

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th June 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

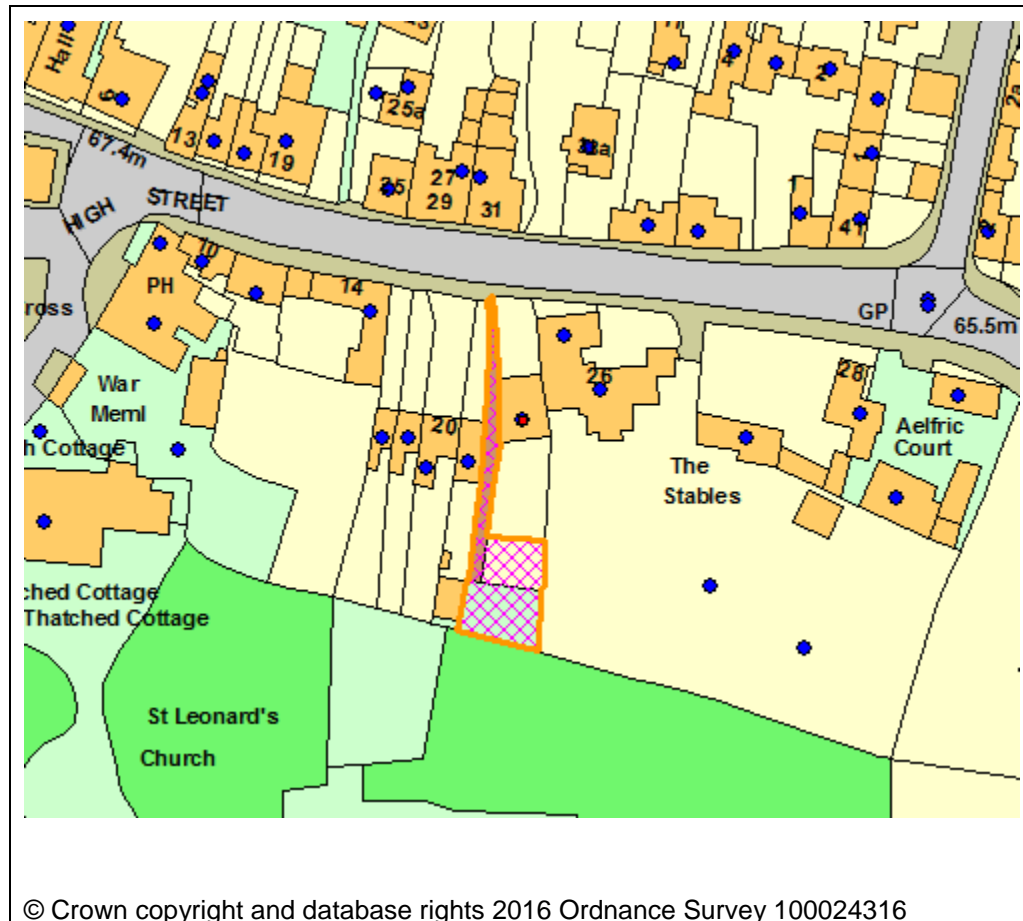
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
17/03959/FUL	<u>24 High Street, Eynsham</u>	3
18/00544/FUL	<u>39 Brize Norton Road, Minster Lovell</u>	18
18/00869/HHD	<u>107 Queen Emmas Dyke, Witney</u>	34
18/00877/FUL	<u>Ferndale, Back Lane, Aston</u>	38
18/00922/FUL	<u>21 - 23 Market Square, Witney</u>	43

Application Number	17/03959/FUL
Site Address	24 High Street Eynsham Witney Oxfordshire OX29 4HB
Date	30th May 2018
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443385 E 209240 N
Committee Date	11th June 2018

Location Map



Application Details:

Erection of two bedroom dwelling with associated parking and garden. Removal of section of wall adjacent to parking provision.

Applicant Details:

Mr & Mrs Graham and Clementine Bannell
24, High Street
EYNSHAM
OX29 4HB

I CONSULTATIONS

- I.1 CPRE
With regard to the above application, whilst CPRE notes Historic England's comments, it is CPRE's view that it is not appropriate to build over a Roman ditch. In order to locate the bearing surface at a level below a level where its susceptible to frost damage, it will need to be at least 600mm below ground. There will probably need to be around 200mm of hardcore below that. Therefore, the dig will be getting on for a metre in places, so it's hard to see how damage to the ditch will be avoided. Also, should the archaeology be covered over at all or should it remain accessible? After all, concrete is pretty impenetrable.
By the same token, CPRE is not sure that raising the height of ancient walls is appropriate or modifying them in any way. CPRE is not totally clear about the construction methodology, but is concerned about the footpath access and also the vehicular access off the High Street. Inevitably, they will be used for construction access and also permanently for pedestrian and vehicular access thereafter. For example, presumably a concrete pump would have to be extended along the footpath to pour the new ground slab. The site is historically sensitive, so CPRE would question whether that is appropriate and if so, CPRE would suggest robust protection/ limitation of vehicle size etc.
- I.2 Historic England
An application should demonstrate that less all less harmful alternatives have been considered. In line with para 128 of the NPPF it states that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment, and where necessary, a field evaluation'. The applicant has undertaken field evaluation and the design of the proposed building has been altered to ensure that the foundations only impact on the later Medieval/Post Medieval plough soil and not deposits of an earlier date and deposits of higher significance.
- I.3 OCC Archaeological Services
The application site is within the bounds of a Scheduled Monument (SM 18) and is this is the site of the former Eynsham Abbey. You should contact Historic England about this application because the applicant will require scheduled monument consent in advance of any development.
- I.4 Parish Council
ORIGINAL COMMENTS
The Parish Council has serious concerns about this application for the

following reasons:

1. Infill in the Conservation Area

Although not visible from the public highway, the proposed dwelling would diminish significantly the rear curtilage of 24 High Street, a substantial period house important to the Oxford Road approach to the village in the Conservation Area. This already has minimal frontage, given over exclusively to parking. LP 2011 BE2, BE5, H2. LP 2031 CO2, H2.

The proposed development would be an isolated infill property unrelated to neither the host property, the listed building adjacent (The Shrubbery, 26 High Street) and the infill properties on its former curtilage, nor the scheduled ancient monument on which it appears to encroach. LP 2011 BE2, H2. LP 2031 CO2, H2. NPPF 126.

2. Loss of light

The proposed development, to the south of No 24, would cause significant loss of light to this property and also to the adjacent No 22, as stated in the Design and Access Statement. LP 2031 CO2, H2.

3. Access and parking.

The application site allocates only a single parking space reserved in the front of 24 High Street, which would likely lead to street parking by residents and visitors on an already crowded High Street. The allocated space is some way from the development, with access down a narrow, unpaved and unlit, shared pedestrian access. The proposal also includes demolition of a historic wall in the Conservation Area adjacent to the space which would jeopardize access to this shared right-of-way. LP 2011 BE2, BE3, H2. LP 2031 CO2, H2. The Design and Access Statement mentions one other unspecified parking space on a right-of-way but this presumably is not in the ownership or control of the Applicant and not part of the development.

The Applicant prays in aid Nos 23 and 25A High Street, which only have pedestrian access off Pug Lane, a paved and lit public footpath. However both these properties apparently predate the Town and Country Planning Act 1947 and would be unlikely to get planning consent today. Both these properties only have on-street parking.

4. Construction access

The application says vehicular access for construction is available on the land hatched green (Drawings SP01, SP01A & SP02). The access from High Street adjacent to the Pavilion to the right hand bend is not within the Applicant's ownership or control, although the Applicant may benefit from a right-of-way shared with others. This includes Eynsham Parish Council, which uses this for vehicular access to the Pavilion and the Queen Elizabeth II Playing Fields. The whole of the proposed access is unpaved and unsuitable for heavy lorry traffic or goods vehicles.

If the Local Planning Authority is minded to grant this application it should be subject to a suitable construction condition including:

(a) Restricting the times of access and delivery to avoid disturbance to nearby residents;

(b) No construction or delivery vehicles blocking the entrance to or parking on the access way to allow access for Eynsham Parish Council

- and other users;
- (c) Providing suitable wheelwashing facilities to avoid mud on the public highway, and
- (d) Making good any and all damage done to the said access way.

REVISED COMMENTS

After a site visit by members of the Parish Council planning committee with the applicants, this response supersedes the previous response of the Council. Eynsham Parish Council has no objection to this application but has concerns about this application for the following reasons:

1. The proposed development would cause some loss of light to the adjacent No 22, as stated in the Design and Access Statement.
2. The application site allocates only a single parking space reserved in front of 24 High Street which may lead to street parking by residents and visitors on an already crowded High Street.
3. If consent is granted for removal of a section of the wall at the frontage of 24 High Street for parking, provision should be made to protect access to the pedestrian right-of-way running from the west side of the existing property to the High Street.

4. Construction access:

The application proposes vehicular access for construction on the land hatched green (Drawings SP01, SP01A and SP02). The access from the High Street adjacent to the Pavilion to the right hand bend is not within the Applicant's ownership or control, although the Applicant may benefit from a right-of-way shared with others. This includes Eynsham Parish Council, which uses this access for vehicular access to the Pavilion and the Queen Elizabeth II Playing Fields. The whole of the proposed access is unpaved and susceptible to damage from heavy lorry traffic and goods vehicles.

If the Local Planning Authority is minded to grant this application it should be subject to a suitable construction condition including:

- (a) Restricting the times of access and delivery to avoid disturbance to nearby residents;
- (b) No construction or delivery vehicles blocking the entrance to or parking on the access way to allow access for Eynsham Parish Council and other users;
- (c) Suitable ground protection being provided along the access way, including the said access from the High Street, to prevent ground damage and mud on the public highway, and
- (d) making good any and all damage done to the said access way.

I.5 OCC Highways

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.

No objection subject to:

- G28 parking as plan
- G11 access specification

The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980.

