

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 21st May 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

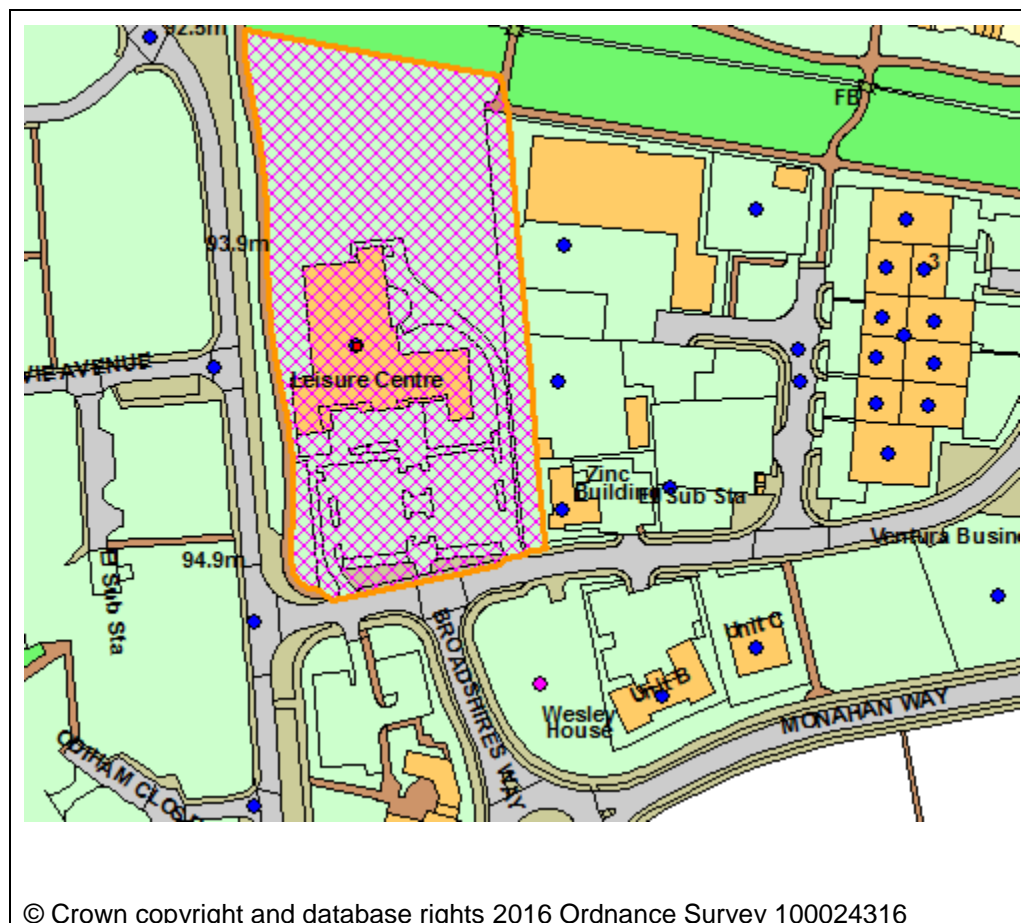
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	18/00254/FUL
Site Address	Carterton Leisure Centre Broadshires Way Carterton Oxfordshire OX18 1AA
Date	9th May 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	428591 E 207618 N
Committee Date	21st May 2018

Location Map



Application Details:

Alterations and extensions to existing leisure centre, creation of new parking.

Applicant Details:

West Oxfordshire Distric Council/Greenwich Leisure Ltd, C/O Agent

I CONSULTATIONS

I.1 Major Planning Applications Team

Oxfordshire County Council have no objection to this planning application; however a number of planning conditions and planning obligations are outlined in the comments.

Although the applicant's assessment of the trip generation of the different uses described within the proposed new works is robust, as is the vehicular parking needs assessment for the trampoline park, they have not described how they have derived the number of additional vehicular parking spaces they will need for the expansion of the rest of the Leisure Centre. This is important, as the number of vehicular parking spaces proposed is significantly below the maximum vehicular parking standards set by the Local Highway Authority. However, the Leisure Centre is in a sustainable location, with easy access by public transport, on foot, and by bicycle. Therefore, with the help of an improved travel plan, there is scope to increase the number of people travelling to and from the site by sustainable modes of transport.

A financial contribution of £45,854 is needed under S106 of the Town and Country Planning Act 1990 to contribute towards the cost of installing two new fully enclosed four-bay premium rote bus shelters and two real-time information displays at the existing bus stop nearest to the site on the B4077 Monahan Way/Broadshires Way, Carterton.

If permission is to be given, the following planning conditions should be attached:

Internal Layout and Signage

The building shall not be occupied until the vehicular access and exit, parking, signage, and manoeuvring areas shown on the attached layout plan have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.

REASON: To ensure that a usable parking area is provided and retained.

Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Discharge Rates

Discharge Volumes

Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)

Sizing of features - attenuation volume
 Infiltration in accordance with BRE365
 Detailed drainage layout with pipe numbers
 SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 Network drainage calculations
 Phasing
 No private drainage into the public highway drainage system.
 REASON: In the interests of highway safety in accordance with the National Planning Policy Framework
 Vehicle Tracking
 Prior to the commencement of development, a drawing showing that a refuse vehicle of not less than 11.6m in length can enter, turn in all areas, including the turning areas to the west of the service road, shall be submitted to and approved in writing by the Local Planning Authority.
 REASON: In the interests of highway safety in accordance with the National Planning Policy Framework

- 1.2 Conservation Officer No objections but suggests improvements as regards the insertion of further windows and signs to relieve the otherwise bland elevations.
- 1.3 Town Council In support of the Planning Application.

2 REPRESENTATIONS

2.1 Three letters of support have been received raising the following points:

- This comment is simply to register my support of the proposed project. As someone who uses the leisure centre frequently, I welcome the possibility of it being updated and expanded. I have two young boys, and I am confident my entire family would benefit greatly from the proposed changes.
- As a user of this leisure centre, the requested alterations will make an excellent addition to the current centre and asset to Carterton. I support this application and hope this gains approval.

3 APPLICANT'S CASE

3.1 West Oxfordshire District Council, one of the Joint Applicants, has a number of overall strategic objectives to improve the quality of local community facilities and in particular promote healthier lifestyles. The Council has pledged to address these deficiencies and deliver the proposed development in documents such as its adopted 'Council Plan' for 2016-2019. The Council acknowledges that making such improvements will require a corporate response with the various arms of local government working together, along with relevant stakeholders, such as sports user groups. The building being extended is not within a sensitive location in either heritage or residential amenity terms and the proposal will sit within the context of a structured landscaping scheme. The level of additional car parking being provided has been tailored to the subject scheme, so that the appropriate amount of parking will be available without unduly encouraging car use. Thought has also been given to providing improved facilities for cyclists and the scheme is accessible on foot from nearby housing.

3.2 The selected site is an already established Leisure Centre and unimplemented planning permission remains for an additional two phases of Class D2 floorspace at this site (the current proposal replaces these previously permitted elements). Government policy is predicated upon delivering development that is sustainable and the default answer to applications should be 'yes'. The NPPF explains that there are 3 dimensions ('economic', 'social' and 'environmental') to achieving sustainable development - and all three should figure within the application determination process. Any development that:

- creates jobs and investment ('economic');
- helps build communities by providing much needed facilities that contribute to improving health outcomes ('social'); and
- which uses previously developed land and introduces biodiversity improvements ('environmental');

should be viewed positively.

3.3 The NPPF also encourages pre-application consultation and engagement as a means of securing better outcomes. In this case there has been considerable consultation with stakeholders including local people, the various user groups, officers within the Applicant Council, the LPA, and the County Council transportation team. Other considerations comprise the existence of indoor sports facilities on the application site already in the form of Phase I of the Leisure Centre. The continuing leisure and cultural uses use will secure jobs and help deliver social benefit.

3.4 In final submission the application promotes a balanced and sustainable extended leisure and community development that will:

- Meet the identified leisure needs of the area;
- Continue to serve a wide variety of user groups at an established sports and leisure destination;
- Boost the local economy;
- Provide an enjoyable destination for residents and visitors alike; and
- Help fulfil a number of the Applicant Council's long-term Strategic Objectives.

3.5 The proposed investment in the facilities at Carterton is a considerable enhancement to the delivery of community sport, encouraging visitors and increasing participation in sport, without impacting upon landscape, townscape or residential amenity. The proposal completes a long-outstanding requirement for enhanced community infrastructure and is fully supported by national and 'Development Plan' policy. Accordingly, we trust that the Local Planning Authority will grant the necessary permissions and allow what is a Council Corporate Priority project to move forward.

