

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 9th July 2018

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

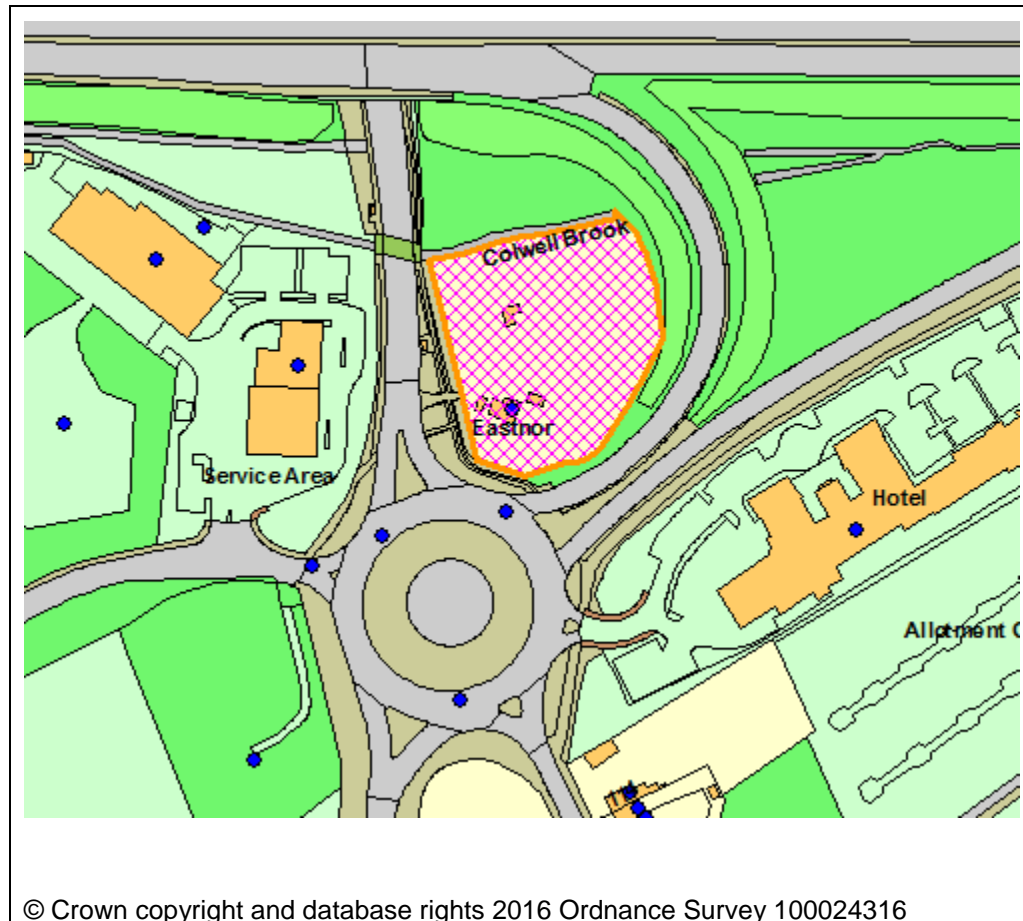
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

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Application Number	17/02845/FUL
Site Address	Eastnor House Ducklington Lane Witney Oxfordshire OX28 4TJ
Date	27th June 2018
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Ducklington Parish Council
Grid Reference	435184 E 208516 N
Committee Date	9th July 2018

Location Map



Application Details:

Demolition of existing dwelling and erection of two storey hotel (use class C1) and drive-thru coffee shop (use class A3) and associated car parking, access, landscaping and ancillary works (amended description and plans).

Applicant Details:

Mr James Hinton, Reims House, 8 The Croft, Buntsford Drive, Bromsgrove, B60 4JE, Worcestershire

I CONSULTATIONS

- I.1 Adjacent Parish Council Witney Town Council welcomes the proposal for development and believe it will enhance the town. It is pleased to note that Colwell brook and the environment has been taken into consideration. However the Town Council would like to recommend that a traffic island is put in place to prevent traffic from lane hopping onto the A40 and would also like clarification on the materials to be used in the construction.
- I.2 Major Planning Applications Team See subsequent comments.
- I.3 WODC - Arts A contribution of £25,780 towards off-site artist-led activity in the vicinity of the site which engages the community and aids orientation.
- I.4 Conservation Officer See subsequent comments.
- I.5 Biodiversity Officer There are several issues that require further details or amendments to be made to the proposals, which should be addressed before determination of the application. This principally concerns landscaping proposals and appropriate species specific mitigation. I will await the submission of the before determination requirements below before making further comments and recommendations for conditions. Several ecological reports have been submitted with the application rather than one Ecological Impact Assessment - these comprise a bat survey report, water vole and otter survey report and reptile survey report.
- I.6 ERS Air Quality No comments received.
- I.7 ERS Env. Consultation Sites The following report was submitted with the application:

-Ground Investigation and Piling Limited. Phase I Geo-Environmental Assessment Report for Proposed Commercial Development at Eastnor House Witney Oxfordshire. 14th August 2017. Ref: HO/25981.

Review of our records indicates that the proposed development site is in the vicinity of a number of areas of unknown filled ground and adjacent to a landfill area. Ducklington Landfill is located to the west of the site and our records suggest that it may contain inert, semi-inert, biodegradable waste and sewage sludge. It is agreed that further investigation is required to characterise the potential risk posed by contamination to future human health receptors.

A condition is recommended.

I.8 ERS Env Health -
Lowlands

The hotel appears to be concerned with achieving satisfactory internal sound environments for its customers and reference is made to 'Travelodge design criteria' for both external and internal noise criteria. The nearest residential is indeed another hotel at some 75 m. Whilst I applaud the applicants for aiming to protect their guests amenity, I think a condition which protects the nearest noise sensitive premises is also required. British Standard 4142:2014 (Method for rating and assessing industrial and commercial sound) derives limit noise levels to achieve an assessment of 'low impact'.

A condition which you may wish to consider:

Noise from external plant shall not exceed a rating level of LAeq 42 dB (1 hour) daytime and 34 LAeq (15 min) during night time hours 23:00 h to 07:00 h at the nearest noise sensitive dwelling (Four Pillars).

The opening hours of the drive-thru may also be a point for consideration. Presumably they will not want to wake their own guests...with car movements, voices etc.

I.9 Thames Water

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied -
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.
Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water recommend the following informative be attached to any planning permission: There are large water mains near to the proposed development. Thames Water will not allow any building

within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Supplementary Comments

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement. Thames Water cannot accept the connection of a rising main into an existing rising main. An alternative point of connection for the foul sewer is Witney Sewage Treatment Works. Thames Water will require the point of connection to the public sewer system as well as the anticipated pumped flow rate into any proposed connection point to be contained within the drainage strategy. We recognise that changes to our interaction with Developers especially around charges are expected to be implemented on 1 April 2018.

These changes may affect this identified alternative connection point and therefore the point specified above is relevant up to 1 April 2018.

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| I.10 | WODC Env Services - Waste Officer | No comments received. |
| I.11 | Environment Agency | See subsequent comments. |
| I.12 | Adjacent Parish Council | Witney Town Council whilst supporting the application is very disappointed that the number of rooms has been reduced from 72 - 37. There is a need for this type of accommodation in Witney, The Town Council would like to see a third storey added to the building and a mansard roof should be considered. The Town Council would also request that the road signage around the site indicates clearly the entrance to the site as it is concerned about cars trying to overtake stationary traffic by using the entrance lane. If a central island is out in, it would be beneficial to have a crossing. The Town Council would also like to see the inclusion of east and west bound bus stops. |
| I.13 | Parish Council | Councillors at their recent meeting raised strong objections to these plans on the following basis:

1. Road safety - too little roadway available to additionally service an hotel and coffee shop. The roads had to be recently |

updated by OCC to cope with current demand - and extra traffic will cause flows to revert to the previous levels that this work solved. It is so close to the A40 junction, with current heavy traffic. An hotel etc will bring in additional large lorries as well as the cars for hotel guests approaching and then leaving the site. The drive thru coffee shop adds to traffic issues and all is served only by a single roundabout.

2. It will be an inappropriate development in a very small land footprint for an hotel. This area currently also forms a boundary between the rural village of Ducklington and the urban area of Witney. The project would close this gap.

3. The existing garage construction and its appearance is sensitive to this rural scene (an example being the recent construction upgrade kept in place the gabled slate roof over the fueling pumps to match the surrounding area type buildings)

4. The proposed plan for the hotel etc shows an oblong box of no such character as in 3 above. It is also too high with no such roof line as described in 3 and is to be constructed in materials that are not as those used in the area and in the village. It's design is more suited to a factory unit on an industrial site - little reconstituted stone.