- 1.6 Conservation Officer The proposed design has an asymmetrical duo-pitched form, it is fairly low-lying, and is of no great volume, although it is shoehorned across the entire width of the site. From our point of view there are no huge objections to the general idea of this, although I do have two concerns relating to views across the SAM from the south, viz: 1) we need to be sure that the PV's on the south roof slope are not reflective in any way - and so we need to see clear details of the proposed installation, with a sample; 2) there is what appears to be near full-width glazing at first floor level on the south elevation - and if this is the case, I suggest that it is reduced to just several modest windows.
Negotiate for further information and a sample, and for a revised design, as above.
- 1.7 WODC Drainage Engineers No objection subject to conditions.

2 REPRESENTATIONS

2.1 10 letters of objection and 5 letters of support have been received along with a number of general comments. The key points have been summarised below:

2.2 Objections raised:

- The impact to the Scheduled Ancient Monument and access;
- The access not suitable for construction vehicles;
- Local ecology;
- Archaeological impacts;
- Construction vehicles and the impact to the ancient scheduled monument;
- Access and land ownership;
- Parking space;
- Impacts to existing roads;
- Impact to neighbouring properties;
- Detrimental overbearing impacts caused to neighbouring properties;
- It would affect the distinctive rural character and setting of the southern area of the village;
- Rural wider views;
- Impacts to the Conservation Area;
- Impact to the Schedule Ancient Monument and surrounding grade II listed buildings;
- Highway safety;
- Overshadowing to neighbouring properties;
- Removal of front wall and precedent set;
- Passage way not wide enough for a wheel chair.
- Infilling back garden land and would set an unfortunate precedent;
- Proposed raising of wall between neighbouring properties would cause a loss of light.
- Loss of lovely stone wall

- Applicant will use rear access and this will lead to parking on the Abby land
- Raising height of wall will be overbearing
- Destroys the outlook
- Path may be lit
- Concerned that EPC changed its position on the basis of documents that were provided to them by the applicant but are not in the public domain

2.3 Support comments:

- Accords with Eynsham Neighbourhood Plan;
- Energy conserving;
- Appears to address complex environmental and archaeological issues;
- Innovative and sensitive use of space;
- Would not have an adverse impact on the Conservation Area.
- Track was previously used to serve the commercial greenhouse
- Satisfies a need for extra accommodation close to village centre

2.4 Additionally Eynsham Society comment as follows:

- We are very concerned about the effect of the development on the underlying scheduled ancient monument site (Eynsham Abbey). While the house itself is to be built on a concrete raft to protect the site, it is by no means clear that there is sufficient depth of topsoil to accommodate this without disturbance to archaeological material and possibly human remains.
- The Ancient Monument site is put at risk also by the lack of suitable access for builders' traffic. The applicants plan to use a trackway over some land they own south of the proposed site, but this lies entirely in the Ancient Monument site, and repeated transport of building materials and mixed concrete via this route will compress the ground and damage unexcavated parts of the site. This is not merely a temporary issue, as the same considerations apply to future deliveries of furniture etc., not to mention access by emergency vehicles such as ambulances and fire engines.
- The provision of a parking space at the front, separated from those already used by No. 24, entails partial demolition of an attractive and historic wall. The parking space so created would be very narrow and not separated from the even narrower alley which would be the sole pedestrian access to the new dwelling and already serves several adjacent properties. Careless parking in in this space, or parking of wide vehicles, will inevitably block the access and inconvenience other users.
- The entire site lies with the Eynsham Conservation Area and the proposed development would have a severe impact on the curtilages not only of No. 24 itself but also of adjacent properties. No. 22 would be particularly affected, with the new dwelling and the raised wall looming over its rear garden. The problem could have been reduced by a more sensitive design confined to the eastern part of the existing garden of No. 24.
- The design of the house itself has much to commend it, but we believe that because of its proposed location it is unacceptable in its present form.

3 APPLICANT'S CASE

- 3.1 Amongst the public objections that have been lodged there are numerous factually inaccurate points, along with misunderstandings and misinterpretations of the proposal that have proliferated. To provide clarity we aim to identify these for you and respond to potentially damaging assertions. In many of the objections factual errors have been replicated (including the Eynsham Parish Council submission,) and, because they proliferate, we are concerned they are skewing the flavour of the comments and reinforcing false information.
- 3.2 By contrast, supportive submissions have been spontaneous apart from one, - (Dr) Rosalind Kent is Clem's sister, founder member and secretary of 'Green TEA,' the local sustainable living group <http://eynsham-pc.gov.uk/org.aspx?n=GreenTEA> She was very keen to express her personal view when alerted by us. All the writers of support have limited themselves to the facts and expressed opinions that have been personally formed by each individual, entirely uninfluenced by us.
- 3.3 Of course we fully understand and welcome the process whereby neighbours, local and national societies are fully entitled to an opinion and that their views are taken into account. We have no problem with genuine, unsolicited views but much of what has been expressed is replicated propaganda and that is causing us huge concern.
- 3.4 In addition we want to explain further the careful and considerate adaptations to the proposal that we have incorporated into the current application, (along with mitigating measures that have been offered,) as it's clear to us from some objection documents submitted that our efforts have not been fully understood.
- 3.5 We have grouped our response in line with the key points outlined in our email exchange. We have put into bold italics responses that we feel relate to demonstrably untrue assumptions or statements.

Impact on the street scene, including parking and the subordinate nature of the proposal from the rear fields

- 3.6 Contrary to one assertion the actual building itself will have no impact on the street scene.
- 3.7 The removal of part of the front wall is to free up movement space for new users. We would be happy to delineate the right of way by use of different pathway materials in order to make parking and walkway areas clear for all users. The useable width of the parking area and right of way will be more than the existing due to removal of the wall and narrow border at its base. We think some objectors are assuming that three cars will be parked side by side, which is not the case - as the plan shows; there will be more space, not less. (See below also.)

Subordinate nature of the proposal from the rear fields

- 3.8 The view of the building from the south presents a subordinate addition which has the 'feel' of a converted outbuilding. Our proposal will not dominate the neighbouring properties as its height, scale and massing is significantly less than them, as clearly shown (ref SOUTH ELEVATION on drawing no I4265 AL16).

Shading to garden of number 22 and effects on immediate neighbours

- 3.9 Discussions have taken place with both immediate neighbours, (22 and 26,) over the past few months, and in particular with the owner of 22.
- 3.10 Both the east and west walls to our garden at no.24 are very high, indeed the west wall has been raised in the past by 1200mm. These two walls are the dominant feature of this rear area and provide distinct separation between 22, 24 and 26, High Street. They are both in our ownership.
- 3.11 The idea of raising the height of limited parts of these existing walls was introduced to help mitigate the visual effect of the proposed building by reducing the visible gable behind each wall, helping to make it appear as if they have always been there. The gables are inset and will rise from inside the walls as opposed to being upwards extensions of them; this design feature will set back the first floor gables 1 metre from the boundary walls. As it applies to both east and west ends it will significantly ameliorate the massing for both no. 22 and 26. The additional shading effect of the new gables on gardens at nos. 22 and 26 is therefore minimal.
- 3.12 Alongside this the ridge height was reduced by 590mm and the general massing reduced further by removing the southern veranda shown in earlier drafts.
- 3.13 Following two separate discussions with the neighbour at no. 22, Ms Mitchell, we offered and prepared the full year sunlight models (these are more explicit than daylight assessments) and presented them to her at a further meeting to show the effects our modified proposal will have at various times of the year. The model Ms Mitchell refers to in her objection is not of the summer equinox as claimed, but the vernal equinox (March). We deliberately included this to provide, unambiguously, the worst additional affect our building will have on the current shadowing experienced by 22.
- 3.14 The summer equinox which I attach here shows virtually nil additional affect.
- 3.15 Sunlight to the garden of no. 22 is already hindered by the existing high brick wall to 24 and a brick outbuilding which forms the southern garden boundary. As demonstrated in the application our proposal will have minimal additional effect on a garden that is shady by nature, particularly at this time of year when it's in total shade for much of the day.

The nature of the pedestrian, side access and protective measures offered to date with neighbour

- 3.16 Apart from the gate, which we understand was installed by request of the residents of Nos 18-22 High Street, (Columbia Terrace), the pedestrian side passage is an unobstructed, right of way for them and ourselves. We are the owners. We have never obstructed it and have kept it weed free and accessible at all times and for all purposes, including extensive excavations a few years ago to repair Columbia terrace's drains that run the entire length. We have never denied any neighbour access or made life difficult in any way when the shared, pedestrian right of way is used. There is no risk of obstruction to the pathway which we agree must be kept unobstructed at all times.

- 3.17 No. 22 doesn't currently enjoy complete privacy to the rear garden due to this right of way which dates from at least 1830 and is regularly used - including fairly recently to carry round and erect a garden workshop to no. 20.
- 3.18 We do understand and have acknowledged personally to Ms Mitchell that this proposal will affect the current level of usage of this right of way due to the increased foot traffic to the new house. Accordingly we offered to raise the height of the stone wall to her garden, (subject to official consent and at our expense,) to give significantly more privacy than she currently enjoys - this offer is still available as it will guarantee privacy from existing and new users. There would be no additional shading to her garden if this wall was built as it will be completely within the shadow of the existing, higher brick wall adjacent.
- 3.19 Many repeated comments have been made of unsuitability for disabled or elderly access and fire service access. The proposals fully comply with Part 'M' (disabled access) and Part 'B' (fire access) of the building regulations with regard to new domestic dwellings.