4 PLANNING POLICIES

BE2 General Development Standards
CA3NEW Carterton sub-area Strategy
OS4NEW High quality design

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to the Leisure Centre operated on behalf of the Council at Broadshires Way. Members will recall that the building on site at present comprises only an element of what was approved i.e. the approved scheme has only been partially implemented. The scheme (01/1406) also included consent for a gymnastics hall and squash courts. This scheme proposes an alternative second phase comprising sports hall, fitness suites, crèche, cafe, dance studio and extreme sports area and amounts to a further 1502 m² and a net gain of 52 car parking spaces. The likely cost is circa £7.2 million pounds and it is to be built to meet the BREEAM very good standard of sustainable construction.
- 5.2 The built form is essentially 2 very large flat roofed boxes that sit taller than the existing centre and are to be clad in the main in a light grey cladding material. The height is to accommodate the use by trampolines and some additional planting is proposed to the side adjoining the footpath from Shilton Park.
- 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 was allocated for a leisure centre as part of the development proposals for the Shilton Park development and has an extant consent for an extension - albeit one of less mass. The policies of the adopted and emerging plan seek to support community facilities and as such the principle is considered acceptable.

Siting, Design and Form

- 5.5 The existing building disguises a number of large volumes in a series of interlocking forms which in general have a low eaves level towards the external public elevations. This has helped to lessen the visual presence of the existing building which sits quite high in the landscape. A similar device is not possible with the proposed structure which is both taller in itself than the extant building but additionally is a very large pair of 12.5 m high box like volumes by reason of the need to facilitate the uses that it will incorporate. The architects have sought to reduce the apparent massing by providing a brick plinth at the lower levels and horizontal grey cladding above to seek to give a more low slung horizontal emphasis to the building. There is also considerable landscaping between the site and the more modestly scaled housing development to the rear and limited additional planting is proposed alongside the footpath. From Monahan Way the building will be shielded to a large degree by the existing centre and the industrial estate to the east provides shielding from that vantage point. The main issue with the design is with regard to the design of façade on this building to the front and rear. Whilst the use of Cassette Cladding Panels (4 different shades of silver) will add an innovative and contemporary addition to this building which is acceptable, the lack of features / fenestration if left would create a bland and unbalanced façade. Adding fenestration could add more natural light into the building, but also, it could enhance and balance the design of these façades. Also, perhaps the façade can be broken up with a suitable amount of signage.

- 5.6 Due to its scale it is likely that the building will be seen more at a distance where it rises above the general built form of the town. However in these views the light colour of the proposed cladding will help to lessen the visual impact and it will be seen in association with the general built form of the town and the large buildings associated with the air base and industrial estate.
- 5.7 Your Officers conclusion is that the structure will be large and visible but not to the extent that it is refusable but would suggest a condition to look at means whereby signs/fenestration could be incorporated if possible to improve the appearance.

Highways

- 5.8 This is a key issue. Members will note that OCC is seeking a contribution towards highway infrastructure as would be expected from a new facility. However this appears not to pay regard to the fall back position of the extant consent and that the site has always been anticipated to provide a facility of this general form and nature with a bus network already built into the design of the housing and employment elements already in place. It is clearly important that notwithstanding its landowner interest in this application that the Council is seen to be acting equitably in paying such contributions as are reasonably required. Equally however it is important that if further sums are required that they are justified with regards to the fall back position of the extant planning permission and infrastructure already in place. This matter is under negotiation with officers of the County Council and a verbal update will need to be given at the meeting.

Residential Amenities

- 5.9 Whilst the new structure will be built within 60m or so of the dwellings in Elm Close the intervening landscape belt is such as to prevent any undue impacts from the built form. There are no major openings on that side of the building and whilst the extended area of car parking is located to the rear, traffic speeds will be such that the levels of noise arising from vehicles using the car park are limited and not likely to be discernible above general noise levels in the area. Residential amenity impacts are therefore considered acceptable.

Other matters

- 5.10 The RAF has commented in pre application discussions that they are happy with the proposed building and there are no ecological, drainage, lighting etc matters raised that cannot be addressed by condition.

Conclusion

- 5.11 This is a welcomed further investment in the leisure offer of Carterton and the wider sub region. It will complete a substantial investment into the leisure facilities available to serve the existing and growing population of the town. The proposed structure is large and will not be completely hidden in all view points. However the colour and shielding is such that the visual impact is considered acceptable. There are no technical or neighbour amenity issues that would prevent the scheme going ahead.

5.12 At the time of agenda preparation there is the matter of the extent, if any, of highway contributions that can reasonably be sought from the development by OCC. Subject to this matter being resolved it is hoped to be able to bring the application forward for determination at the meeting.

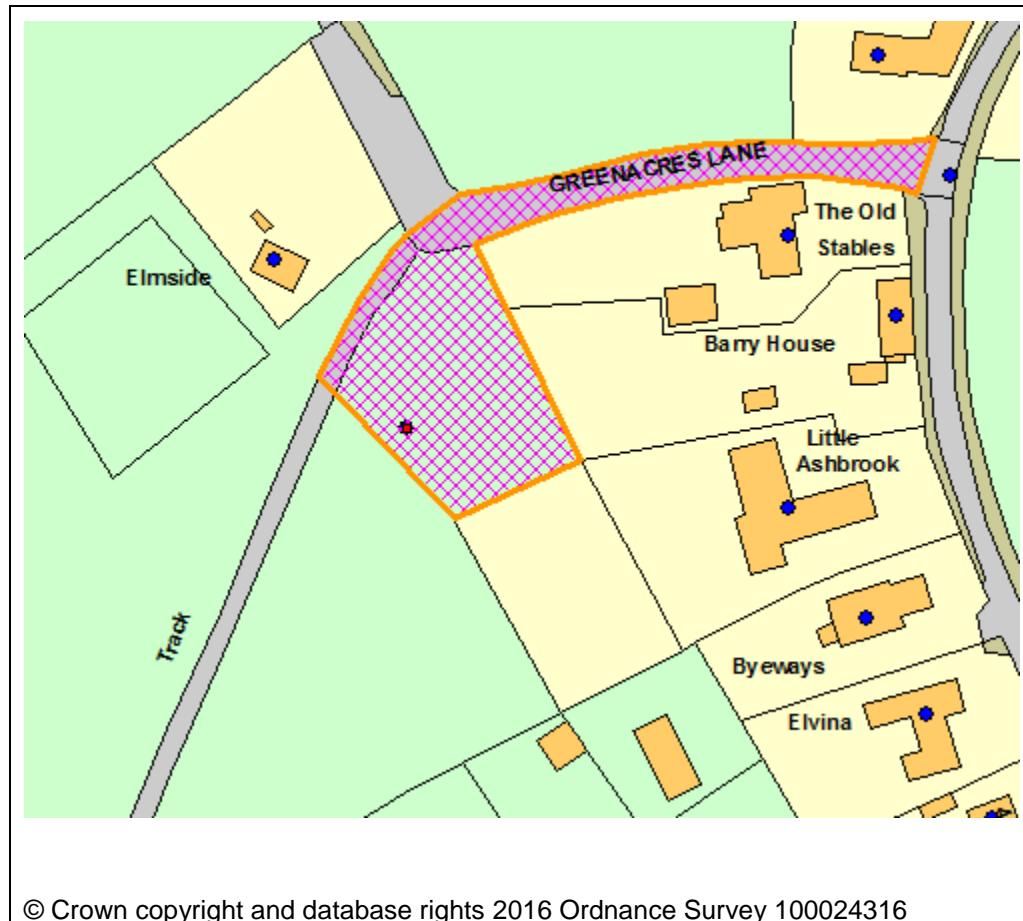
6 RECOMMENDATION

Officer to report when negotiations with OCC are concluded but likely to cover such matters as:

- Time limits
- Approved plans
- Materials samples
- Signs and fenestration
- Landscaping
- Drainage and parking layout

Application Number	I8/00446/FUL
Site Address	Land South of Elmside Greenacres Lane Aston Bampton Oxfordshire
Date	9th May 2018
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433756 E 203163 N
Committee Date	21st May 2018

Location Map



Application Details:

Erection of dwelling with associated works.

Applicant Details:

Mr Cole, C/O Agent

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.
- I.2 ERS Env Health - Lowlands No adverse comment.
- I.3 Thames Water No Comment Received.
- I.4 WODC Drainage Engineers No objection subject to conditions.
- I.5 Parish Council The Parish Council does not wish to object to the application.
- However, the Parish Council would like to submit the following comments for consideration:
- We would like the District Council to ensure that the applicant prepares and agrees a construction traffic management plan with the District Council before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane, as such parking could cause a highway safety hazard. Furthermore we would like there to be a requirement placed on the applicant that no construction traffic passes Aston & Cote Primary School on Cote Road, in the interests of highway and pedestrian safety;
- Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, the Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents.