5. The bus stop near the bridge does not appear on the plans - what has happened here?

6. An hotel a is just down the Ducklington Road - having only recently been erected - what is the justification for another, especially in this tight area?

I.14 WODC - Arts

See earlier comments.

I.15 Major Planning
Applications Team

This updated consultation response has been submitted in response to additional information and amended plans submitted by the applicant (listed below) and should be read in conjunction with the county council's previous response dated 23 May 2018.

Amended Plans / Additional Information:

- Drawing numbers;
- 17-7035-101, Rev P1, Permavoid Option - External Works Layout and Drainage Plan
- 191-021, Rev A, Proposed Bus Shelter Relocation
- NT13073-002-E, Protected Right Turn

The county council's previous response objected to the application for the following reasons:

- Further details are required on the proposed road and footway / cycle lane layout on Ducklington Lane, to the north of the proposed site access.
- The county council cannot be satisfied from the plan submitted that the required visibility splay from the site access can be achieved.
- More information is required to determine how the proposed

development and highway works will impact upon the neighbouring highway structures

- Insufficient drainage storage capacity is provided to allow the system to drain down to an appropriate level and allow the system to function.

The county council also expressed concern that the existing bus stop located adjacent to the current site access would need to be relocated and that a suitable alternative location had not been identified.

The additional information submitted has addressed the county council's concerns and accordingly the county council can remove its objections subject to appropriate conditions (below) and obligations (as detailed in the county council's previous response dated 23 May 2018).

I.16	Conservation Officer	No objection.
I.17	Biodiversity Officer	No objection subject to conditions.
I.18	ERS Air Quality	No comments received.
I.19	ERS Env. Consultation Sites	No objection subject to condition
I.20	ERS Env Health - Lowlands	I have no new observations to make to add to my earlier response.
I.21	Thames Water	<p>Waste Comments</p> <p>The planning application proposal sets out that Foul Waters will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future then we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.</p> <p>The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.</p> <p>Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p>
I.22	WODC Env Services - Waste Officer	No comments received

I.23 Environment Agency

The revised reports and plans show that the buffer zone to the Colwell Brook main river has been widened to 7 metres. This alongside proposed enhancements as described within the Water Vole Study satisfies us that the biodiversity of the river and its corridor will be protected. We are therefore able to remove our objection to this development providing the development proceeds as proposed on drawings proposed site plan reference 191-010 Rev B dated 08/03/2018 and soft landscaping reference 17/058/01 Rev D. Environment Agency position We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included on any planning permission. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition The approved development shall proceed in accordance with the protection, enhancement and management of the main river buffer zone as detailed in the Otter and Water Vole survey Revision 1 dated May 2018. This includes:

- Supervision of all work within 7m of the main river bank top by a suitable ecologist;
- Protection from disturbance during construction by suitable fencing;
- Provision of a suitable lighting scheme to avoid light spill into the buffer zone and onto the watercourse;
- Management of overhanging trees and shading vegetation to improve conditions for water voles;
- Maintenance of the new native species hedge to 1.5m or less in order to minimise shade onto the buffer strip beyond;
- Management of the grass and other elements of the buffer to prevent scrubbing up over time.

Reason:

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

I.24 Parish Council

Ducklington Parish has the following comments:

This area is the Gateway to a Cotswold Town and village
From the A40 by-pass it will give the impression of a motorway type service area to those just passing through.- it will just drag people in!

This will invite passing traffic to stop at an already congested roundabout serving Witney and Ducklington and would adversely effect both and produce a congested and disappointing stop area as it is not a proper service complex.

For those living locally:

- Would create unnecessary congestion on a small roundabout already at maximum capacity in busy periods
- Witney does not need another Coffee Shop - it already has many and one just down the road at next hotel the Premier Inn and shortly afterwards the 4 Pillars and many more in Witney.
- It is too near the centre of Witney
- Witney already has enough hotels in much better locations only a stones throw away

Finally - Councillors would suggest that what is needed is a proposal for the whole site - what has happened to Aldi for example?

The whole area needs developing as an entrance to the Cotswold Town and Village to avoid a hotchspot of poor building on a congested site with poor road access.