Absence of any overlooking from the proposed house of any gardens or houses adjacent

- 3.20 The proposed dwelling is small in size and has been carefully and considerately designed; contrary to claims, there is no overlooking of any neighbour's gardens or houses, from either the proposed dwelling or its garden. To achieve this we have proposed three completely blank walls with no openings - the entire house is lit with a) horizontal roof lights below the boundary walls and b) from the south - our own garden and agricultural land. We feel ours is a vastly more thoughtful and considerate design than the recent application PP 14/02018/FUL which is now built, which has openings on all four elevations and overlooks all of its surrounding neighbours.
- 3.21 One contributor draws a comparison between our proposal and the recently completed building of PP 14/02018/FUL. She states that the latter "does not impact on domestic lived-in dwellings only stables." As explained above this is entirely untrue - plus the 'stables' referred to are now a dwelling inhabited by people, not horses.

Access for works and rights of way at the rear of our house

- 3.22 There is no proposal to create a new vehicular access road and parking to the rear of the site.
- 3.23 The rear access and defined right of way into our land already exists and is plenty robust enough to take building traffic. I attach the photo referred to in a submission, with our land edged in blue and the access road hatched in green. This route, that continues on into our back land as a track way, has been used on a daily basis both before and since we bought the land, circa 20 years ago; horses are kept on the fields and are tended at least twice daily, along with occasional journeys by the farriers van, delivery vehicles and agricultural maintenance vehicles as needed. It is clearly shown on old maps and continues as a pathway right up to the St Leonard's churchyard wall that is the western boundary of our fields.
- 3.24 We are more than happy for a mitigating construction method statement to be agreed with Historic England that will prevent harm to either the ancient monument or ecology. This is easily done with ground protection mats: deliveries will be in small lorries: no crane will be required and concrete will be pumped from the gate position. We have been careful custodians

of this land for twenty three years or thereabouts; we have slowly developed it into a much healthier and bio-diverse condition than when we began.

3.25 We find the suggestions that we would damage it in any way offensive.

Further points:

Sustainable design

3.26 Thankfully, a number of submissions (both in objection as well as support) have commented on the good quality of the design. The design is a proper, sustainable and eco-friendly one which incorporates the following:

- Full solar PV roof facing south with no shading and at 30 degree pitch - the optimum pitch at our latitude. As battery technology develops this may well result in self-sufficient power.
- High thermal mass of west, east and north walls and floor slab - lightweight and open southerly elevation to maximise passive solar gain.
- Re-using existing west and east walls saving on embedded carbon.
- Apart for the new north wall and raft foundation, we propose the remainder of the construction will be renewable timber and hempcrete.
- Large rainwater harvesting tank with overflow to irrigation system for garden - the equivalent of a Suds system, but one where the water is re-used for irrigation rather than just draining away, thus preserving treated water reserves.

Effect and relationship to 24, High Street

Front of house

- Mention has been made of the effect on 24, High Street which is described as an important building in the street scene. This has largely been created by us - I attach photos of the front and rear of no.24 when we bought it in 2000.
- The front elevation has been changed from a grubby, sombre looking house into a brighter, more classic frontage, redolent of its 1830's period.
- The wall is a later addition. The original house was constructed in 1830 and the frontage then was completely open, the western boundary being the low stone wall to no. 22. There is evidence of railings along the pavement boundary. Part removal of the wall will go towards restoring the original frontage and assist the opening up of the space as it was before the wall was built, (looking at the old maps included in our application - likely to have been at some time between 1876 and 1899.)
- We would be very happy to remove the wall completely and open out the whole frontage again which would restore the original look and provide even more circulation space.

Rear

- The rear slope to the roof of our proposal has been very carefully designed to allow maximum light to the garden of no. 24; there is no high, north facing facade to block it so sunlight will flood down this roof slope with minimal shading to the garden of No. 24, year round. Of course there will be slightly more shade in the winter but due to the angle of the roof it will be minimal. The vast majority of the garden to 24 will enjoy sunshine. This was a considered and deliberate provision and valuable space was lost to the bedrooms of our

proposal to achieve it. This provision does not seem to have been grasped, understood or appreciated.

- The Parish Council states that there will be no relationship to the host building and one objector commented on the much reduced garden for no. 24. The assertion that the new back garden of No. 24 will be seriously diminished is not true. The retained rear garden for 24 will be only 4 metres less than that we bought in 2000, leaving 20 metres depth.
- When we bought no. 24 in 2000 the southern boundary to the garden plot beyond was a 6' high timber fence heavily overgrown with ivy and laurel with a large spruce tree and tall scrub beyond in the plot. A small area at the southern boundary of the plot (where the box garden that is shown on the plans now is,) was used as gardens by two of the then occupants of Columbia Terrace. At that time the views to the south from no 24 were heavily restricted, even from first floor windows At the time we bought and for an unknown time before that, there was no relationship between the two; in fact every effort had been made to preserve the boundary and privacy. Please see photos attached.
- The proposed wall that forms the rear of the new house, in conjunction with the existing ones, will act together to complete an enclosed garden for no. 24 which we feel will be an asset, making the space as private as we found it in 2000 and creating an ample, south facing, well lit, walled garden - a gardener's dream.

Archaeology and the implication for the Scheduled Ancient Monument, (SAM)

- The design has been developed with the full co-operation and involvement of Historic England, (HE) including an archaeological assessment dig and foundation design to protect the archaeology found. HE is in support of the application. The measurements provided for the foundation design are formulated to be safely within the required limits. The assertion from the Council for the protection of Rural England (CPRE) that our foundation design will exceed these limits and damage the roman ditch are just wrong. It seems they have not read/understood the drawings and they have certainly not visited the site.
- Numerous mentions have been made to potential damage to the Scheduled Ancient Monument (SAM) of Eynsham Abbey. What everyone seems to forget is that PP 14/02018/FUL, which was built in 2016-17, also lies within the SAM, has conventional deep strip foundations, (more intrusive than ours would be,) and created a fully tarmac/gravel access road for both construction and subsequent vehicle traffic over the SAM, the latter of which our proposal will not do. Our proposal avoids all of these harmful aspects of developing the land; by comparison it will impact far less on the SAM owing to the lighter touch design and build method.
- The deluge of comments around this from individuals, The Eynsham Society and the (CPRE) are perplexing as no such comments were made in response to the prior PP 14/02018/FUL.
- Lastly we would like to stress that this project has been conceived as a 'self-build' project where we supply both the land and the building for use in our retirement, without having to move away from the back land we have cherished and nurtured for circa 23 years. We have been registered with the WODC self-build interest list for many years with no luck so an approval would be of massive help to us.

- In the future the proposed new dwelling can be used by a range of users, including the elderly, single occupancy or first time buyers, thus making a contribution to this recognised need in Eynsham.
- In addition our current house can be occupied by a large family.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

NE6 Retention of Trees, Woodlands and Hedgerows

H2 General residential development standards

H7 Service centres

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

T4NEW Parking provision

NE3 Local Landscape Character

NE1 Safeguarding the Countryside

EH8 Conservation Areas

EH11 Historic Landscape Character

EH13 Scheduled Monuments

The cited policies of the adopted local plan and the emerging local plan are considered to be of most relevance.

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

5 PLANNING ASSESSMENT

- 5.1 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

- 5.2 The application seeks planning permission for the erection of a two storey dwelling to the rear of 24 High Street, with associated parking, garden and removal of section of wall adjacent to parking provision which is situated within the Eynsham Conservation Area, the adjoining dwelling is a grade II listed building and the site also lies within the Eynsham Abbey Ancient Monument designation.

- 5.3 The principle of housing development within Eynsham is policy compliant provided that the scheme is a logical compliment to the general pattern of development and there are no other planning issues

Siting, Design and Form

- 5.4 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic

interest which it possesses. The LPA is also required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed house are considered to have a detrimental impact to the character and appearance of the Conservation Area and setting of adjacent listed buildings, given the nature of what is proposed and its location and for the reasons set out in more detail below. As such, the character of the Conservation Area and setting of the listed building is not preserved.

- 5.5 With respect to any 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. There is no statutory duty to have regard to the setting of a Conservation Area, i.e. development outside it, but an assessment is required under the NPPF.
- 5.6 The NPPF encapsulates all designated and undesignated heritage assets, and the policies in Section 12 are restrictive policies under paragraph 14. Separate assessments should be carried out for each asset identified. If substantial harm is found then under para 133 this should result in refusal except in exceptional circumstances without applying the paragraph 14 tilted balance.
- 5.7 In regards to the proposed development officers consider that the proposed development would result in less than substantial harm (but at the top end of that spectrum) due to the impact caused to the Conservation Area, setting of LB and setting of SAM and the surrounding adjacent listed buildings and there are no public benefits that outweigh the harms. The only public benefit is the provision of one house. Officers consider that this should be given only limited weight and that in paragraph 134 terms this is clearly outweighed by the combined harm to the designated assets to which officers give considerable importance and weight.
- 5.8 Notwithstanding that this proposal does not pass the relevant para 134 balance the scheme has also been assessed against policy under a tilted balance para 14 approach. Policy H7 of the adopted Local Plan deals with the creation of new dwellings within Service and Other Centres of which includes Eynsham. The policy states that new dwellings will be permitted in circumstances of infilling, rounding off within the existing built up area, the conversion of appropriate buildings and on sites specifically allocated for residential development in the adopted plan. The emerging local plan contains policies H2 and OS2 which relate to building in the right places and states that new dwellings will be permitted in main service centres under the circumstances listed in the general principles of which are found on page 43 of the submission document.
- 5.9 The Council accepts that whilst it is highly likely to have one it cannot currently demonstrate to have a five year deliverable housing land supply and therefore the adopted Local Plan policies are considered out of date. In this instance where saved policies are out of date of the development plan is absent, paragraph 14 of the NPPF states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework when taken as a whole. Officers consider that the provision of a single dwelling would contribute only limited benefits as one dwelling does not attract affordable housing or other contributions and would not significantly contribute to the housing supply. Therefore, when viewed in the balance, the 'benefits' of a single dwelling proposed are not considered to outweigh the harms to heritage assets already discussed above. Moreover in a paragraph 14 balance the following harms also apply.