2 REPRESENTATIONS

- 2.1 Two letters of objection have been received in respect of this planning application.
- 2.2 Mr Gale and Ms Young made the following comments:

- The proposals would not represent infilling but speculative development of open grassland, which would set a precedent for further development.
- Permission was recently refused at Ferndale, Back Lane on highway safety grounds and because the development would fail to conserve or enhance the visual appearance of the Conservation Area.
- The development would be overbearing and would have an adverse visual impact on the surrounding properties.
- There would be no public benefit from the proposed development and the proposed materials would be out of keeping.
- The development would have an adverse impact on biodiversity.
- The development would exacerbate existing drainage problems.

2.3 Mr and Mrs McKee objected for the following reasons:

- Traffic Generation - an increase in traffic using Back Lane would be detrimental to highway safety and to the safety of pedestrians.
- The development would have an adverse impact on the character of the area, including the Conservation Area.
- The development would have an adverse impact on existing properties by reason of overlooking and the increase in vehicular use of Greenacres Lane. The development would cause light pollution and spillage.
- The development would be out of character with the properties in the immediate area.
- Existing sewerage infrastructure will be unable to cope with the proposed development.
- There would be no public benefits from the proposals which would justify allowing windfall development in this location.
- At the meeting on the 16th, a committee member raised a query as to the age of the house "Ferndale" which is sited on the other side of Back Lane to the proposed site. His query was raised as the aerial plan that was being displayed at the time, portrayed Ferndale to be of a similar position to that of the proposed site (albeit on the other side of Back Lane). He thought "Ferndale" looked like a new property. The inference being (I think) that if permission had been granted for "Ferndale" then why not for the proposal. I can confirm that "Ferndale" is not new and is at least 30++ years old and probably considerably more.

2.4 One letter of support has been received from Mrs Edwards, the comments are summarised below:

- There is no objection to the increase in traffic using Greenacres Lane.
- The design would blend in well with the character of the existing properties in the area.
- The development would have a minimal impact on the privacy of existing properties.

3 APPLICANT'S CASE

3.1 A Design Access and Heritage Statement has been submitted in support of the application and is concluded as follows:

The proposal is for a new home to enable the applicant and her extended family to remain living together in Aston. The proposal constitutes infill development on an area of rough grassland on the western edge of the village. It is a high quality scheme which will make a positive contribution to the architectural heritage of the village and the Conservation Area. The

proposal would not harm the historic form of the village or the character, appearance or significance of the Conservation Area. As such, the proposed development accords with the relevant policies of the adopted and emerging Local Plans and complies with the objectives of the West Oxfordshire Design Guide 2016.

Therefore, in accordance with paragraph 14 of the NPPF, the scheme should be approved as there are no adverse impacts which would "significantly and demonstrably" outweigh the substantial benefits of granting planning permission

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
H6 Medium-sized villages
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH7NEW Historic Environment
EH1NEW Landscape character
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of a detached dwelling on an area of agricultural land located beyond the main built up limits of Aston. The application site lies to the south of Greenacres Lane and is located adjacent to three existing properties; The Old Stables and Barry House to the east and Elmside to the North West. The site is located within the Aston Conservation Area. The application site forms part of a wider agricultural field. Members will recall that the application was deferred at the last meeting for Members to undertake a site visit and to offer the applicants the opportunity to consider revised plans.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development
Design, scale and siting
Impact on Conservation Area Setting
Residential Amenities
Highways

Principle

- 5.3 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.4 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.
- 5.5 On this basis it is considered that the Council probably does have a five year housing land supply albeit this cannot be demonstrated with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.6 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted (Conservation Area, SSSI, AONB etc.).
- 5.7 The application site is located on the edge of Aston, which is listed as a medium sized village and the provisions of Policy H6 of the Existing Local Plan 2011 and Policy H2 of the Emerging Local Plan 2031 are applicable. Policy H6 of the Existing Local Plan allows in principle for residential development, where this constitutes infilling or a rounding off of the existing settlement area. This proposal is neither infilling nor rounding off.
- 5.8 Policy H2 of the Emerging Local Plan is permissive in principle of the residential development of undeveloped sites within an existing settlement. On greenfield sites such as this adjoining the settlement area it is permissive only where this is necessary to meet an identified need and where the development is considered to be compliant with the general provisions of Policy OS2 of the Emerging Local Plan. In all instances it is expected that the development should form a logical complement to the existing pattern of development in terms of its siting.
- 5.9 The proposed dwelling would be sited to the west of the rear aspect and rear curtilage area of two properties fronting Back Lane, The Old Stables and Barry House. There is a further property to the north west of the site, called Elmside. The application site forms part of a wider agricultural field, the character of the area is semi-rural and there is no built form to the south or north of the site. Elmside is an outlying property and is somewhat detached from the settlement edge of Aston. The surrounding development to the east fronts Back Lane, with the rear gardens facing the application site.
- 5.10 Whilst there is built form of two sides, officers consider that the siting of the development would neither round off the settlement edge nor would it form a logical complement to the existing pattern of development owing to the positioning of the existing built form and the somewhat dispersed pattern of development within this part of the village. In this sense the

proposals would constitute a backland form of development beyond the natural built form of the village.

- 5.11 Given that the natural settlement edge extends up to the properties fronting Back Lane, officers consider that the proposals would represent an encroachment beyond the natural limits of the village into a wider agricultural field, which would be of detrimental to the character and appearance of the settlement, conservation area and local landscape character.
- 5.12 The issues associated with the siting of the proposed dwelling are explored in greater depth in the following section of this report; however officers consider that the general siting of development would fail to constitute either a rounding off of the settlement area or a logical complement to the existing pattern of development. If there is a need for new housing (which given the 5yhls position is possibly not the case) it is not considered that the provision of one dwelling with little public benefit would affect any shortfall as may exist in a way that outweighs the harms of the development- particularly as regards the impact on the Conservation Area. Notwithstanding the period of time that the family has resided in the locality Government advice is that a decision " to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building...". Consequently in officers opinion the proposed development would fail to comply with the provisions of Policy H6 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan and the personal circumstances would be insufficient to warrant setting these policies aside.

Conservation Area

- 5.13 Within a Conservation Area, decision makers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. This 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.
- 5.14 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 character of the immediate area is semi-rural and the site forms part of a wider open field. The area to the rear of Back Lane and Greenacres Lane consists of paddock land and open fields, including the application site and the land to the north of the application site. The Conservation Area boundary for Aston extends beyond the settlement limits and includes open fields and areas of countryside beyond the settlement edge specifically because of the importance of these open spaces and their contribution to the rural character of this particular part of the settlement.
- 5.15 The sites contribution to the Conservation Area is derived from its open undeveloped and rural character, which would be significantly eroded by the addition of the dwelling and associated hardstanding, particularly as the siting would be largely uncomplimentary to the existing pattern of development. Though public views of the site are limited, given that Greenacres Lane is a private road, officers would still consider that the siting of the dwelling would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character.

- 5.16 Officers consider that having given particular weight to the likely level of harm to the Conservation Area that in accordance with the balancing exercise required under Paragraph 134 of the NPPF, the level of harm must be assessed against the public benefits of the proposed development.
- 5.17 In the absence of the delivery of Affordable Housing or other benefits the benefit if development is essentially that deriving from the delivery of an additional house. Following receipt of the inspectors letter dated January 2018, the Council are confident that they will be able to demonstrate a five year housing land supply and consequently in a situation where the Council were in a position to demonstrate a five year supply, there would be no overriding need for additional market housing, particularly on undeveloped edge of settlement sites where there are identified harms. In this instance even if the Council were not able to demonstrate a five year housing land supply, officers consider that the public benefits arising from the provision of a single market dwelling would be insufficient to outweigh the harm identified to the Conservation Area.

NB It is particularly important that Members undertake the correct balancing exercise as regards the impact of the development in the Conservation Area because i) it is a statutory duty and ii) it is fertile grounds for Judicial review. This is particularly important in the context of this settlement in that the Council has just successfully challenged the Inspectorate's decision to approve the extension to the Gladman site on Aston Road with a further 30 dwellings precisely because the Inspector did not follow the correct legal procedures/balancing exercise as regards the impact on the Conservation Area and the public benefits. In equity this application must also follow the same process.

