenants that will be imposed, will ensure that there will be controls on both the amount of traffic that will be generated and the number of people working here. It is recognised that this is out with the planning process and that usual mechanism to address such potential concerns is the submission and approval of a Travel Plans or a Traffic Management Plan which will demonstrate how traffic generation will be monitored and managed to ensure that there will not be significant movements on the local road network. Such travel plans are monitored at regular intervals and a log of visitors to the building and the modes of transport used can be kept and made available for inspection. However, it is the applicant's intention that

this will be a low-key B1 use that once established, will become barely discernible in terms of traffic generation.

- 3.10 With regard to car parking, I am aware that for a building this size the maximum parking standard is one space per 30m<sup>2</sup>. On that basis, the building would require a maximum of 13 car parking spaces. This number is not achievable, if laid out in accordance with normal parking standard requirements. However, the site can easily accommodate the parking of 8 cars with proper turning and manoeuvring areas provided with room for a further 6, if ever necessary, but these would have to be parked in a tandem arrangement and would require some manoeuvring of vehicles but this could be done without the need to utilise the public highway for such manoeuvring. There would also be space available within the site for covered parking of cycles. Accordingly, I consider that the site is capable of providing adequate parking spaces for the likely numbers of vehicles generated by the proposed use.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE8 Development affecting the Setting of a Listed Building  
BE10 Conversion of Unlisted Vernacular Buildings  
H6NEW Existing housing  
E3NEW Reuse of non residential buildings  
OS4NEW High quality design  
EH7NEW Historic Environment  
T4NEW Parking provision  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Meeting have not objected to the proposal.
- 5.2 The application involves the conversion of the more traditional barns and a modern barn to an office and studio use (Use Class Order B1) within Holwell which is located adjacent to Bradwell Grove. The application site is not within a Conservation Area but there are Listed Buildings within the vicinity.
- 5.3 The existing buildings comprise of a range of vernacular barns which still have an extant planning permission to convert to residential use, and a more modern structure. Since the extant permission, several planning applications including prior approvals from barn to dwelling have been submitted. However these have been either withdrawn or refused, on the basis that there was not sufficient evidence that the barns had been in agricultural use associated with an established agricultural enterprise.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:  
Principle

- 5.5 Your officers consider that as there is an extant planning permission on the existing single storey barns, that the principle of a residential use has been established for those barns. A business use would be more in keeping with the adopted policy H10 and as such officers could support this use in principle. The emerging West Oxfordshire Local Plan Policy E3 also discusses such proposals. However the applicant proposes to utilise an existing more modern addition which your officers do not consider is worthy to be retained or converted to habitable space which is at odds with the criteria given for the re-use of non residential buildings for Policy E3.

#### Siting, Design and Form

- 5.6 On balance your officers consider that the changes to the traditional range of buildings is acceptable. However the retention of the more modern building is of concern, with its wide gable span, is not considered to be of a traditional vernacular form. This retention is considered by your officers to adversely affect the visual appearance of the rural streetscene, and harm the setting of the nearby listed buildings. The retention of this building also results in the parking provision being displaced which again is considered to have an adverse cluttered impact to the general rural visual character and appearance of the locality.
- 5.7 In view of this officers have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In this case the proposed alterations are considered not to maintain the building's essential historic architectural character and form, and will result in harmful disruption to the original appearance of the building. Given this assessment, it is considered that the special interest and setting of the listed building would not be preserved and the development would not comply with policies BE2 and BE8 of the adopted West Oxfordshire Local Plan and EH7 and OS4 of the emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 5.9 Your officers have suggested the idea of a remodelling the modern building by removing the roof to form an enclosed parking area thereby reducing the harms from the amount of parking within the open application site. The agent has been advised of this alternative concept but officers have not yet received a response at the time of writing.

#### Highways

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

#### Residential Amenities

- 5.11 As an office use is proposed, officers do not consider that an adverse level of noise and disturbance will result to the residential amenities of nearby residential occupants.