2 REPRESENTATIONS

2 representations have been received referring to the following:

- What a dreadful shame to destroy this beautiful little oasis of tranquillity, that is full of beautiful trees and shrubs and no doubt birds, bats and insects. I would imagine it buffers up well against the brook on its perimeter affording it protection.
- The replacement plans are ugly, will destroy the ecology of the site and will potentially damage the water course.
- It would be a terrible shame to allow this development but sadly my faith in the planning system makes me think it will inevitably get a big thumbs up.
- Assume that this application is being considered in isolation, rather than as it might affect any further development of the infrastructure of Witney.
- I refer to the possibility of bringing the railway back to Witney and Carterton as a possible way to ameliorate the traffic congestion to Oxford. If the railway were to be brought back (which I would think highly desirable) about the only way to pass through Witney without major demolition of existing buildings would be along a line just to the South of the A40. The line could approach Witney south of the A40 over fields, stopping perhaps at High Cogges for the benefit of residents on the East of the town. Then there is just enough room for the line to squeeze between the A40, Witney Lake, the existing roundabout and the Shell garage, before heading out over fields again towards Carterton, crossing the A415 beside the A40 flyover over a new bridge. The site of Eastnor however is the only space for building a station and providing a multi-story carpark to service the line in central Witney. I

would consider this a much better use of the land at Eastnor for the benefit of the residents of the area as a whole, than another huge hotel which I do not believe we need.

- With reference to the existing land surrounding Eastnor House, I wonder if anyone is aware that there are literally hundreds of thousands of snowdrops growing there? Possibly even some of the more unusual varieties. Maybe it is possible to save some of them as it would be such a shame if they are just taken to landfill.

3 APPLICANT'S CASE

- 3.1 The application site is situated approximately 2.5km to the south of the centre of Witney, adjacent to the A40 and accessed from the A415 Ducklington Lane. It proposes a 37 bedroom Travelodge Hotel and a 204sqm Costa café and drive thru.
- 3.2 The development will have a positive effect on the character of the locality, replacing a brownfield site with a modern development, providing a complementary usage to the adjacent developments. The proposal accords with the principles of sustainable development and the policies for regeneration and making the best use of previously developed land as outlined in national and local planning documents.
- 3.3 The proposed development has been designed to the highest standards and:
- will deliver a quality design which responds to its local context
 - will introduce active hotel uses to the street scene
 - includes a number of sustainable design initiatives making the project sustainable in social, economic and environmental terms is well landscaped to improve the appearance of the locality.
- 3.4 Careful consideration has been given to site access and parking, and the proposal will not be harmful to the highway safety or the wider transport network. The site is also easily accessible by a range of sustainable modes of transport, including pedestrians, buses and cyclists.
- 3.5 Overall the proposal complies with the development plan and in the absence of material considerations to indicate otherwise, planning permission should be granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE18 Pollution
BE19 Noise
NE2 Countryside around Witney and Carterton
NE13 Biodiversity Conservation
NE6 Retention of Trees, Woodlands and Hedgerows
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
T3 Public Transport Infrastructure
TLC1 New Tourism, Leisure and Community Facilities
TLC3 New Build Tourist Accommodation
TLC7 Provision for Public Art

EH2NEW Biodiversity
EH6NEW Environmental protection
OS1NEW Presumption in favour of sustainable development
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
E4NEW Sustainable tourism
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 a two storey hotel comprising 37 bedrooms, a drive through Costa Coffee with 204 sqm of floorspace, and 59 car parking spaces. This represents a significant revision compared to the previous proposal which included a 4 storey building with 72 bedrooms, Costa Coffee with 204 sqm of floorspace and 78 parking spaces. A range of supporting information has been provided including an assessment of the need for additional hotel provision in Witney and a sequential consideration of alternative sites. The vehicular and pedestrian access would be from Ducklington Lane.
- 5.2 The site is currently occupied by a single, two storey dwelling with outbuildings on a large residential plot. Immediately to the north is the Colwell Brook and beyond this the A40 running in an east-west direction. The west bound slip road for access to the A40 wraps around the south and east of the site. The west side of the site adjoins Ducklington Lane and the south east corner abuts the roundabout. Other existing development nearby includes the Four Pillars Hotel to the south east and a petrol filling station and retail store to the west.
- 5.3 The boundary of the Ducklington Conservation Area lies approximately 400m to the south. There are no listed buildings in the vicinity. In this case it is considered that heritage is not a material factor.
- 5.4 There is no relevant planning history associated with the site.
- 5.5 The site lies within a strategic gap/buffer area south of Witney, as identified in adopted Local Plan Policy NE2. The intention of the policy is to control undesirable urban sprawl and incremental development proposals on the fringes of the town. Application of the policy would maintain the setting of the town, the separate identity of Witney and Ducklington and avoid coalescence. However, it is relevant to note that whilst the emerging draft Local Plan does not contain a similar policy or designation, under Policy WIT4 it does refer to the protection and enhancement of the setting of Witney and neighbouring villages. It is also relevant to note that in order to meet identified housing and other development requirements some land within the areas designated under Policy NE2 on the edge of Witney and Carterton has been either allocated or granted permission for development which can be said to have reduced the amount of weight that can be attributed to the policy.