Siting, Design and Form

- 5.18 The proposed dwelling would be relatively large in scale and would be prominent in views from Greenacres Lane. The majority of the existing dwellings and buildings in the area comprise of vernacular and neo-vernacular stone properties of a residential, rather than agricultural character. The proposed dwelling to the contrary would replicate the design and form of an agricultural barn, though there are no buildings of this character or form within the immediate context.
- 5.19 Officers consider that the design and external appearance of the building would appear incongruous within the context of the existing characteristically domestic built form. The form, whilst acceptable in its own right would jar with the context as a result of its scale and design and this would add to the sense of it not representing a logical addition to the built form of the area. Whilst the building is located within an agricultural field, the building would not be sited within the immediate context of either traditional or modern agricultural buildings and the general form is unreflective of the general character of existing buildings in the immediate area. For these reasons officers consider that the development would fail to respect the scale, pattern and character of the area, contrary to the provisions of Policies BE2 and H2 of the Existing Local Plan and Policies OS4 and H6 of the Emerging Local Plan.
- 5.20 Following the last meeting the agent tabled for comment a revised scheme that reduced the overall floor area by 30m² and also proposed more traditional materials. However in that the principle is the key issue and the changes are relatively modest this was not considered to overcome the policy based objections.

Highways

- 5.21 The proposed development would be served by a new access formed off an existing unmade track. The site would be accessed via Green Lane an unmade narrow road leading from Back Lane. The proposed development would generate a relatively low level of additional traffic and officers consider that the minimal additional traffic generation which would arise would not be detrimental to highway safety or amenity. Parking is provided within the site for two vehicles, which is considered to be sufficient for the scale of the proposed dwelling.

Residential Amenities

- 5.22 The development would be sited adjacent to the boundary of three existing properties. There would be a separation distance of 40-60 metres between the proposed dwelling and the rear elevation of The Old Stables and Barry House respectively and 3.5 and 8.5 metres between the proposed dwelling and the curtilage area of these respective properties.
- 5.23 Whilst the proposed dwelling would be visible from the rear of these properties, officers consider that the proposed siting of the dwelling would not have a significant adverse overbearing impact on these properties by reason of its scale or by reason of overshadowing or loss of light. There is also significant separation between the proposed dwelling and Elmside.
- 5.24 A single window is proposed on the east facing side elevation of the dwelling facing The Old Stables and Barry House, which is indicated as obscure glazed on the proposed plans. Consequently officers consider that the proposed development would not result in undue overlooking of the adjacent properties.

Conclusion

- 5.25 For the reasons outlined the siting, scale, design and form of the proposed dwelling would fail to respect the settlement character and would harm the character of the Conservation Area. Consequently the proposals would result in 'less than substantial' harm to the character of the Conservation Area and when assessed in relation to the balancing exercise required under Paragraph 134 of the NPPF, officers consider that the level of harm would fail to be outweighed by the limited public benefits of the proposed development. The development is thus unacceptable.
- 5.26 Officers additionally consider that the proposed development would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing Local Plan; Policies OS2, OS4, EH1, EH7 and H2 of the Emerging Local Plan and the relevant provisions of the NPPF, in particular Paragraphs 16, 64, 109 and 134.
- 5.27 Refusal is therefore recommended.

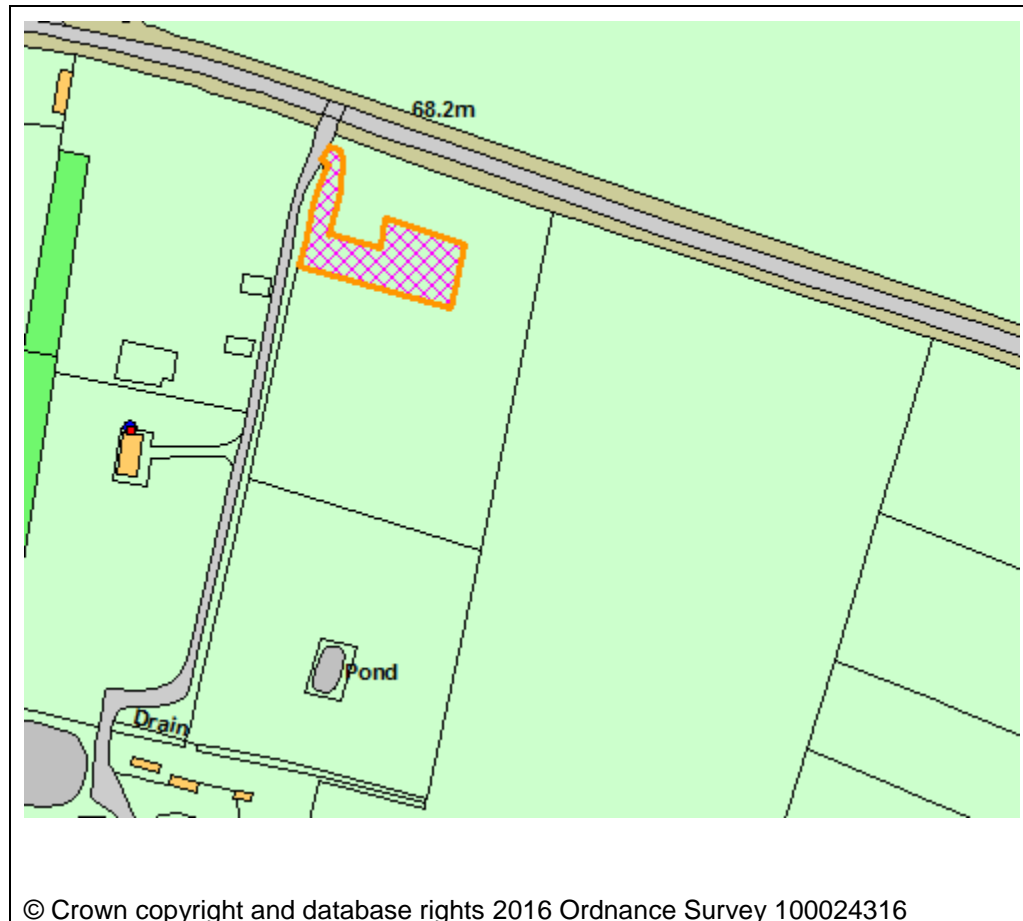
6 REASONS FOR REFUSAL

- 1 By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposals would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, EH1 and EH7 of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 17, 64, 109 and 134.

- 2 The design, scale and form of the dwelling as proposed would appear incongruous within the context of the immediate built form and would fail to harmonise with the existing settlement character. Consequently the proposals would fail to preserve or enhance the setting of the Conservation Area. The proposals would be contrary to Policies BE2, BE5 and H2 of the Existing Local Plan 2011; Policies OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraphs 17 and 64 of the NPPF.

Application Number	18/00694/FUL
Site Address	Clearwater Aston Road Bampton Oxfordshire OX18 2AL
Date	9th May 2018
Officer	Miranda Clark
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bampton Parish Council
Grid Reference	432408 E 203194 N
Committee Date	21st May 2018

Location Map



Application Details:

Erection of agricultural workers dwelling.

Applicant Details:

Mr Michael Curtis
Clearwater
Aston Road
Bampton
Oxfordshire
OX18 2AL

I CONSULTATIONS

- | | | |
|-----|-----------------------------|--|
| I.1 | WODC Rural Development | We need to see accounts for years 2013 to 2017 and a proper business plan and budget for the following years that reflect the actual description of the enterprise earlier in the supporting statement. They need to demonstrate that there is a viable business that will stand robust scrutiny and that is capable of supporting the applicants livelihood. |
| I.2 | WODC Drainage Engineers | No objection subject to condition. |
| I.3 | Conservation Officer | No Comment Received. |
| I.4 | Biodiversity Officer | No Comment Received. |
| I.5 | ERS Env Health - Lowlands | I have no objections and no conditions for this application. |
| I.6 | ERS Env. Consultation Sites | Thank you for the opportunity to provide comment on planning application 18/00694/FUL. The proposed development site appears to have remained largely undeveloped over time, with some agricultural use. Please could the applicant confirm if there is to be any garden associated with the workers dwelling and if any pesticides or herbicides are likely to have been used in the area? Depending on the response I would likely suggest that the following condition be added to any grant of permission. |

I. 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.

- I.7 Thames Water No Comment Received.
- I.8 OCC Minerals (Safeguarded Areas) The proposed development is within a Mineral Safeguarding Area for sharp sand and gravel as shown on the Policies Map of the adopted Oxfordshire Minerals and Waste Local Plan Part I - Core Strategy, to which policy M8 on safeguarding of mineral resources applies. The proposed development would directly sterilise deposits of sharp sand and gravel and could prevent the potential working of similar mineral deposits within adjacent land, both south and north of Aston Road. Policy M8 states:
- "Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:
The site has been allocated for development in an adopted local plan or neighbourhood plan; or
The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
The mineral will be extracted prior to the development taking place."
- In view of the location of the proposed dwelling close to Aston Road and the proximity of existing residential and other built development, I consider that the additional sterilisation of potentially workable mineral deposits that would result from the proposed development would be relatively small. Taking this into consideration, provided that the District Council is satisfied there is a genuine essential agricultural need for the proposed dwelling, the County Council would have no objection to this planning application on mineral safeguarding policy grounds.
- I.9 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- No objection subject to:
G28 parking as plan
- 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

- I.10 Parish Council **OBJECTION.** There is insufficient land within the overall ownership by that applicant to support the application for an agricultural workers' dwelling.