Residential Amenities

- 5.10 The proposed dwelling is considered to constitute backland development to the rear of No 24 which is currently garden amenity space. The proposal would be sited very close boundaries of the proposed site and is not considered to be of a proportionate or appropriate scale in terms of massing and the space allocated to the development. Officers also consider that the proposed development would not form a logical complement to the existing scale and pattern of the surrounding development and the character or appearance of the area. This further emphasises why the proposed scheme is unacceptable in terms of the principle of development.
- 5.11 The general policy principles also highlight that development where possible, should enhance the local landscape and the setting of the settlement of which officers feel, given the sensitivity of the site in regards to Scheduled Ancient Monument, the setting of a listed building and the Conservation Area, the proposed development would bring the established development line to this area of the High Street further forward and would unduly urbanise an attractive area of undeveloped land, compromise key views, harm the setting and context of heritage assets and detract from the attractive character of the settlement edge at this point which is considered to set an undesirable precedent. These harms therefore are considered to substantially outweigh the benefits of the development and could set a precedent for future development to encroach into the open countryside. On this basis a dwelling in this location is considered to be unacceptable.
- 5.12 The neighbouring site The Shrubbery has gained consent for a dwelling through an appeal decision in 1985. Since then the permission has been renewed and modified several times. The principle of this development was also established prior to the current adopted local plan 2011 and the emerging local plan 2031 and therefore the argument that this proposal would in principle reflect the same as the approved dwelling on the neighbouring site is considered to have little weight as that was approved under a different policy context.

Highways

- 5.13 The site does not benefit from parking provision but would be served by a footpath running back from High Street and passing between the frontage properties. The applicant owns some land approx. 80 m away where there is the potential to park cars but this does not appear particularly convenient. OCC has assessed the proposals as if they were car free and concluded that as the village has a bus service and the site lies close to the village centre this would not be so problematical to justify refusal

Conclusion

- 5.14 The design of this house per se is not considered to be an issue. However it is in a very sensitive location where there are impacts on the setting of adjoining listed buildings, the conservation area and the SAM and the harms to these heritage assets is such that the benefit of the provision of one house does not outweigh those harms. Additionally the site is tight upon its plot such that it would have an unacceptable impact on the existing frontage dwelling and to a lesser degree upon the amenities of neighbours
- 5.15 Given the above officers are of the opinion that the proposed development is contrary to policies BE2, BE5, BE8, BE12, H2,H7, NE1, NE3,H7,H2 of the Adopted West Oxfordshire Local

Plan 2011 and policies OS2, OS4, H2, EH7 and EH1 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.

5.16 Refusal is therefore recommended

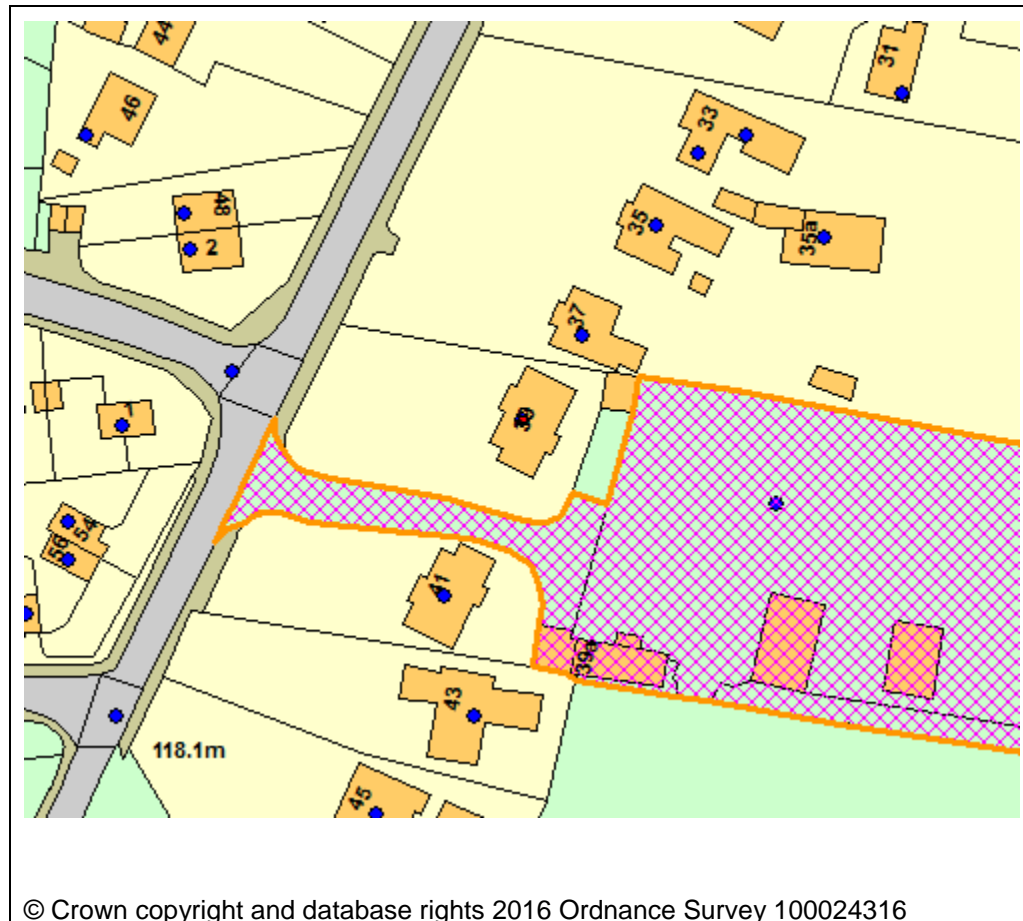
6 REASONS FOR REFUSAL

- 1 By reason of the harmful urbanising impact on the sensitive rural edge to the south of No.24 within the Eynsham Abbey Ancient Monument designation and an area of surrounding undeveloped rural edge within the Conservation Area, the proposed development is considered to unduly urbanise an attractive area of undeveloped land, compromise key views, harm the setting and context of heritage assets and detract from the attractive character of the settlement edge at this point which could additionally set an undesirable precedent for further such encroachments to the further harm of the area. These harms are considered to substantially outweigh the public and other benefits of the development and would be contrary to policies BE2, BE5, BE8, BE12, NE1, NE3 and H2 of the Adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4, EH7, EH, EH8, EH11 and EH13 of the Emerging Local Plan 2031 the relevant provisions of the NPPF.

- 2 By reason of its siting in close proximity to the neighbouring properties the proposed dwelling is considered likely to unacceptably overbear and overshadow the neighbouring amenity space as well as impact on the outlook afforded to the neighbouring properties, to the detriment of the residential amenity of the occupiers. As such, the proposal is considered contrary to West Oxfordshire Local Plan 2011 Policies BE2 and H2, Emerging West Oxfordshire Local Plan Policies OS2, OS4, and H6, and the relevant paragraphs of the NPPF. Furthermore the proposed dwelling would not form a logical complement to the existing settlement pattern and would represent a contrived cramped form of development that would contribute to an overdevelopment and over intensification of the site. As such the proposal is considered contrary to policies BE2, BE5, H2 of the Adopted West Oxfordshire Local Plan 2011, OS2, OS4, H2 and EH7 of the Emerging Local Plan and the relevant policies of the NPPF and West Oxfordshire Design Guide.

Application Number	I8/00544/FUL
Site Address	39 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SF
Date	30th May 2018
Officer	Catherine Tetlow
Officer Recommendations	Provisional Approval
Parish	Minster Lovell Parish Council
Grid Reference	431373 E 210652 N
Committee Date	11th June 2018

Location Map



Application Details:

Erection of ten dwellings with associated works.

Applicant Details:

Meadowgate Homes, C/O Agent.

I CONSULTATIONS

- I.1 Parish Council Strongly objects to this application on the following grounds:
- 1) This application represents yet another attempt to develop for housing the 'backland' that forms part of the Charterville Settlement. A number of recent attempts at similar development on both sides of the Brize Norton Road have failed on Appeal before an Inspector. Such a development as this would result in a broadening out of the original linear plan of the Village with consequent negative impact on the historical context of the numerous Chartist listed bungalows.
 - 2) Virtually all of the properties on the eastern side of the Brize Norton Road have 'backland'. If approved, this application would set a most undesirable precedent that would make future applications for this type of development very hard to refuse. The consequences for the historical character of the Village would be grave. For exactly this reason, backland development is ruled out in the Minster Lovell Planning Policy Statement of which you have a copy.
 - 3) The Application provides for very dangerous access onto the already busy, but narrow Brize Norton Road. The entry/exit point is very close indeed to Wenrisc Drive where the Primary School is located near to the corner. Wenrisc Drive is busy - especially at School drop off times - and is expected to become much more so when the 126 homes already approved are built west of the Village. The 40 plus car movements per day implicit in this application trying to enter the Brize Norton Road at that point represent a real hazard, both to other road users and pedestrians.
 - 4) This Application is for development of an area that is not recognized as suitable for residential development in the emerging Local Plan.
- I.2 WODC - Arts No contribution to public art required.
- I.3 Conservation Officer No objection.
- I.4 ERS Env Health - Lowlands There is no noise assessment supporting the application despite commercial premises to south and north. Nowhere can I see any real discussion of the impacts that these existing land uses may have on the proposed residential units. No scheme of mitigation has been tabled.
My recommendation is therefore that the LPA request an assessment of the noise climate for the application site and the impacts that existing businesses may have on dwellings and amenity if these ten units were built.
- I.5 ERS Env. Consultation Sites Review of our records and the information submitted with the application indicate that the site has been used as a scrap metal yard.

There are potentially a number of contamination sources associated with this land use, please consider adding the following the condition to any grant of permission.

1. Site Characterisation

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

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details'.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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.6 Major Planning Applications Team

Highways - Objection for the following reasons.

- 1) Further details of access proposals are required.
- 2) Secure covered cycle parking is required for all units.
- 3) Vehicle swept path analysis is required.
- 4) Drainage proposals are required.