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

Principle
Siting, design and form
Trees, landscaping and ecology
Highways
Drainage
SI06 matters

Principle

- 5.7 The site falls within the countryside between Witney and Ducklington, although the particular location is significantly urbanised by existing buildings and infrastructure.
- 5.8 Witney is the highest order settlement in the District and remains the main focus for new housing and commercial development. The need for new development cannot be accommodated on land within the larger settlements and some expansion into the countryside adjoining settlements has been identified as being necessary to meet identified needs. As referred to above, to an extent this can be said to diminish the weight than be attached to Policy NE2 of the adopted Local Plan but it remains a relevant material consideration. Whilst not identifying a specific 'gap' or 'buffer', the emerging Plan refers to the importance of the setting of settlements and avoidance of coalescence, for example policies OS2 and WIT4.
- 5.9 The applicant has identified a need for more hotel accommodation in this area and has undertaken a sequential test to see whether any sites within Witney would be suitable in terms of location, constraints and availability. This exercise did not identify any suitable candidates and accordingly the search area was expanded to more peripheral areas. The approach is consistent with paragraph 24 of the NPPF and the application site is considered to be relatively well connected to the town centre in terms of walking, cycling, public transport and private car. It also benefits from easy access to the A40 and destinations elsewhere.
- 5.10 Adopted Local Plan Policy TLC1 deals with tourism facilities and allows for visitor related proposals that respect and enhance the intrinsic qualities of the District. The supporting text notes that the Council is keen to see additional and improved visitor accommodation. Policy TLC3 refers to new build tourist accommodation in the open countryside. Whilst the site is close to the edge of Witney and Ducklington, it is strictly speaking in the countryside. The proposal would therefore not be consistent with Policy TLC1 which envisages new tourist development in association with that which already exists or would bring about enhancement or improvement of the visual qualities of the area.
- 5.11 Emerging Policy E4 allows for new tourist and visitor facilities within or close to service centres and villages. Under the terms of the policy there are a number of criteria that would apply to open countryside, but on a fair reading of the text whilst the site sits within a countryside gap between Witney and Ducklington, it could not reasonably be considered as 'open' countryside, i.e. remote from a settlement albeit it does form part of the setting of Witney and the gap between Witney and Ducklington.

- 5.12 The NPPF is generally positive about tourism related development and economic development in general.
- 5.13 The site is occupied by a house and outbuildings which sit within a large landscaped plot. Although vacant and somewhat overgrown, the site is not degraded or requiring regeneration. It provides a pleasant oasis of green amongst existing built form and urbanising influences, and forms an important part of the narrow gap between Witney and Ducklington. The relevant policies of the adopted Local Plan, emerging Local Plan and NPPF as regards the principle of the proposal do not provide a consistent approach to the merits of this form of development in this location. Officers note that there has been resistance in the past from a policy point of view to development that would encroach into the gap between the settlements. This question of coalescence remains a concern and the proposal would undoubtedly significantly erode the gap. This harmful effect will need to be factored into the balance of considerations. There is also a question as to whether development in this location could create a precedent for further development which would further exacerbate the potential for erosion of the gap and coalescence of Witney and Ducklington.