2 REPRESENTATIONS

No comments have been received at the time of writing.

3 APPLICANT'S CASE

A Planning Statement has been submitted with the application and has been summarised as:

- The wholly owned part of the holding comprises approximately 4.9 acres, which includes a recently permitted agricultural building in connection with the operation of the enterprise, being approximately 100 metres from the proposed dwelling. Further adjacent land has been rented for many years and is shown edged in green on the attached plan, extending to 35 acres and incorporating duck ponds.
- In 2013, the applicant owned 500 breeding pairs of Mallard ducks, together with 40 breeding pairs of rare breed ducks and waterfowl. 10,000 ducklings and eggs were sold from the holding and each year, thousands of ducklings are raised on site.
- The business model remains simple and effective. The eggs from all the birds are collected and unless sold as eggs, they are incubated, hatched and turned out into the structures that are on site (currently being renewed) and eventually sold, at times that reflect breed-dependent breeding cycles and bird condition.
- In December each year, the clipped Mallard pairs are wormed, put to breeding pellet in January and lay constantly between February and April. Once the ducklings hatch, they are transferred for around two weeks to the Nursery Hut (a structure of around 12m x 12m), which has heat-lamps, a tank-fed watering system and manual ground feed hoppers installed.
- After the second week, the ducklings have limited access to the Night Shelter (12m x 12m) as well as the Nursery Hut and at around the fourth week, when they are weather-hardened, they have use of the Netted Run as well.
- The breeding birds and annual follower replacements remain back in the fenced grazing and pond areas and with constant supervision, survival rates are reasonably high.
- At 7-8 weeks the young Mallard birds are sold at an average price of £3.75 per bird to a variety of principally wholesale buyers, including restaurants, shooting syndicates and as domestic pond stock.
- Apart from the Bronze Turkeys, there are no rare breed birds currently on site because of the isolation needed in response to the avian flu outbreak nationally, but that stock would generally include:

White-throated Whistlers
Mandarin Ducks
Carolina Ducks
Fulvous Whistling Ducks
Chilean Teal
Red-crested Pochard Ducks
Chilean Wigeon
Baikal Teal
Marble Teal
European Pintail Ducks

Shoveller Ducks
Rosy-billed Ducks

- Whilst the Mallard breeders are clipped, the rare breeds are pinioned after hatching and they all lay at different times of the year and are therefore ready for sale at different months too, with prices for each breed influenced by the quality of the plumage.
- White-throated Whistlers for example hatch in September, so are kept for a full year before sale, at an average price of £140/pair. Chilean Teal on the other hand hatch in June and July and are sold in full plumage in January and February at an average price of £140/pair. The range is between £320 and £100/pair, with average price across the rare breeds at around £160/pair, with around 160 pairs usually sold each year. All the young stock are now sold.
- The rare-breeds could be sold as eggs, for around £5/egg, but the vast majority are hatched. The housing system is similar, if smaller and managed with more intensive care and control than the Mallards, which are used as leaders for developing feeding and behavioural patterns in the rare breeds, which significantly help survival rates.
- The business plan was equally simple. Up until this last year, the Mallard business has been stable and reliable and although the rare breed prices remained buoyant, it was recognised in 2013 that this may not last, so over the following 24 months, the applicant intended to build up the breeding flock of Mallards from 500 to 750 and broadened the range of rare breed waterfowl from 40 to a flock of 100 breeding birds, adding turkeys. This would have been the optimum stock level for the hatchery system used and would have allowed at least 15,000 young stock to be traded each year.
- However, Avian Influenza had a dramatic impact on the business this year, with no trading movements permitted throughout the UK. The business has however broken even and the stay has increased prices and reduced competition, creating exciting prospects for the next five years. Indeed, there are already orders to justify the 10,000 ducklings ordered in addition to those from the home-stock eggs for this coming year.
- No stock buildings are intended, since the existing system of using temporary structures would continue, using the permitted building for machinery, equipment, feed and other essential supplies.

Labour Requirements

The standard statistics available from such publications as Nix and ABC do not cover this type of enterprise, because the level of management required is considerably higher than the broader poultry labour figures provided, but it is obvious that an average of 3,500 birds, expanding to 10,000 this year, together with grassland, enclosure and pond management considerably exceed the hours required to fully employ a farm worker.

Functional Need

- The previous application for a temporary dwelling was approved, because there was no question that a permanent on site presence was needed then. Since then, the business has continued to thrive and is now well established. The applicant is only able to carry on with this enterprise because he lives in the mobile home already permitted and positioned on site. This is placed on rented land though and will no longer be available to the applicant from later this year. The proposal therefore is to create a new permanent dwelling, moved onto on the owned land, where the applicant already has consent for a new agricultural building, which will form the central yard for the holding, now using a permanent log cabin,

but remaining modest and single storey, similar in size and impact to the existing temporary dwelling, which will no longer be available.

- The need is no less than before, with the most important factor being perhaps the temperature control. This needs to be inspected around 10 times in each 24 hours, dependent entirely on localised weather conditions and the responses from the birds. This system runs on 47kg gas bottles that need constant checking. During the same weather pattern, two adjacent units could have contented birds in one and stressed birds in another. The breeds all respond differently to humidity and temperature, ventilation levels and other external sources of stress, like noise and vibration.
- Feeding systems are checked twice a day, manually, with water system checks needed more frequently, especially in hot weather. The birds need transferring within the enclosed system all through the day and night, pop-holes opened and closed, ventilation adjusted, gas bottles checked, individual birds inspected for distress, disease, sickness, bullying and those under heat lamps depend completely upon them to provide the maternal warmth and with young birds clustering under them, smothering, suffocation and trampling can occur and reactions to all these influences need to be swift and decisive.
- Alarm systems are not sufficient. The worker must be on site not only to take account of flock alarm noises, fox and raptor attack signs, localised weather patterns, but also to react to them in time.
- There is a genuine need for a worker to live on this site. There are no buildings on the holding that could be converted and the settlement at Bampton is beyond sight and sound of the hatchery, runs and ponds. The proposed site is in the closest realistic position to the area of need for a permanent dwelling.

Financial Need

This is not a new enterprise. Previously established at a nearby site (Westmoor Farm, Bampton), it has now been operating for over 5 years from this site and is an established, sustainable business that meets the policy objective "the enterprise is in operation, is economically viable and is capable of being sustained for a reasonable period of time."

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

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 has to be heard before the Committee as the Parish Council have objected to the proposal.
- 5.2 Relevant planning history of the site includes;

13/0929/P/OP Erection of a rural enterprise workers dwelling. Approved

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

Principle

- 5.4 The application proposes a single storey building to accommodate an agricultural worker on site. As an outline planning permission was granted in 2013 for a rural enterprise workers dwelling your officers consider that the principle of such a dwelling has been established. The application seeks consent for a permanent workers dwelling to support a duck breeding enterprise on a parcel of land on the outskirts of Bampton. An existing temporary chalet building exists under planning permission reference 13/0929/P/OP.
- 5.5 Policy H4 of the adopted West Oxfordshire Local Plan stipulates that new dwellings in the open countryside are only permissible where there is a genuine agricultural need. It must all be demonstrated that the need cannot be met through the use of existing buildings on or close to the enterprise; the dwelling is a size appropriate to both its functional requirement and the financial viability of the enterprise; and the enterprise is in operation, is economically viable and is capable of being sustained for a reasonable period of time.
- 5.6 Policy H2 of the Emerging West Oxfordshire Local Plan states that new dwellings permitted in the open countryside will be where there is an essential operational or other specific local need that cannot be met in any other way. New homes provided will be controlled by an occupancy condition linked to the operational need.
- 5.7 Given the requirements set out in the supporting statement and taken into consideration the previous consent, your officers are minded to agree there is a requirement for a worker to be on-site permanently. However your Rural Business Development officer has raised concerns regarding the business plan. He has stated;
- 5.8 We need to see accounts for years 2013 to 2017 and a proper business plan and budget for the following years that reflect the actual description of the enterprise earlier in the supporting statement. They need to demonstrate that there is a viable business that will stand robust scrutiny and that is capable of supporting the applicant's livelihood.
- 5.9 Your officers have requested this information from the agent, and at the time of writing are waiting for that information to be provided. It is anticipated that this will be received prior to the meeting where officers will update Members.
- 5.10 In addition it is recommended that a Section 106 Legal Agreement is drawn up to ensure that the proposed dwelling and the land associated with the business cannot be separated in the future and the occupation of the building and land is restricted in line with policies.