#### Conclusion

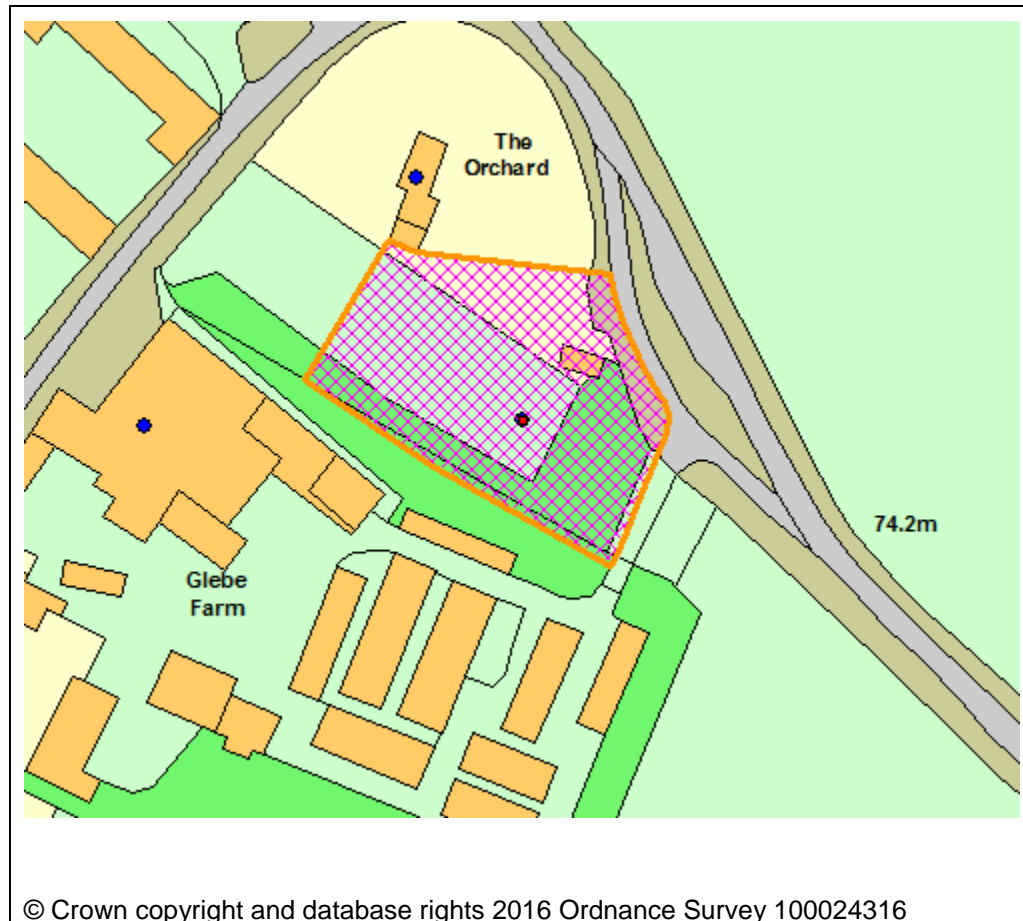
- 5.12 In conclusion your officers consider that there is a scheme which could be supported without the inclusion of the more modern structure which would enhance the visual rural appearance and character of the area. However in its current form, officers consider that the proposal will result in a visually incongruous form, which will lead to more clutter within the streetscene and adversely affect the setting of the nearby listed building. As such officers are recommending refusal of the application.

## **6 REASON FOR REFUSAL**

- I The proposed conversion of the modern barn, by reason of its form and design and the sensitivity of the existing context would appear incongruous as a residential unit within this historical farmyard setting. In particular, the existing form and design of the modern building does not positively contribute to the visual character of the area and will lead to visual and physical clutter to the setting of the numerous Listed Buildings which are located in close proximity to the application site. As such the proposal is contrary to Policies BE2, BE8 and BE10 of the adopted West Oxfordshire Local Plan, Policy E3. OS4 and EH7 of the emerging West Oxfordshire Local Plan, the West Oxfordshire Design Guide and Paragraphs of the NPPF to include paragraph 55.

Application Number	17/04117/FUL
Site Address	Land Between Glebe Farm and The Orchard Hayway Lane Weald Bampton Oxfordshire
Date	28th February 2018
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bampton Parish Council
Grid Reference	430883 E 202192 N
Committee Date	12th March 2018

### Location Map



### Application Details:

Erection of detached dwelling with associated works.

**Applicant Details:**

Mr S Collins  
Burrington House  
Weald  
Bampton  
OX18 2HW  
England

**I CONSULTATIONS**

- |     |                                  |   |
|-----|----------------------------------|---|
| I.1 | OCC Highways                     | The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network<br><br>No objection   |
| I.2 | Conservation Officer             | No Comment Received.  |
| I.3 | WODC Drainage Engineers          | No Comment Received.  |
| I.4 | ERS Env Health - Lowlands        | No objection in principle.  |
| I.5 | OCC Minerals (Safeguarded Areas) | No Comment Received.  |
| I.6 | OCC Rights Of Way Field Officer  | No Comment Received.  |
| I.7 | Technical Pollution Service      | No Comment Received.  |
| I.8 | Biodiversity Officer             | The Preliminary Ecological Appraisal report submitted with the application is considered to be sufficient and I recommend that the following conditions be attached to planning consent, if minded to approve, to ensure that the mitigation requirements contained in the report are implemented and to provide bird and bat boxes as a biodiversity enhancement in line with paragraph 118 of the NPPF. I also recommend an informative highlighting the legal protection afforded to great crested newts, nesting birds and reptiles is attached to consent. |

I am satisfied with the conclusion of the PEA that great crested newts are unlikely to be present due to the use of the site for the keeping of chickens, ducks and geese, and the poor suitability of the 'pond' on site (artificial raised structure containing water for waterfowl). Reasonable avoidance measures are outlined in section 4.2 of the PEA report, the implementation of which would be covered by the recommended condition.