Education - No objection.

Local schools have sufficient capacity to meet the needs of a development of the proposed scale.

Archaeology - No Objection.

There are no archaeological constraints to this application.

Cllr: Liam Walker Division: Hanborough and Minster Lovell
Comments:

I do not support this development for the following reasons: -

- I am concerned over the access to the site which is in close proximity to Wenrisc Drive and also Cotswold Close. Wenrisc Drive is a main access route into a section of the village and the school.
- Due to the small number of properties the development means no contribution to the village will be made.
- There is no parking provision for the homes or adequate room for on street parking.
- The road looks very narrow and I don't believe it's wide enough for a refuse truck to enter or manoeuvre.
- I believe this will set a precedent to other plots of land along the

Brize Norton road which would result in more vehicle access routes along an already busy Brize Norton Road.

- I.7 WODC - Sports Contributions required -
£11,560.00 towards sport and recreation within the catchment
£8,180.00 towards play/recreation within the catchment
- I.8 Biodiversity Officer No Comment Received.
- I.9 Thames Water Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
"We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:" A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what

measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

- | | | |
|------|----------------------------------|--|
| 1.10 | WODC Housing Enabler | The proposal is for fewer than 11 units and no contributions to affordable housing are required. |
| 1.11 | WODC Planning Policy Manager | No Comment Received. |
| 1.12 | Major Planning Applications Team | No Comment Received. |

2 REPRESENTATIONS

2.1 15 objections have been received referring to the following matters:

- Negative impact on the context of the historical Chartist listed bungalows. This application represents another attempt to develop for housing the 'backland' that forms part of the Charterville Settlement.
- If approved, this application would set a most undesirable precedent for the future as virtually all of the properties on the eastern side of the Brize Norton Road have 'backland'. This would have serious consequences for the historical character of the Village.
- 'Backland' development is ruled out in the Minster Lovell Planning Policy Statement and why previous applications for development elsewhere in the village have been refused.
- Out of character.
- Increase in traffic.
- Impact on highway safety.
- The site is not an area that is recognized as suitable for residential development in the emerging Local Plan.
- Inadequate parking.
- Overlooking and loss of privacy.
- Potential overshadowing and loss of light.
- Impact on drainage/foul water.
- Drawings misleading.
- Noise and disturbance.
- Local amenities overstretched.
- Houses not needed here.
- Potential contamination of the site.

3 APPLICANT'S CASE

- 3.1 The application is advanced by a local developer who has strong links with the local area. The applicant is keen to deliver high quality development which reflects and contributes to the character of its setting.
- 3.2 The redevelopment of the site would accord with the principle of bringing forward previously developed land for residential development, one of the core planning principles as set out in the National Planning Policy Framework and the vision set out in the emerging West Oxfordshire Local Plan.
- 3.3 The development has been demonstrated to be sustainable. The presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework is enacted on the basis that the council's development plan housing supply policies are out of date.
- 3.4 The presumption is also enacted by virtue of paragraph 49 requiring housing applications to be determined in accordance with the presumption in favour of residential development.
- 3.5 The scheme would make a small but notable contribution to widening the housing stock that is available in Minster Lovell, and would make a provision of family-sized dwellings. The provision of such homes will help to address identified demographic challenges within the town by providing accommodation options for people of working age and their families.
- 3.6 The proposed development represents a sustainable form of development in both use of land and the contribution the proposed accommodation would make to the sustainability and future vitality of the Minster Lovell community.
- 3.7 The proposed development is in accordance with National Planning Policy and guidance on housing delivery, sustainable development and the protection and enhancement of the landscape. It meets the tests of the Framework set out at paragraph 14 in respect of sustainable development and, as such, the application should be approved without delay.
- 1) The proposal will redevelop a parcel of previously developed land of low environmental value.
 - 2) Development of high quality design that is more appropriate in scale, design and layout to the surroundings.
 - 3) Approximately 15 jobs created during construction.
 - 4) The erection of ten dwellings will deliver numerous economic benefits through the New Homes Bonus payment (c. £101,442), Council Tax (c. £202,844) and benefits associated with construction (c. 2,385,600) which will help support local services.
 - 5) The creation of gardens and a landscaping scheme around the site will have a net ecological benefit.
- 3.8 With reference to planning policy and other material considerations, there are no significant and demonstrable adverse impacts that would arise from the proposed development. The 'planning balance' is therefore weighed positively in weight of the proposal with reference to the benefits summarised above and set out within this statement, and planning permission should therefore be granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
H3 Range and type of residential accommodation
H11 Affordable housing on allocated and previously unidentified sites
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
EH1NEW Landscape character
EH2NEW Biodiversity
NE13 Biodiversity Conservation
EH7NEW Historic Environment
EH14 Non designated heritage assets
H2NEW Delivery of new homes
H3NEW Affordable Housing
H6 Medium-sized villages
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
WIT4NE Witney sub-area Strategy
WOLA West Oxfordshire Landscape Assessment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is a full application for the erection of 10 dwellings adjoining the eastern edge of Minster Lovell. A range of supporting information and detailed plans have been provided. The development would be 1.5 storey. The vehicular access would be from Brize Norton Road.
- 5.2 The site lies to the rear of Nos. 39 and 41 Brize Norton Road with existing access between these two properties. The red line site area incorporates an existing single storey dwelling in the south west corner, and two workshop/storage buildings to the east of this. There is extensive hard standing and ad hoc outside storage of various materials and shipping containers. The site is currently used as a coach and taxi depot. To the east of the red line area is a parcel of greenfield land. There is a hedgerow to the eastern end of this adjacent parcel which forms part of an extensive hedge historically marking the eastern extent of the Charterville plots. The boundaries to the north and south of the plot are fenced.
- 5.3 To the south of the site the whole of a Chartist plot is used for the storage of caravans. South of this another Chartist plot contains a number of storage buildings and vehicle depot. North of the site and to a similar depth as the red line area the land is occupied by a collection of outbuildings and ad hoc outside storage.

- 5.4 Whilst the plots identified here have been subject to significant development, in general terms the greenfield Chartist plots have been retained more or less in their original layout on the east side of the village.
- 5.5 The site is not within the Minster Lovell Conservation Area which lies some distance to the north. The closest listed building is a Chartist bungalow at No.44 Brize Norton Road on the west side of the road. The site is not within the Cotswolds AONB or any other designated area. A public right of way lies approximately 200m to the east, running in a north-south alignment.
- 5.6 The planning history on the site is understood to be as follows:
- W2003/0215 - To allow two one hundred and six seater buses, two fifty seater coaches and one twenty-six seater minibus to operate from site, (non-compliance with condition 16 of planning permission W97/1397) (retrospective). Approve 17/06/2003
- W98/0459 - Demolition of existing workshop and erection of new workshop, alterations and extension to existing building to form offices. Approve 01/06/1998
- W98/0458 - Demolition of existing bungalow and erection of new bungalow. Approve 29/05/1998
- W98/0457 - Erection of one bungalow. Approve 29/05/1998
- W97/1397 - Change of use from scrapyard to depot for coaches and taxis. Approve 18/12/1997
- W97/1542 - Change of use of land to allow temporary siting of mobile home. Approve 17/12/1997
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
Siting, design and form
Landscape
Heritage
Highways
Ecology
Drainage
Residential amenity
S106 matters
- Principle
- 5.8 Minster Lovell is classified in the Local Plan 2011 as a medium sized, group B settlement. It is similarly identified as a village in the emerging Local Plan. Based on the settlement sustainability assessment (Nov 2016) the village is ranked 11th of the 41 settlements assessed in terms of services and facilities available.
- 5.9 The village benefits from a range of services, including a primary school, food shop, community building, recreation facilities, and pub.
- 5.10 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet

need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.

- 5.11 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.
- 5.12 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.13 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.14 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.15 Local Plan 2011 Policy H6 would not allow for the development of the application site under a strict interpretation of the definitions of infilling and rounding off contained therein. However, in the context of the Council currently being unable to definitively demonstrate a 5 year supply of land for housing, this policy is considered out of date with reference to paragraph 49 of the NPPF.
- 5.16 Emerging Local Plan 2031 Policy OS2 allows for limited development in villages which respects the village character and would help to maintain the vitality of these communities. Emerging Policy H2 allows for housing development on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the Plan, in particular the general principles in Policy OS2.

Siting, Design and Form

- 5.17 The plans show a small estate layout arranged off a cul-de-sac. There would be 4 detached units (2 x 3 bed and 2 x 4 bed) and 3 sets of semis (2 bed). The layout demonstrates that 10 dwellings can be accommodated with suitable provision of garden spaces and parking. All plots

on the north side of the site would face towards outbuildings on adjoining land, not main living accommodation.

- 5.18 There is a considerable amount of modern estate development in the northern western part of the village, west of Brize Norton Road. However, elsewhere in the village, whilst the frontages have been subject to significant redevelopment and infill, there is limited backland residential development. Nevertheless, the brownfield nature of the site, its history and adjoining land uses suggest that development in this particular location would be acceptable.
- 5.19 The development would occupy only a portion of the existing Chartist plot and the greenfield element would remain. The plans show an intention to provide planting to the edges of the site which would represent an enhancement.
- 5.20 Plot 1 would be sited approximately 15m from the rear of No.39 Brize Norton Road and gable-on. This is an acceptable relationship. There would be no direct overlooking between plots within the development and appropriate interfaces are achieved given the angle of buildings on the plots.
- 5.21 Plot 1 would be offset and angled away from No.37 Brize Norton Road. A revised site plan has been submitted showing that this unit would be set 8m away from the north boundary compared to 5m previously. There would be an oblique relationship to both the windows and patio area of No.37 and no unacceptable overlooking. The revised siting would reduce the perception of plot 1 being overbearing. Given the siting and separation, there would be no unacceptable loss of light to No.37.
- 5.22 The depot/workshop use is non-conforming in this predominantly residential area and the replacement of this use with dwellings would be likely to result in less noise and disturbance to existing residents. However, there would remain an outdoor storage use on the land to the south and mixed use to the north, so there could be the potential for noise here. A condition is recommended to ensure that appropriate sound levels are achieved in the new dwellings.
- 5.23 The plans show new planting to the periphery of the plots and a full landscaping scheme can be secured by condition.
- 5.24 The design of the individual buildings is of simple 1.5 storey houses and dormer bungalows which are in keeping with the prevailing character of Minster Lovell and of which there are many precedents in this part of the village. The materials are proposed to be render and slate which is also consistent with local examples.
- 5.25 The design, layout and form are considered acceptable in this location subject to the revision to plot 1.