Siting, Design and Form

- 5.11 The proposed scale of dwelling is a chalet which your officers consider will be small in scale and form, and would sit comfortably within the site. A full schedule of the proposed materials will be requested by condition to ensure that the building assimilates within the landscape.

- 5.12 It is recommended by officers that should permission be granted for the dwelling the existing temporary building is removed from site within an appropriate timescale.

Highways

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

Residential Amenities

- 5.14 Due to the location of the application site, your officers do not consider that existing residential properties will be adversely affected by the proposed dwelling in terms of noise, or loss of residential amenities.

Conclusion

- 5.15 Whilst your officers consider that the principle of such a dwelling is acceptable, additional information is required to establish the viability and functionality of the business. Further information has been requested and your officers consider that as the business is still trading this information is likely to demonstrate the operations are economically viable. Your officers will verbally update Members at the meeting.

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 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or in forestry, or a widow or widower of such a person, and to any resident dependants.
REASON: Permission is granted only because of the agricultural need for the dwelling.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), 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 retain the character of the landscape.

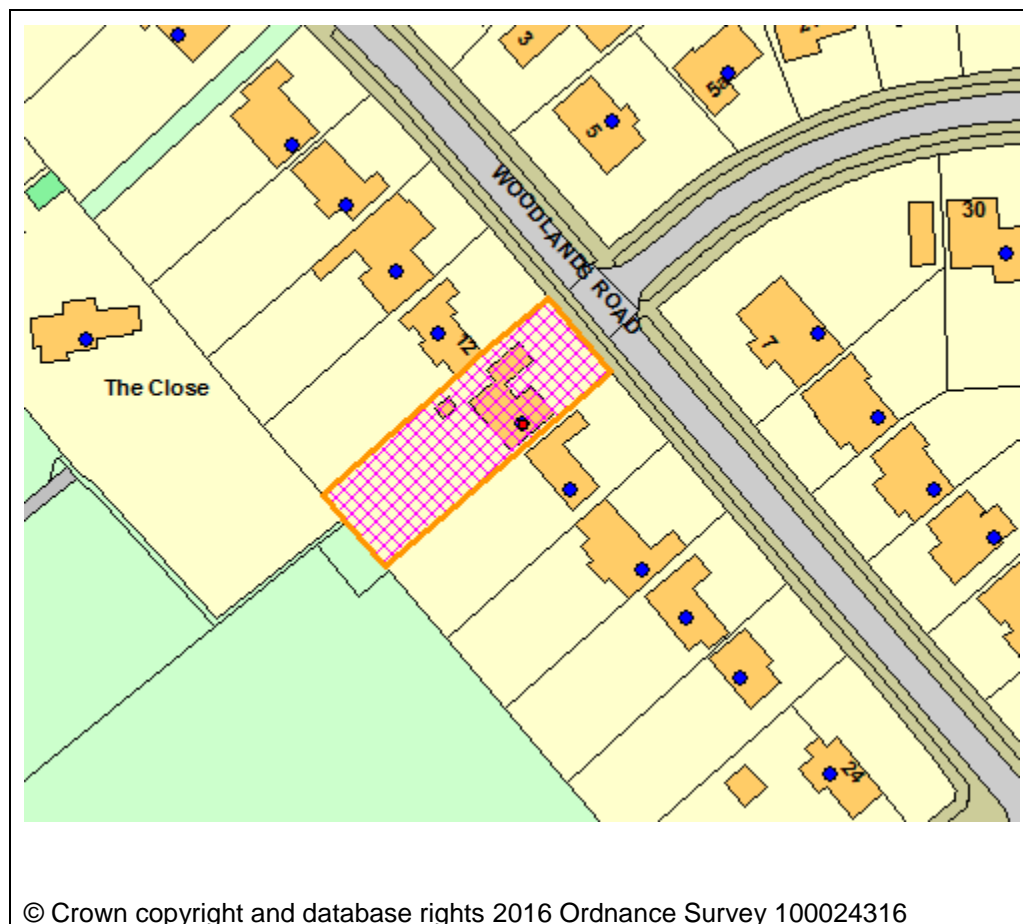
- 6 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out 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 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.
- 7 Prior to the first siting of the approved chalet the existing mobile home shall be removed from the land and the land retained in accordance with the approved plans thereafter.
REASON: To avoid an over-development of the site and the site is unsuitable for a further residential presence for which there is no operational requirement.
- 8 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.

NOTE TO APPLICANT

- I 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	18/00901/HHD
Site Address	14 Woodlands Road Witney Oxfordshire OX28 2DN
Date	9th May 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	436268 E 210450 N
Committee Date	21st May 2018

Location Map



Application Details:

Demolish existing store and utility room. Erection of single storey front and rear extensions, two storey side extension and internal alterations.

Applicant Details:

Mr Graham Pipe
14 Woodlands Road
Witney
Oxfordshire
OX28 2DN

I CONSULTATIONS

- 1.1 Town Council Mrs S Groth Witney Town Council has no objection to this application.

2 PLANNING POLICIES

BE3 Provision for Movement and Parking
T4NEW Parking provision
H6NEW Existing housing
BE2 General Development Standards
H2 General residential development standards
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

2 PLANNING ASSESSMENTBackground Information

- 2.1 The application has to be heard before the Committee as the application has been submitted on behalf of a member of WODC staff.
- 2.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 2.3 The application seeks consent for a two storey side extension and single storey front and rear extensions. The existing property is detached and is set back from the road. Various extensions have been approved to other dwellings in this locality. As such your officers consider that the proposals are acceptable in principle.

Siting, Design and Form

- 2.4 Your officers consider that the scale and design of the proposed two storey side extension will not adversely affect the visual amenity of the streetscene. Similar extensions have already been constructed within the immediate locality of the application site. In terms of the proposed materials for all of the extensions, these will match those of the host dwelling. Your officers have requested samples of the materials to ensure that they will match the host dwelling.

Highways

- 2.5 The existing garage is to remain as part of the proposals, as such your officers consider that there is sufficient on site parking to serve the enlarged dwelling.

Residential Amenities

- 2.6 Your officers have assessed the impacts of the proposed extensions to the existing neighbouring properties. Due to separation distances and the modest scale of extensions your officers do not consider that adverse impacts will result to the residential amenities of these properties in terms of loss of light, overbearing or loss of privacy issues.

Conclusion

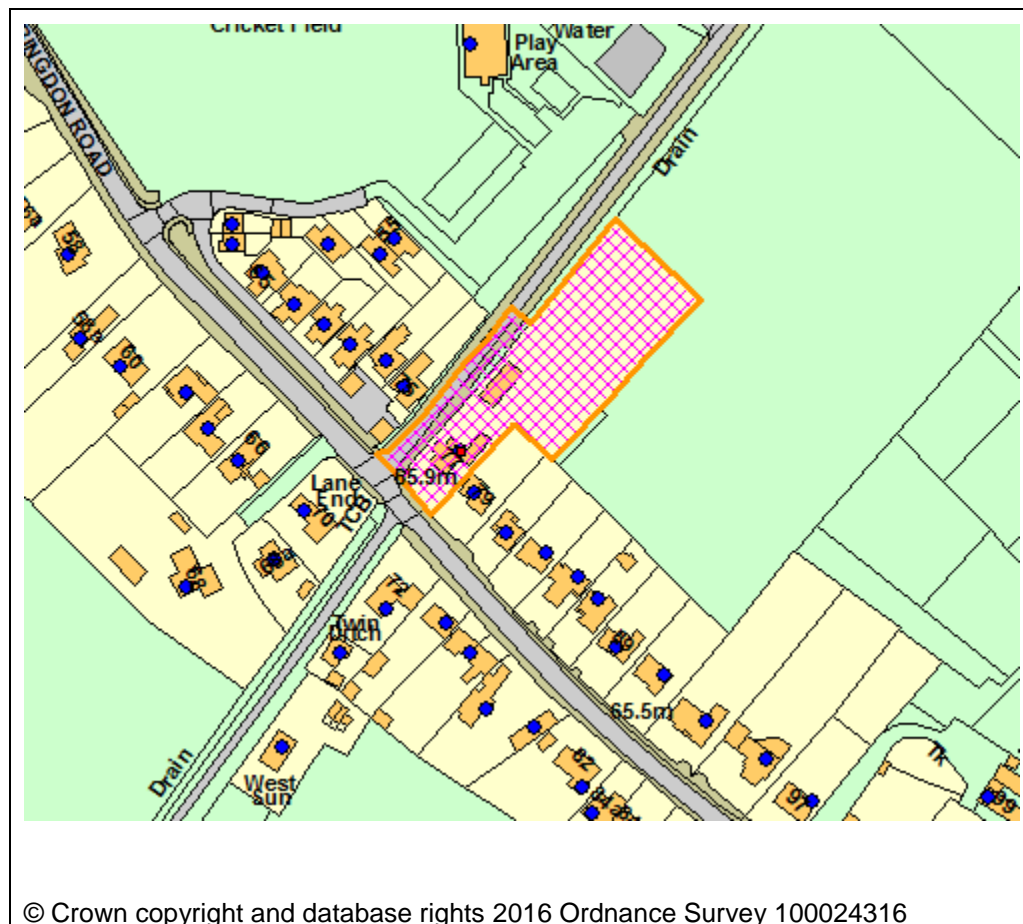
- 2.7 In light of the above observations it is considered by your officers that the proposal is compliant with the policies stated within the report.