Siting, Design and Form

- 5.14 The layout and design of the proposal has been subject to significant revision since original submission. This was to resolve Officer concerns about the scale and massing of the building and its prominence, as well as the visibility of the car parking.
- 5.15 The plans now show a two storey "L" shaped building at the south west part of the site. The corner of the building shows gables facing south and west which provide a strong feature on the prominent part of the building adjacent to the roundabout. The two storey height would not be unduly dominating and the proportions of the building are generally acceptable given the internal space requirements and commercial nature of the use.
- 5.16 The car parking is arranged to the north of the building and is now set back from the northern edge of the site to provide a buffer to the brook. This allows existing planting on this northern edge to be retained. It is also set away from the western boundary at Ducklington Lane. These changes reduce the visual prominence of the car parking from public viewpoints.
- 5.17 The use of gables and varying ridge height reduces the perceived massing of the building and its proposed siting, along with the position of the car parking, is considered the optimum solution as regards layout give the constraints of the site. The design is somewhat utilitarian but is reflective of the operational needs of the applicant as regards internal floorspace. The design and form are therefore considered acceptable.

Trees, landscaping and ecology

- 5.18 The site contains a significant number of trees and a tree report has been provided. This categorises the trees in terms of species, size, condition, life expectancy and value. All the trees within the site with the exception of the ones close to the brook will need to be removed to facilitate the development. However, all of these trees are found to be either category C (young trees or those of low quality with less than 10 years life expectancy) or category U (trees in such a condition that they cannot realistically be retained).

- 5.19 Whilst in arboricultural terms the trees individually are acknowledged to be of limited value, collectively along with trees on adjoining land, garden shrubs and grass they contribute to the green interlude provided by the site as a whole. Nevertheless they do not currently benefit from any protection and would not be worthy of Tree Preservation Order.
- 5.20 The belt of trees to the east of the site alongside the A40 slip road lies outside the site area and would be retained. This group is of higher value under category B and provides significant screening and a green backdrop to the site when viewed from the west and south west.
- 5.21 New planting is shown as part of the redevelopment proposal, but this is somewhat limited given the size of the site and land to be given over to built form and hard surfaces. The frontage of the site would be softened with planting between the building and the road. On balance it is considered that the approach to landscaping is acceptable.
- 5.22 The Council's Biodiversity Officer has considered the application, including revisions and treatment to the undeveloped areas. No objection is raised subject to conditions dealing with implementation of ecological recommendations, repeat surveys for otters and water voles if development is delayed by 12 months or more, mitigation and enhancement measures and future monitoring and management. The Environment Agency raises no objection but recommends a condition in relation to the protection, enhancement and management of the main river buffer zone.

Highways

- 5.23 Access would be taken from Ducklington Road on the west side of the site.
- 5.24 The applicant has been in ongoing discussions with OCC on the means of access, site layout and treatment to highways infrastructure such as road layout and the location of the bus stop. This has resulted in significant revisions to the plans which are now acceptable to OCC.
- 5.25 The proposed highway works to provide the protected right turn, shows that the proposed highway works do not extend to the culvert over Colwell Brook are unlikely to impact upon that structure. The detailed designs and engineering plans related to the extent of the highway works, including extent of excavation, resurfacing etc. can be agreed under the required S278 Agreement. This would include: Widening of Ducklington Lane; formation of new site access; and hardstanding area for provision of new bus stop on eastern side of Ducklington Lane.
- 5.26 The shared use footway where it passes over the culvert will be maintained at its current width and visibility splay will not be obstructed by the parapet or adjacent tree at the culvert.
- 5.27 The bus stop and shelter can be relocated to the north of the site, between Colwell Brook and the A40 overbridge without impeding the shared use footway / cycle lane.
- 5.28 Financial contributions will be required towards new bus stop infrastructure on the southbound carriageway of Ducklington Lane to include a replacement bus shelter and bus stop flag and pole, and introduction of a Traffic Regulation Order.

Drainage

- 5.29 OCC (drainage) have confirmed that they are satisfied with the drainage strategy for the site and have removed their objection subject to a drainage condition.
- 5.30 It is intended that foul drainage will not connect to the mains system. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future then Thames Water would consider this to be a material change to the application details, which would require an amendment to the application and they would need to review their position.
- 5.31 The Environment Agency raises no objection having considered revisions to the scheme.

SI06 matters

- 5.32 A contribution of £25,780 towards off-site artist-led activity in the vicinity of the site which engages the community and aids orientation.
- 5.33 A contribution of £9,320 towards providing new bus stop infrastructure on the southbound carriageway of Ducklington Lane to include a replacement bus shelter and bus stop flag and pole.
- 5.34 A contribution of £5,200 to cover the administration and consultation costs for two new/amended Traffic Regulation Orders.