Landscape

- 5.26 The land immediately adjacent to the built up frontage to the east and west of Brize Norton Road is classified as "rural fringe" in the West Oxfordshire Landscape Assessment". This classification notes the semi-domestic character, small scale field pattern (frequently horse grazing), and a somewhat unkempt appearance in places. This site is in a part of the settlement which is significantly visually contained by landscape features, including the mature hedge line to

the east. The site itself is positioned between land to the north and south that contains significant built form and storage uses.

- 5.27 The site is not prominent from public viewpoints and from the Brize Norton Road would be largely screened by existing frontage development.
- 5.28 Although backland residential development of this kind is not common on plots in this part of the village, the development would sit comfortably within the settlement morphology. The desire of the Parish Council to resist the development of the Charterville plots is understood, and shared by Officers. However, the specific characteristics of this site and its immediate neighbours suggest that development of the scale envisaged would be acceptable in this case.
- 5.29 With regard to local landscape character, there would be very limited harm arising in this instance given the specifics of the case.

Heritage

- 5.30 There are no listed buildings in close proximity to the site. The nearest is No.44 Brize Norton Road which lies approximately 95m to the north west. Others are dispersed throughout the settlement. The setting of all nearby listed buildings needs to be considered under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.31 The significance of the Chartist bungalows lies in the reason for their construction as part of the Charterville village and the social and historical importance of this. They are not remarkable architecturally, but do display consistent simplicity of design and use of materials.
- 5.32 The setting of No.44 is already compromised by infill development around it, including redevelopment of its plot, and the erosion of the regimented Charterville settlement pattern over time, particularly west of Brize Norton Road. The application site is separated from the listed building by modern bungalows fronting Brize Norton Road and the busy road itself. There would be very limited intervisibility and no direct effect on setting and significance.
- 5.33 Although not within a Conservation Area, the Chartist settlement as a whole can be considered an undesignated heritage asset by virtue of its history and relative rarity. The presence of a number of remaining Chartist bungalows that are listed, and undeveloped plots that exhibit the original village layout, allow the heritage of the village to be appreciated. No.44 is part of that story. The development would lead to some further erosion of the settlement pattern and legibility of original historic character, however, in terms of the NPPF paragraph 134 the harm arising would be in the less than substantial range. Taking account of site history, current use, characteristics and neighbouring development, and the benefits of bringing forward housing on a readily deliverable small brownfield site, it is considered that the limited harm is outweighed by the benefits.
- 5.34 There are no archaeological constraints on the development.

Highways

- 5.35 OCC Highways raised objection in the first instance and require:
 - 1) Further details of access proposals.

- 2) Secure covered cycle parking is required for all units.
- 3) Vehicle swept path analysis.
- 4) Drainage proposals.

5.36 Additional information was submitted in this regard and at the time of writing further advice from OCC is awaited. This will be reported at the meeting.

Ecology

5.37 A Phase I ecological survey has been provided which deals with the proposed red line area comprising mainly buildings and hard standing. This finds that there would be no impact on protected species and no further surveys are required.

5.38 It is recommended that hedgerow is retained and any removal takes place outside the bird nesting period. Ecological enhancements can be secured by condition. There is therefore no objection on ecological grounds.

Drainage

5.39 OCC required more information on drainage and their comments on additional information provided by the applicant will be reported at the meeting.

5.40 No objection is raised by Thames Water.

S106 matters

5.41 The scale of development, i.e. 10 units does not attract affordable housing contributions under emerging Local Plan Policy H3.

5.42 No contribution is required towards public art.

5.43 Contribution of £11,560.00 towards sport and recreation within the catchment and £8,180.00 towards play/recreation within the catchment are requested. It is noted that Minster Lovell Playing Field Trust would like to request £5,000.00 towards upgrading of the public tennis court at Brize Norton Road.

5.44 Local schools have sufficient capacity to meet the needs of a development of the proposed scale and therefore no contributions are required.

5.45 Any contributions in relation to transport matters will be reported at the meeting.

Conclusion

5.46 The site is located adjacent to a medium sized village benefiting from a number of services and facilities. In accordance with emerging Local Plan Policy OS2 it is suitable for limited development. The 10 units proposed would be considered a modest addition to the village.

5.47 The proposal represents an acceptable design and layout which would not result in unacceptable impacts on residential amenity.

- 5.48 The development would not extend beyond the previously developed portion of the site and would remove a non-conforming use from a predominantly residential area. The site sits appropriately within village morphology and adjacent development. There would be no material harm to landscape character.
- 5.49 The proposal would result in less than substantial harm to the non-designated heritage asset of the Charterville settlement which contains a number of listed buildings. The harm is at the lower end of the spectrum given site characteristics and this harm is outweighed by public benefits, including re-use of previously developed land, consequent environmental improvements and delivery of housing on a small site.
- 5.50 There would be no harm to ecology and enhancements can be secured by condition.
- 5.51 Conclusions on highways and drainage matters will be reported at the meeting.
- 5.52 In light of outstanding matters the recommendation is provisional approval subject to legal agreement, but the recommendation will be updated 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 and roofs 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 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include: details of all planting areas and plant species, numbers and sizes; details of all proposed boundary treatments and means of enclosure; hard surfacing materials; and any mounding; and the retention of any existing trees and hedges. The scheme shall have been fully implemented as approved by the end of the planting season immediately following the completion of construction and shall thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 5 The development shall be carried out in accordance with the recommendations contained in the submitted Phase I Habitat Survey and Preliminary Bat Survey by 4 Acre Ecology Limited dated 17.01.2017. Prior to commencement of the development, a scheme shall be submitted to and

approved in writing by the Local Planning Authority, to include the provision of: 6 bird boxes; and if close boarded fencing is used this shall include hedgehog holes in the base. The exact specification and location of 6 bird boxes, together with the timing of their installation, shall be submitted to and agreed in writing by the Local Planning Authority. The approved boxes shall be installed in accordance with the approved details and timescale, and in any event all the boxes shall be in place prior to the completion of the development and shall be retained thereafter. REASON: To safeguard and enhance biodiversity.

6 1. Site Characterisation

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

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A developed conceptual model of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved

remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with 3.

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.

- 7 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 8 The development shall conform with the desirable daytime and night time levels set out in BS8233/2014 of internal noise levels in living rooms of 35dB LAeq 16-hour (0700 to 2300hrs) and in bedrooms of 30 dB LAeq 8-hour (2300 - 0700hrs). No dwelling shall be occupied until any measures required to achieve these levels have been carried out in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.
REASON: To ensure appropriate amenity to residents in the light of potential for noise from neighbouring uses.

NOTE TO APPLICANT

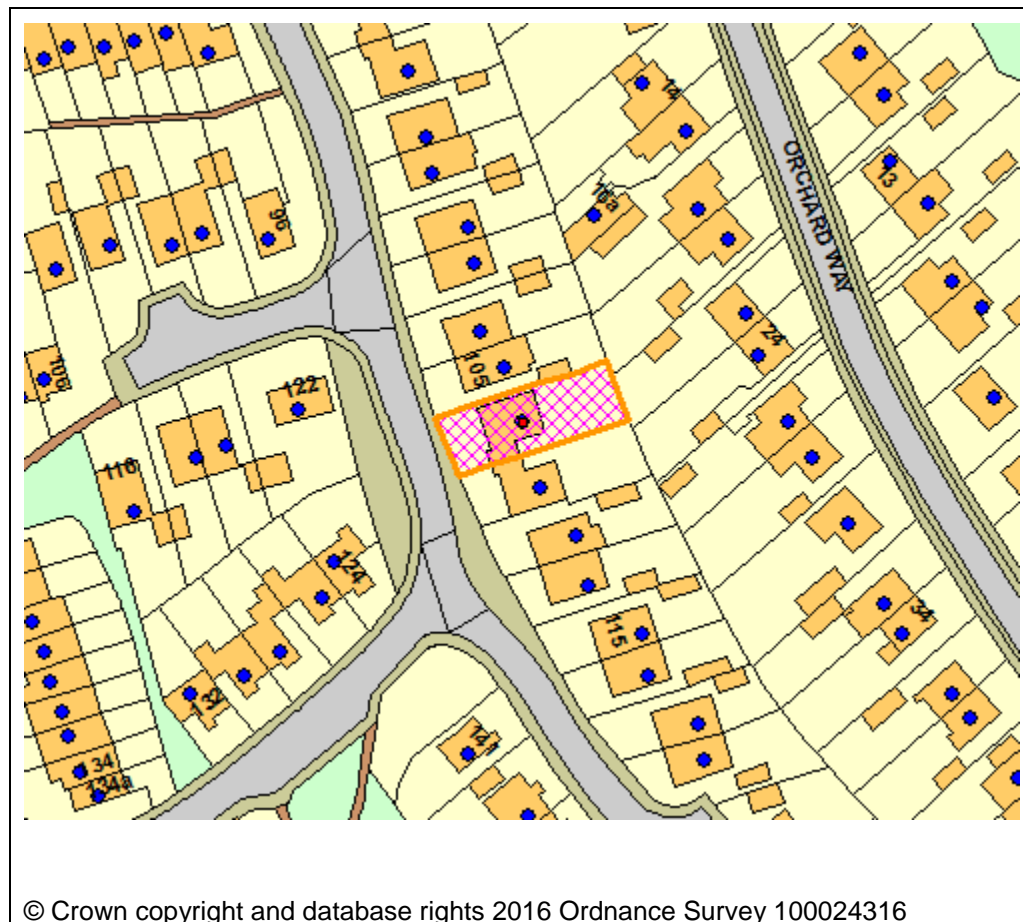
- 1 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:" A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Application Number	I8/00869/HHD
Site Address	107 Queen Emmas Dyke Witney Oxfordshire OX28 4DT
Date	30th May 2018
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Witney Town Council
Grid Reference	435011 E 209483 N
Committee Date	11th June 2018

Location Map



Application Details:

Conversion of garage to living accommodation and extension to create utility room (retrospective).