3 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 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the side elevation(s) of the extensions.
REASON: To safeguard privacy in the adjacent properties.

Application Number	18/00949/FUL
Site Address	Croft Farmhouse 77 Abingdon Road Standlake Witney Oxfordshire OX29 7QN
Date	9th May 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	438848 E 203231 N
Committee Date	21st May 2018

Location Map



Application Details:

Removal of garage and erection of three dwellings and associated works.

Applicant Details:
Chesside Homes Ltd
C/O Agent

I CONSULTATIONS

- | | | |
|-----|----------------------------------|---|
| I.1 | Conservation Officer | No Comment Received. |
| I.2 | OCC Highways | No objection subject to G28 parking as plan
Prior to the start of development the improvement of the adjacent bridle way in accordance with a scheme to be submitted and approved. |
| I.3 | OCC Archaeological Services | No objection subject to conditions. |
| I.4 | OCC Minerals (Safeguarded Areas) | The possibility of mineral working within the application site and the adjoining land to the east is significantly constrained by the existing housing and other land uses that adjoin or are close to this area. Consequently, in view of the location of the proposed dwelling immediately to the rear of no. 77 Abingdon Road and adjacent to Martins Lane and the close proximity of other existing residential development, I consider that the additional sterilisation of potentially workable mineral deposits that would result from the proposed development would not be significant. The County Council therefore has no objection to this planning application on mineral safeguarding policy grounds. |
| I.5 | OCC Rights Of Way Field Officer | No Comment Received. |
| I.6 | Biodiversity Officer | No Comment Received. |
| I.7 | WODC Drainage Engineers | No objections subject to condition. |
| I.8 | Parish Council | Standlake PC objects to this application as follows:
This is a smaller version of a previous application but the same objections apply.
This is clearly back building;
It will set a precedent for applications on land behind Abingdon Road properties;
Access is via a, narrow, gravel lane which is also a bridleway/footpath to the detriment of users both riders and walkers.
Another 3 properties will put further stress on an already overloaded sewage system. |

2 REPRESENTATIONS

2.1 Over 20 letters of objection have been received. The comments have been summarised as:

- The houses will be in the back garden of a house on Abingdon Road, but along the side of them is Martins Lane. This is not a road. It is not wide enough to be used as a road for vehicles such as council refuse lorries etc.
- To turn this into a road, they have done a survey on the trees. The owner of this application does not own the trees in this lane.
- This is a very popular lane for dog walkers and is used as such all the time. Also families out for a walk with children. We have always had problems with the drain on this road and more properties will add to this.
- The village is not that large and the local village amenities will not cope with an increase in the population.
- Further into the future, the owner has already planted trees round the fields he owns and told an elderly neighbour some time ago that he planned to try for houses behind quite a few of the gardens that run along this road. To allow these 3 will open up his plans to build many more in the future.
- Standlake might need affordable housing but has no need whatsoever for 3 more 4/5 bed houses (the application is inconsistent on the number of bedrooms). You only have to walk around the village to see how many such houses are up for sale and failing to sell.
- Standlake is fighting several speculative developments, threatening to change it from a mediumsized village to a more urban environment, yet without the infrastructure of a town. Our roads, sewage provision and amenities are insufficient to cope with so-called 'sustainable economic development'. Flood and sewage risks to the village are also ever-present; tankers have been pumping out excess water at the end of Standlake High Street/A415 during the past weeks. As we all know, Thames Water appears never to raise objections to local development so it lacks credibility.
- Object to this proposal which would result in over-looking, loss of privacy and noise which will affect my property.
- It would spoil the character of the area and the cause the added risk of flooding.
- The increase in traffic on the A415 Abingdon Road would be unacceptable.
- Concreting over this land would adversely affect the environment. Access to the properties would necessitate tarmacking a rural highway - a designated bridleway, and pedestrians and horses would be seriously impacted.
- This is an example of back-filling which would open the door for other speculative developers and builders to follow suit.
- This is also an area of beauty and a safe haven for a variety of wildlife.
- Increased use of the bridleway should be discouraged and I believe this development would have the opposite effect.
- If approved this would also set a precedent for further future development along Standlake's lanes and bridleways.

3 APPLICANT'S CASE

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

- The proposal is for 3 detached 4 bedroomed houses with double garages to be built as shown on the plans to reflect the local vernacular and it is believed that the council are in agreement following the discussions that have taken place that the design of these 3 units overcomes the issues raised in the grounds of refusal on the previous application relating to the scale, form, design, siting and layout of the units previously proposed.
- Attached with the application is a report prepared by WYG Environmental Planning Transport. This report shows that satisfactory access arrangements for the 3 new dwellings can be provided and comply with highway requirements.
- Issues relating to ecology, trees, flood risk and foul and surface water drainage were covered in the earlier application for 6 houses, and did not create any planning issues or other grounds for refusal, and with the reduction of 50% in the number of proposed units on the site, this situation remains the same and the reports relating to these matters are attached with the application.
- With a reduction in 50% in the number of proposed units on the site compared to the previous application, and the outstanding issues referred to in the Grounds of Refusal for the earlier application having been fully addressed, it is considered that the scheme being submitted as a result of pre-application advice is not in breach of either National or Local Planning Policies and addresses all the reasons for refusal set out in the Decision Notice dated the 20th July 2017, and accordingly planning permission for the scheme the subject of this application should now be granted.

4 PLANNING POLICIES

BE3 Provision for Movement and Parking

BE2 General Development Standards

H2 General residential development standards

NE1 Safeguarding the Countryside

OS2NEW Locating development in the right places

OS1NEW Presumption in favour of sustainable development

H2NEW Delivery of new homes

T4NEW Parking provision

H6NEW Existing housing

EH1NEW Landscape character

OS4NEW High quality design

EH2NEW Biodiversity

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 Committee as the Parish Council has objected to the proposal. Relevant planning history of the application includes:

17/00631/FUL Demolition of garage and erection of 6 detached dwellings, car port and associated access parking and landscaping - Refused for the following reasons:

By reason of the scale, form, design, siting and layout, the proposed development would fail to relate to the existing pattern of development and to the character of the rural locality where the development would be adjacent to. As such the proposed development would appear as an incongruous form of development which will severely urbanise this part of Martin's Lane, and project into open countryside beyond the built up limits of the village. The works to facilitate the development in terms of resurfacing the lane and so forth would also lead to the loss of the existing rural visual appearance and presence. The proposal is therefore contrary to Policies BE2, BE4, H2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011, Policies OS2, OS4, and EH1 of the Emerging West Oxfordshire Local Plan 2031, and the relevant policies of the NPPF, in particular paragraphs 17, 58 and 109.

It has not been demonstrated to the satisfaction of the Local Planning Authority that the application site is not within an area of archaeological potential as an archaeological field evaluation has not been carried out. As such the proposal is considered to be contrary to Policy BE13 of the adopted West Oxfordshire Local Plan, Policy EH7 of the Emerging West Oxfordshire Local Plan and with the NPPF (2012) policies, in particular, paragraphs 109 and 128.