The majority of trees along the southern and southeastern edge of the application site are being retained, as confirmed within the Arboricultural Survey Report, apart from a conifer species that is structurally unsound. There are no ecological objections to the removal of this tree. The planting of new trees and hedgerows is welcomed. A full landscaping scheme should be submitted as a standard condition of planning consent.

1.9 Parish Council

OBJECTION for the following reasons:

-This is in addition to existing planning permissions already granted in the area.

-It would be developing into open land as opposed to the development of existing farmyard buildings

- It would extend the development into something unsuitable for this rural location.

## 2 REPRESENTATIONS

No third party comments have been received in support or in objection to this planning application.

## 3 APPLICANT'S CASE

- 3.1 The proposed development is on a deliverable site that is in a sustainable location for new residential development.
- 3.2 The council cannot demonstrate a five-year supply of housing land and their adopted housing policies are out of date. The development must therefore be determined in accordance with the NPPF and the presumption in favour of sustainable development.
- 3.3 There are no planning policies or designations in place that seek to prevent development of the site. The scheme will make a small but notable contribution towards helping to meet the council's five-year housing land supply and will make a provision of an additional family home.
- 3.4 There are a number of benefits arising from the development, which is demonstrated to be sustainable. At the same time there are no adverse impacts arising from development which would significantly and demonstrably outweigh these benefits.
- 3.5 The Foreword to the NPPF states that "sustainable development is about positive growth - making economic, environmental and social progress for this and future generations."
- 3.6 What is clear, with reference to the NPPF and its presumption in favour of sustainable development, is that if the development proposed is held to be sustainable, then there would need to be demonstrable adverse impacts arising from the development which would outweigh the multiple benefits arising for an application to be refused. It is considered that no such adverse impacts exist in this case

- 3.7 The proposed development is therefore fully in compliance with the presumption in favour of sustainable development as outlined within the NPPF, and there are no reasons why the development should not be supported.
- 3.8 On that basis the planning application is fully in accordance with the presumption in favour of sustainable development and should be approved accordingly.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
H2 General residential development standards  
H7 Service centres  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH1NEW Landscape character  
EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning approval for the erection of a detached dwelling and associated means of access. The application site is located at Weald to the south of Bampton; the site is located within the Bampton Conservation Area. The site comprises of an area of undeveloped open space, which is located between an existing property, Orchard House and existing redundant farm buildings which form part of the Glebe Farm site. The land immediately to the north west of the site comprises of an open area of paddock land there are large existing trees which form part of the southern boundary of the site and further trees along the western boundary, which greatly restrict visibility of the site from the adjacent road and public right of way.
- 5.2 Planning approval was granted in November 2017 (16/04250/FUL) at the adjacent Glebe Farm for a development comprising of the removal of the existing agricultural building and the erection of six dwellings on the adjacent site, subject to a legal agreement which related to the provision of an off-site financial contribution towards the provision of affordable housing.
- 5.3 The present proposals have been subject of amendments to reduce the overall scale of the dwelling, moving the parameters of the dwelling away from the boundaries of the site.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development  
Design, scale and siting  
Impact on Conservation Area  
Residential Amenity

Principle

- 5.5 Members will be aware that on 16/01/18 the initial views of the Local Plan Inspector were received as regards to the likely soundness of the emerging plan and, in that to be sound a plan must be able to demonstrate an adequate 5 year housing land supply, the likelihood that the Council is now able to demonstrate a 5 year housing land supply. Clearly this could have potential implications for the application or otherwise of the so called 'tilted balance' set out in paragraph 14 of the NPPF and the weight to be given to adopted and emerging policies. At the time of agenda preparation Officers are in the process of securing legal advice as to how the planning balancing exercise will be affected and a full update will be given as part of the additional representations report.
- 5.6 In light of this, an assessment of the proposal against the emerging draft housing supply related policies has been made alongside other relevant policies (adopted and emerging) as well as guidance set out in the NPPF.
- 5.7 Furthermore, whilst the 'tilted balance' of paragraph 14 of the NPPF has not been applied, in accordance with good planning principles, an assessment has been made of the likely benefits of the proposal against the likely harms in reaching an overall conclusion on the acceptability of the scheme.
- 5.8 The location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district.
- 5.9 The site falls within the settlement of Weald, though in policy terms, owing to its close proximity to Bampton, the site would be treated as being within or adjacent to Bampton, which is listed as a service centre within the provisions of Policy H7 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan. Under the provisions of Existing Policy H7 it is considered that the development of sites within the settlement area is considered acceptable in principle where this constitutes infilling or a rounding off of the settlement area, whilst Policy H2 of the Emerging Local Plan allows in principle for the development of plots within the settlement area, where this forms a logical complement to the existing pattern of development and where there is no conflict with the wider provisions of the plan, Policy H2 also makes provision for the development of edge of settlement sites, where this meets an identified need. The site is considered to be within a sustainable location in relation to its proximity to existing services and facilities.
- 5.10 The site is located between an existing dwelling and between the adjacent farm site, where permission was recently granted for 6 dwellings (16/04250/FUL). Officers consider that the siting of the proposed dwelling would form a logical complement to the existing pattern of development given that the dwelling would sit between an existing property and the site of the recently approved six dwellings at Glebe Farm.