Applicant Details:

Mr And Mrs Puffitt, 107 Queen Emmas Dyke, Witney, Oxfordshire, OX28 4DT

I CONSULTATIONS

- 1.1 Town Council Witney Town Council has no objection to this application.
- 1.2 OCC Highways No comments received.

2 REPRESENTATIONS

- 2.1 One objection has been received which states that the development has been carried out badly and is structurally unsafe as well as being aesthetically unappealing and altering the look of the street.

3 APPLICANT'S CASE

- 3.1 West Oxfordshire District Council was asked for advice on whether planning permission was required before works commenced. The works were carried out on the basis of advice to the effect that no permission was needed, only building regulations approval. The works were signed off by building regulations in September 2017. Unfortunately, in order for there to be sufficient headroom in the dining room, the roof of the converted garage was higher than anticipated in the plans and is in fact higher than the eaves of the original bungalow. It was only after the work had been completed and the extra rooms furnished and decorated that the applicant became aware that planning permission was, in fact, needed. It was an honest and unfortunate mistake for which he is sorry.

4 PLANNING POLICIES

BE2 General Development Standards
H2 General residential development standards
OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This is a retrospective application for the conversion of a garage at 107 Queen Emma's Dyke to living accommodation and for the construction of an extension to the rear of the garage to create a utility room. The conversion and extension would ordinarily fall within permitted development rights but for the fact that the ceiling of the garage has been raised so that it is now sits higher than the eaves of the main dwelling, a bungalow, to which it is attached on the north side. The south side of the garage is attached to the garage of the dwelling next door. The conversion and extension works were carried out in 2017 and were inspected for compliance with building regulations. They were completed in September 2017 and received building regulations sign-off on 5 September.
- 5.2 Queen Emma's Dyke is a residential road to the south-west of Witney town centre. It is comprised of blocks of two semi-detached dwellings, some with linked garages (as in this case). This application was submitted as a result of an enforcement investigation which arose from a complaint. Although the applicant sought advice from WODC as to whether planning permission was required prior to commencing the works, the advice given that no permission

was needed was based on the Officer not having been informed that the ceiling of the garage was to be raised in the course of the conversion. Had the advising Officer been made aware of this fact, the applicant would have been informed that a planning application was necessary.

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

Principle

- 5.4 The principle of a garage conversion is considered acceptable, subject to considerations as to design and form.

Siting, Design and Form

- 5.5 This street is characterised by "blocks" of two semi-detached, single-storey dwellings set well back from the road. The gable end of the roof of the property the subject of this application faces onto the street and this is typical of some of the other dwellings on the road. The converted garage is attached on one side to the next door garage and on the other side to the main dwelling. The garage as built was flat-roofed and of the same height as the adjoining garage, sitting at the height of the eaves of the main dwelling.
- 5.6 Following the conversion, the roof has been raised by some 40 to 50 centimetres and a front parapet-style facade raises the height by a further 20 centimetres which serves to accentuate the disparity between the converted accommodation and the attached neighbour's garage. The flat-roofed form and height of the converted garage surrounded on one side by the gable end of the main dwelling and on the other by the neighbour's garage as originally built presents as an incongruous feature which is out-of-character with the other dwellings on the street, is aesthetically unappealing and prominently visible from the street scene.

Highways

- 5.7 There are no known highways issues.

Residential Amenities

- 5.8 A complaint has been made that the conversion has been carried out in a defective way and that this has caused structural and other problems for the adjoining property. This, however, is not strictly a planning issue and, on the basis the conversion was signed off as compliant with building regulations, the standard of workmanship and any consequent damage to the adjoining property is a private law matter.

Conclusion

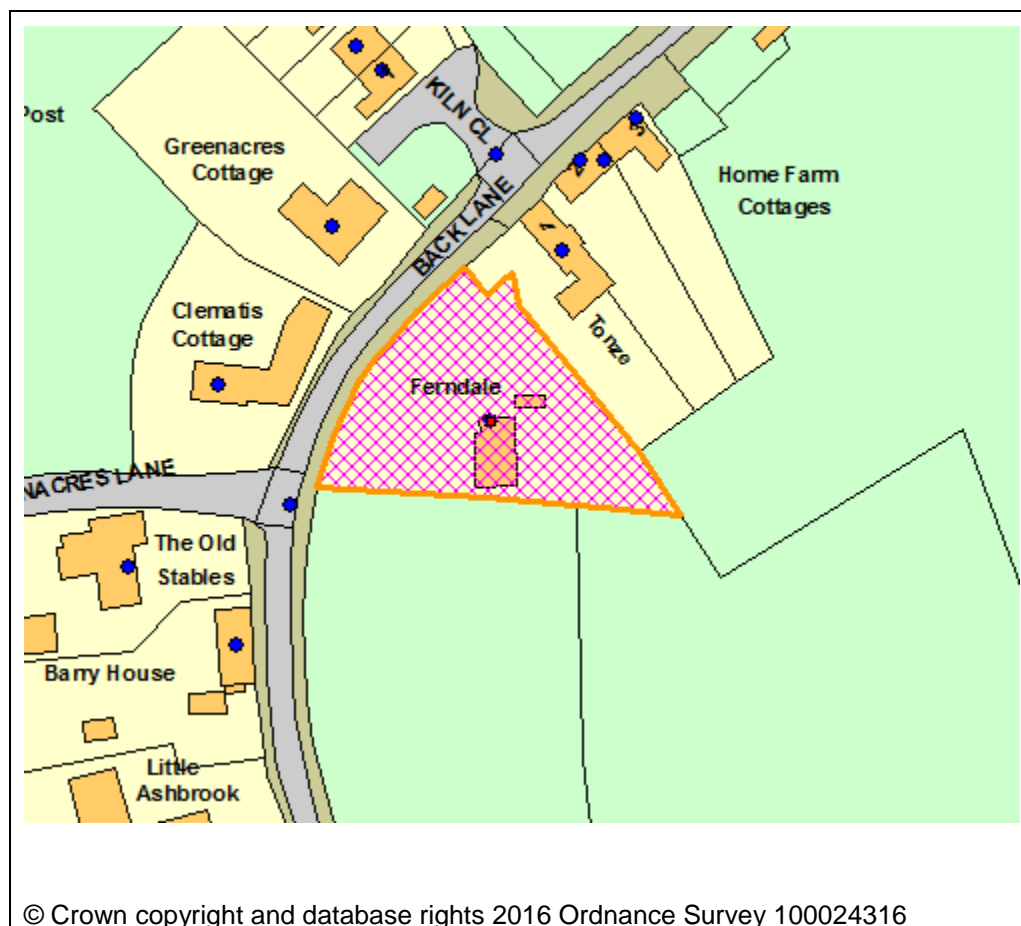
- 5.9 The converted garage projects above the eaves of the attached dwelling and above the garage attached on the other side. It is aesthetically unappealing and its increased height accentuates its alien form which is prominently visible from the street scene. In view of this, Officers would recommend the retrospective application be refused.

6 REASON FOR REFUSAL

- I The retrospective extension by reason of its form and design appears as an incongruous and alien addition to the existing dwelling to the detriment of the visual amenity of the streetscene. The development is therefore considered contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and Policies OS2, OS4 and H6 of the Emerging Local Plan 2031 and the relevant paragraphs of the NPPF.

Application Number	I8/00877/FUL
Site Address	Ferndale Back Lane Aston Bampton Oxfordshire OX18 2DQ
Date	30th May 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433879 E 203219 N
Committee Date	11th June 2018

Location Map



Application Details:

Conversion of Roof Space above Garage into Holiday Let. Insertion of rooflights and new external staircase.

Applicant Details:

Mr Mathew Keates, Ferndale, Back Lane, Aston, Bampton, OX18 2DQ

I CONSULTATIONS

- I.1 OCC Highways No Comment Received.
- I.2 Parish Council The Parish Council objects to this application for the following reasons:
- o The application under which approval for the garage was given (17/00395/HHD) had a condition attached to it restricting use of the building to garaging only in order to reduce the risk to highway safety that would be occasioned by using the building as a separate dwelling - condition 4 "The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes. Reason: In the interest of road safety and convenience and safeguarding the character and appearance of the area."
The reasoning to prohibit the accommodation from separate use from the dwelling remains relevant today. Converting the upper storey to a holiday let would create additional vehicle movements on this single track lane which has few passing places and no footway, and this would be detrimental to the safety of other drivers, cyclists and pedestrians, and would also be detrimental to the residential amenity of the existing residents of Back Lane.
 - o The proposed external stairway would represent an incongruous addition to the garage accommodation and would be out of keeping to the local area, given that it would be very visible in the street scene. The Parish Council considers that the addition of the external stairwell would harm the character and appearance of the area and would not enhance the setting of the Aston Conservation Area, which is a requirement of development in a conservation area.

2 REPRESENTATIONS

- 2.1 One letter has been received from Mr and Mrs Baughan of Clematis Cottage. The comments have been summarised as:
- Building is out of scale.
 - Has a wider profile and height.
 - The quality of the building work and materials is really outstanding but scale is too large.
 - It is felt that from the onset accommodation and not garaging has been the main driving force.
 - We now look onto a wooden wall and an increase in overlooking with the staircase and entrance door.