- 5.2 This application seeks consent for three detached dwellings to the rear of 77 Abingdon Road Standlake. The site is not located within a Conservation Area. It is however located adjacent to a public footpath/bridle way (Martins Lane) which is of a undeveloped rural character.
- 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 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.5 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.
- 5.6 On this basis it is considered that the Council is able to claim a five year housing land supply albeit this cannot be confirmed with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.7 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted.

- 5.8 The application site is located within Standlake, which is categorised as a village as referenced within the Emerging West Oxfordshire Local Plan Policy OS2. Standlake has a variety of services and facilities, which include a village hall, pub, shop including post office, Church and primary school. Standlake is identified for limited development which respect the village character and local distinctiveness and would help to maintain the vitality of the communities.
- 5.9 In relation to the aforementioned policies Policy H2 of the Emerging West Oxfordshire Local Plan should be attributed significant weight, given the increased status of the Emerging West Oxfordshire Local Plan.
- 5.10 Your officers consider that the proposed development of three units is acceptable given the location of the site, adjoining the built up area of the village, whilst not extending further into open countryside.

Siting, Design and Form

- 5.11 The number of units has been reduced from the previous refused scheme from 6 to 3 dwellings. The previous scheme proposed the dwellings right up to the rear boundary of the application site. This scheme now proposes an orchard in that part of the site, planted with suitable varieties of fruit trees which your officers consider will provide a suitable buffer from the development and the open countryside beyond. This area of open space is also considered by your officers to provide a biodiversity opportunity within the site.
- 5.12 The design of the proposed two storey dwellings are considered to be of traditional vernacular design with stone and slates for the proposed materials. Your officers consider that the design of the dwellings will suit the locality in general.
- 5.13 Additional planting is proposed within the existing hedgerow which borders the application site from the public footpath bridle way. Unlike the previous refused scheme, your officers consider that this scheme is less dense and has more of a loose knit character which helps to lessen the visual impact to the rural character and appearance of the locality.

Highways

- 5.14 The site is adjacent to a public footpath and bridle way. In terms of the safety of pedestrians and other highway users, OCC Highways has no objection to the proposal subject to conditions.

Residential Amenities

- 5.15 The new dwellings have been positioned on the site to avoid adverse impacts to the existing surrounding residential properties' residential amenities in terms of loss of light or overbearing issues.

Conclusion

- 5.16 Whilst your officers note the large number of representations regarding the location and the impacts of the proposed development, officers consider that with the tilted balance in play that the reduction in the scale of the development, together with the proposed landscaping and area of orchard will result in a well designed traditional and modest scaled development, which will

not harm the visual amenity of the landscape or the use of the public footpath and bridle way. As such your officers consider that the proposal offers a limited development which respects the village character and will help to maintain the vitality of the community.

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 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 The external walls of the proposed dwellings and garages shall be constructed of either artificial stone or natural 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 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 amenities of neighbouring properties and the visual amenity of the locality.
- 6 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.
- 7 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.
- 8 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.
- 9 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development

will be able to connect to and receive a superfast broadband service (>24Mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 10 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site.
- 11 Following the approval of the Written Scheme of Investigation referred to above, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
REASON: To safeguard the recording of archaeological matters within the site.
- 12 The area of orchard planting shown on the approved landscaping plan shall not be used for any purposes other than as general amenity area thereafter. The orchard area shall be laid out and planted prior to the first occupation of the development.
REASON: To improve the visual amenity of the area.
- 13 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
REASON: To safeguard the character and landscape of the area.
- 14 A schedule of landscape maintenance for a minimum period of 5 years should be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
REASON: To safeguard the character and landscape of the area.
- 15 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

- 16 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.

- 17 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.

REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

- 18 Prior to the commencement of development detailed specifications of the proposed improvement of the adjacent bridle way shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details and remain as such thereafter.

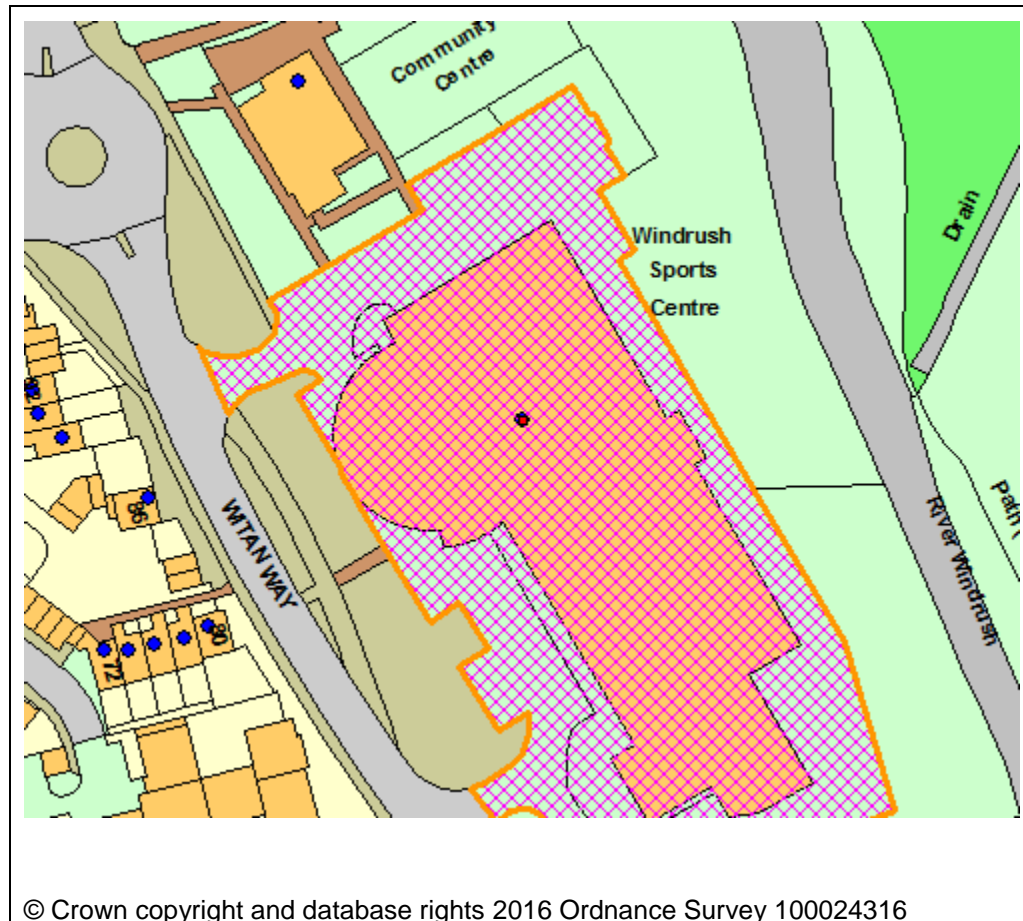
REASON: For the avoidance of doubt to what has been approved,

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
- 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
- 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	I8/00897/FUL
Site Address	Windrush Leisure Centre Witan Way Witney Oxfordshire OX28 4YA
Date	9th May 2018
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435891 E 209557 N
Committee Date	21st May 2018

Location Map



Application Details:

Installation of four windows at first floor level to the front elevation.

Applicant Details:

Ms Deborah Shear
Middlegate House
The Royal Arsenal
Woolwich
London
SE18 6SX

1 CONSULTATIONS

- 1.1 Town Council Witney Town Council has no objection to this application.

2 REPRESENTATIONS

None received.

3 APPLICANT'S CASE

A full copy of the Design and Access Statement submitted is available on the Council's website.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

TLC2 Use of Existing Buildings

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

5 PLANNING ASSESSMENTBackground Information

- 5.1 This application is to be heard before the Lowlands Planning Sub-Committee as Windrush Leisure Centre is managed by GLL (Greenwich Leisure Limited) on behalf of West Oxfordshire District Council.

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

Principle

- 5.3 The application relates to a leisure facility just outside of the town centre. The proposal is to install four windows at first floor level to the front elevation of the facility. Your officers consider that the principle of installing the four windows is acceptable.

Siting, Design and Form

- 5.4 The proposed four new windows at first floor level will be double glazed in one full pane and are to match the existing windows at ground floor level below in terms of both size and design.

Residential Amenities

- 5.5 The new windows are in the front elevation of the facility. However due to the adjacent properties at Witan Way being a significant distance away (45m) your officers do not consider that an adverse level of overlooking will be an issue.

Conclusion

- 5.6 In view of the above, your officers consider that the proposed windows will appear in keeping with the existing windows. The distance between the leisure centre and adjacent neighbouring properties eliminates potential overlooking. Your officers consider that the development will comply with the relevant policies stated above and recommend approval.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of 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 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.