Conclusion

- 5.35 The site is considered to be in a suitable location in sustainability terms, being located adjacent to major roads, close to Witney, and accessible by foot, cycle and bus.
- 5.36 The applicant has demonstrated a need for a new hotel in this part of the district and applying the sequential test the site is considered suitable in terms of policies for the location of town centre uses expressed in the NPPF. The importance of tourism in the District and economic advantages of providing more hotel accommodation in the area is a significant benefit of the scheme. It is considered that the provision of a hotel of this scale along with a coffee shop would not materially affect the vitality and viability of Witney.
- 5.37 The site is located in the gap between Ducklington and Witney. The relevant policies of the adopted Local Plan, emerging Local Plan and NPPF as regards the principle of the proposal do not provide a consistent approach to the merits of this form of development in this location. The restrictive nature of adopted Policy NE2 of the adopted Local Plan is now somewhat out of step with the acknowledged need to allow some development on the edge of settlements to meet identified needs. However, Officers note that there has been resistance in the past from a policy point of view to development that would encroach into the gap between the settlements and that the emerging draft Local Plan continues to refer to the importance of the setting of settlements and avoidance of coalescence. This question of coalescence therefore remains a concern and the proposal would undoubtedly significantly erode the gap. This harmful effect needs to be factored into the balance of considerations.
- 5.38 There would be no material harm in heritage terms.

- 5.39 The siting, layout and design of the proposal have been subject to significant amendment and are now considered acceptable, given the commercial requirements of the applicant. Setting aside the question of coalescence, the proposal would not have an unacceptable effect on the character and appearance of the area.
- 5.40 Whilst a significant number of trees would be removed from the site, none of these is of good quality. The tree belt on the land adjacent to the east would be retained, as well as those along the brook.
- 5.41 There is no objection on ecology grounds, subject to conditions that would include enhancements for biodiversity.
- 5.42 OCC Highways raise no objection in relation to access and highways issues.
- 5.43 OCC Drainage, Thames Water and the Environment Agency raise no objection in connection with drainage and flood risk matters.
- 5.44 Having taken into account material planning matters, and balancing the harm arising from the erosion of the gap between Witney and Ducklington with the economic benefits, it is recommended that on balance the application is approved subject to completion of a legal agreement.

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 roof 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 Prior to the erection of any external walling, a sample panel of external walling materials shall be erected on site and approved in writing by the Local Planning Authority and thereafter be retained until the development is completed. The walling shall be completed as approved.
REASON: To safeguard the character and appearance of the area.
- 5 The approved landscaping scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

- 6 No development (including site clearance and demolition) shall commence until a plan showing all existing trees to be retained on a tree protection plan which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 7 1. No development shall take place until a site investigation to assess volatile contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

2. 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.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To ensure any contamination of the site is identified and appropriately remediated.

- 8 The approved vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

REASON: In the interest of highway safety and in accordance with the NPPF.

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

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (contact details of any management company must be provided)
- Contact details of landowner post development
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365

- Detailed drainage layout with pipe numbers
- Detailed construction drawings for all elements of the drainage strategy
- SUDS (the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

REASON: In the interests of highway safety, to avoid the risk of flooding and in accordance with the National Planning Policy Framework.

- 10 No building shall be occupied until the vehicular access, car and cycle parking spaces, and turning areas (for cars and refuse vehicles of not less than 11.4m in length), that serve the buildings has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

- 11 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details. Where applicable, the CTMP must include the following:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.