3 APPLICANT'S CASE

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

- The reason for the application is to convert the first floor of the detached double garage and store from domestic use to a one bedroom holiday let.
- The existing pitched roof is covered with plain concrete roof tiles and it is proposed to install velux patent glazed rooflights in both the north and south roof slopes.
- The external door will be timber half glazed door and frame with black iron ironmongery.
- The timber external staircase will be constructed on the west side to gain access to the new first floor holiday let.
- The Vehicular and Pedestrian Access to the site remains the same, and adequate parking will be provided adjacent the holiday let. The drive and hardstanding will have a gravelled finish to allow rainwater to permeate into the ground.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

BE5 Conservation Areas

EH7NEW Historic Environment

EH8 Conservation Areas

T4NEW Parking provision

OS2NEW Locating development in the right places

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks consent for the conversion of the roof space above a garage for use as a holiday let. The application site is located within Aston's Conservation Area. The application is to be heard before the Committee as the Parish Council has objected to the proposal.
- 5.2 The planning history of the garage includes:
- 17/00395/HHD - Planning Permission granted for Conversion of existing garage to create additional living space and erection of detached double garage with workshop. Closure of existing and formation of new vehicular access in revised position.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 Your officers consider that Policy TLC2 of the adopted West Oxfordshire Local Plan is relevant to this proposal as it discusses the change of use of existing buildings to visitor accommodation. It states that proposals for the change of use or conversion of buildings to visitor accommodation will be permitted provided there is adequate off street parking or other public parking available, the scale of the proposals does not generate a level of activity which would have a detrimental effect on the character or appearance of the area or the reasonable amenities of adjoining dwellings, the existing building should be capable of conversion without excessive alteration or rebuilding, and the character and setting of the existing building is not damaged.
- 5.5 As such your officers consider that the principle of providing tourist accommodation is acceptable in this location subject to the above issues being addressed.

Siting, Design and Form

- 5.6 The existing garage sits forward of the host dwelling, adjacent to Back Lane. The proposed accommodation will utilise the roof space of the existing garage. Proposed roof lights are to be inserted to both side elevations with a proposed external staircase.
- 5.7 Having had regard to the Parish Council's comments and the representation received regarding the garage, officers consider that the proposed staircase is of a minimal scale and of a simple design which would not adversely affect the visual appearance or character of the Conservation Area.
- 5.8 Within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

Highways

- 5.9 With regards to the Parish Council's comments regarding parking and traffic, the proposal is to utilise the roof space above the garage not the whole building. Given that parking will remain at ground floor level and that sufficient parking will remain on site, officers do not consider that an adverse level of parking will result.
- 5.10 Your officers have consulted with OCC Highways to request their advice regarding the proposal. Your officers will verbally update Members once OCC Highways respond which is anticipated to be received prior to the meeting.
- 5.11 However, it is worth noting, that a room in the existing dwelling, could be used for Bed and Breakfast purposes which would not come under planning control. As such officers do not consider that there would be an adverse increase in the amount of vehicular traffic.

Residential Amenities

- 5.12 Due to the positioning of the existing garage, your officers do not consider that the scale would result in overbearing issues to neighbouring properties' residential amenities. This issue was addressed at the time of the original application. The staircase is proposed to be set closer towards neighbouring properties, however due to the separation distance between the neighbouring property and the staircase, your officers do not consider that an adverse impact in terms of loss of amenity issues will result.

Conclusion

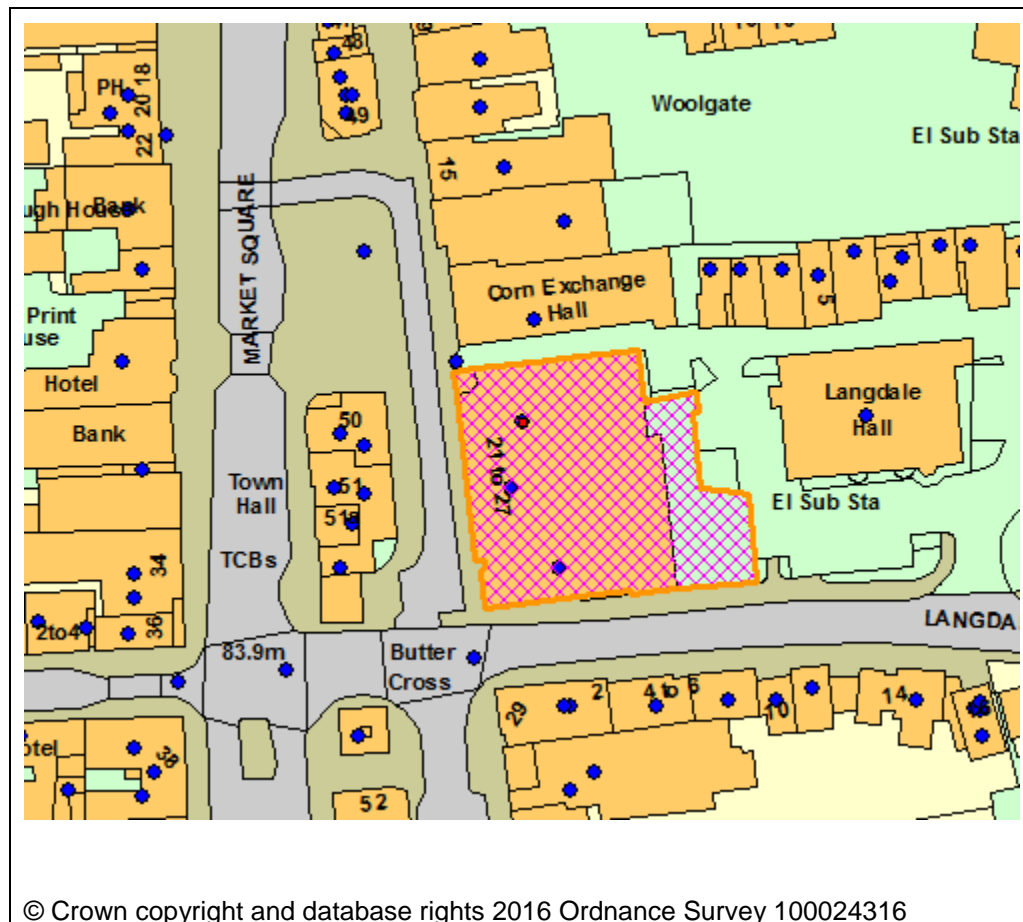
- 5.13 Overall, having assessed the proposal and taken into consideration the comments received, your officers consider that the proposal does accord with the relevant policies of the both the adopted and emerging West Oxfordshire Local Plans.

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.
- 4 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 6 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.

Application Number	I8/00922/FUL
Site Address	21 - 23 Market Square Witney Oxfordshire OX28 6AD
Date	30th May 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435633 E 209618 N
Committee Date	11th June 2018

Location Map



Application Details:

Change of use from existing retail storage area on first floor in Unit 1 to two flats including new access stairs. Insertion of new windows at first floor level on North and West elevations.

Applicant Details:

Perrers Properties Ltd, The Corn Exchange, Brunswick Street, Liverpool, L2 0PJ

I CONSULTATIONS

- 1.1 Town Council Witney Town Council objects to the proposal as it is concerned that there is no provision for waste receptacles/cycle storage or amenity space. There is no parking provision (2 spaces per dwelling is advised). Also there are concerns over the right of way which the Town Council is currently taking legal advice on.
- 1.2 WODC Drainage Engineers As this application is for a second floor change of use, no surface water drainage condition is required in this instance.
- 1.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. No objection.

2 REPRESENTATIONS

- 2.1 No comments received at the time of writing. The consultation period expired 10.5.18.

3 APPLICANT'S CASE

- 3.1 No supporting statement was submitted with the application.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE8 Development affecting the Setting of a Listed Building
SH3 Changes of Use in Town Centres
OS2NEW Locating development in the right places
OS4NEW High quality design
EH7NEW Historic Environment
H2NEW Delivery of new homes
E6NEW Town centres
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located within Witney's town centre and Conservation Area. Whilst the application site building is not listed, there are various listed buildings within close proximity of the site.
- 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 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 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.
- 5.6 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.
- 5.7 Witney is defined in the Emerging West Oxfordshire Local Plan as a Main Service Centre where new dwellings will be permitted where it is consistent with other policies in particular Policy H2.
- 5.8 Your officers consider that the principle of the change of use from retail storage to two flats at first floor level is acceptable and compliant with the relevant policies of the adopted and emerging West Oxfordshire Local Plans. The location is within the town centre which is considered to be highly sustainable. Various flats above commercial premises already exist within the town centre.

Siting, Design and Form

- 5.9 As part of the change of use of the first floor to flats new external openings are proposed to the north and west elevations of the existing building. Your officers consider that these are acceptable and will not harm the visual appearance of the existing building. Officers have suggested a condition to ensure that the materials and design will match the existing openings.
- 5.10 The application site is within Witney's Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

Highways

- 5.11 OCC Highways were consulted and have not objected to the scheme in terms of parking provision. As the site is within the town centre, whilst your officers appreciate the Town Council's comments, there is parking nearby within public car parks and public transport is easily accessible.

Residential Amenities

- 5.12 In terms of the Town Council's comments regarding waste provision, the application form states that a bin store is to be included under the new access stairs.
- 5.13 In addition whilst there is no garden amenity space provided, in such town centre locations, your officers do not consider that this would be a reason to justify a refusal of the application. There are various examples of such accommodation within the town centre which already exist.

Conclusion

- 5.14 Your officers have fully considered the comments raised by the Town Council, however the proposal will result in two units of accommodation within the town centre. As such your officers consider that the proposal complies with the relevant policies of both the adopted and emerging West Oxfordshire Local Plans.

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.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

NOTE TO APPLICANT

- 1 Please note that this planning permission does not override the civil rights of neighbouring properties or landowners.