- 5.11 Officers note that a financial contribution of £27,800 towards the provision of off-site affordable housing has been offered by the applicants. This figure is based on a calculation of £100 per square metre of floor space, in accordance with Policy H3 of the Emerging Local Plan. The financial contribution would be a commuted sum, which would be obtained through a section 106 legal agreement.
- 5.12 Officers consider that the principle of development would be acceptable and compliant with the provisions of Policy H7 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan.

#### Siting, Design and Form

- 5.13 The design of the proposed dwelling has been amended, which has included a reduction in the overall scale of the dwelling and has moved the proposed dwelling further away from the adjacent boundaries. The proposed dwelling is considered to be of a scale which would be commensurate with that of the adjacent property and recently approved dwellings on the adjacent site. The dwelling would be of a neo-vernacular appearance and would be constructed from natural stone to match the adjacent property Orchard House. Officers consider that the design, scale and siting of the dwelling would be appropriate.

#### Conservation Area

- 5.14 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. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.15 In accordance with the provisions of Paragraph 132 of the NPPF an assessment must be made as to the sites significance and specific contribution to the character and appearance of the Conservation Area. The site exists as an area of undeveloped space, which is located between an existing dwelling and a series of farm buildings, where consent exists for the provision of six dwellings.
- 5.16 Owing to existing dense boundary screening to the north and east of the site, public views of the site are limited. Visibility of the site would only be significantly discernible in views from the North West from the adjacent road, where the site is visible beyond an existing area of paddock land, which would be retained in its present open and undeveloped form. Whilst the site would be visible within public views officers consider that the development would not result in harm to the setting of the Conservation Area. Within the context of paragraph 132 of the NPPF officers consider that the development would adequately preserve the setting of the Conservation Area.
- 5.17 The amendments made to the proposed plans include the repositioning of the dwelling away from the prominent mature trees, which contribute to the character of the immediate area. The amendments made ensure that the integrity of the trees would be protected.

### Highways

- 5.18 The proposed development would be served by a single means of access, which would be located in a position adjacent to the access serving Orchard House, the adjacent property. Officers consider that the development would not have any adverse impacts in respect of highway safety or amenity.

### Residential Amenities

- 5.19 One existing property would be impacted upon by the proposed development, this being Orchard House. Officers note that no first floor windows are proposed within the north east facing side elevation of the proposed dwelling, which immediately faces this property. The proposed rear windows of the dwelling would not directly face the front windows of Orchard House and officers consider that the development would not result in a loss of privacy to the occupants of this property. Officers consider that the siting of the proposed dwelling would not have an overbearing impact on the adjacent property and would not result in a loss of light.

### Conclusion

- 5.20 The proposed dwelling would be acceptable in design terms and officers consider that the development would not result in harm to the character of the Conservation Area. The development would not result in harm to the residential amenity of existing occupants or highway amenity. The development would also include an off-site contribution of £27,800 towards the provision of affordable housing. Officers consider that the development, as proposed would be acceptable and compliant with the provisions of the existing and emerging local plans, in addition to the relevant paragraphs of the NPPF.

## **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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 20/02/18;.  
REASON: The application details have been amended by the submission of revised details.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 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.

- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 6 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development. 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 safeguard the character and landscape of the area.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G shall be carried out other than that expressly authorised by this permission.  
REASON: To protect the visual amenities of the area
- 8 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 9 That, prior to the commencement of development, 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. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 10 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.  
REASON: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

- 11 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.
- 12 The development shall be completed in accordance with the recommendations in Section 4.2 of the Preliminary Ecological Appraisal (PEA) report dated 1st December 2017 (ref. 2945-CWS-01) prepared by Cotswold Wildlife Surveys. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure that great crested newts, reptiles, nesting birds and small mammals (e.g. hedgehogs) are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.