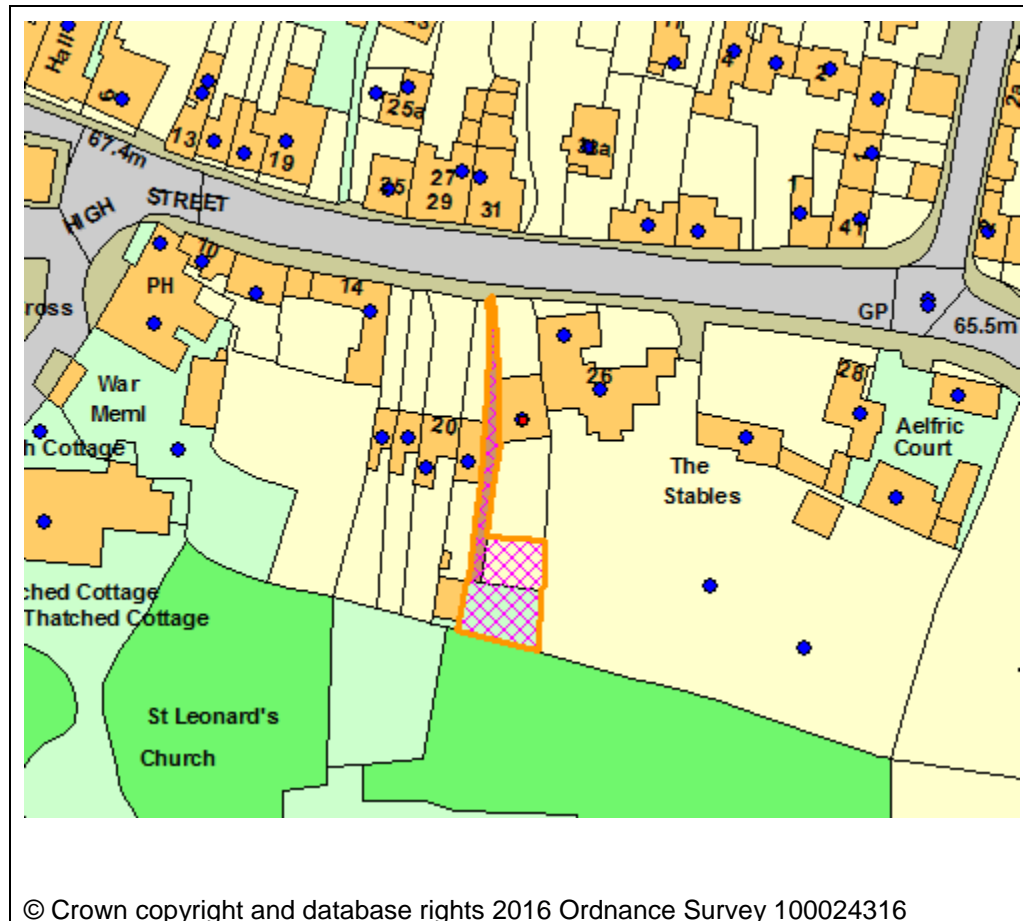
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of the efficient operation of the highway network and in the interests of highway safety.

- 12 Prior to the first occupation of the development hereby approved, a Travel Plan Statement in relation to the hotel, prepared in accordance with Oxfordshire County Council's Guidance Note "Transport for New Developments: Transport Assessments and Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.
REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.
- 13 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.
- 14 Noise from external plant shall not exceed a rating level of LAeq 42 dB (1 hour) daytime and 34 LAeq (15 min) during night time hours 23:00 h to 07:00 h at the nearest noise sensitive dwelling.
REASON: In the interests of residential amenity.
- 15 Ecology conditions including the observations of the Environment Agency to be confirmed.

Application Number	17/03959/FUL
Site Address	24 High Street Eynsham Witney Oxfordshire OX29 4HB
Date	27th June 2018
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443385 E 209240 N
Committee Date	9th July 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 201 I BE2, BE5, H2. LP 203 I 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 201 I BE2, H2. LP 203 I 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 203 I 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 201 I BE2, BE3, H2. LP 203 I 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 11 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 Abbey 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
- Site visit is required

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. The summer equinox which I attach here shows virtually nil additional affect. 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

- 3.14 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.
- 3.15 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.

- 3.16 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.
- 3.17 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

- 3.18 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.
- 3.19 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

- 3.20 There is no proposal to create a new vehicular access road and parking to the rear of the site.
- 3.21 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.
- 3.22 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.
- 3.23 We find the suggestions that we would damage it in any way offensive.

3.24 Further points:

Sustainable design

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.

3.25 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

Background Information

- 5.1 Members will recall that this application was deferred at the last meeting to enable Members to undertake a formal site visit.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.3 The application 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.
- 5.4 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

- 5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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

- 5.11 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.
- 5.12 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.
- 5.13 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

- 5.14 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 problematic as to justify refusal.

Conclusion

- 5.15 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.
- 5.16 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.
- 5.17 Given the above officers are of the opinion that the proposed development is contrary to policies BE2, BE5, BE8, 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.

5.18 Refusal is therefore recommended.

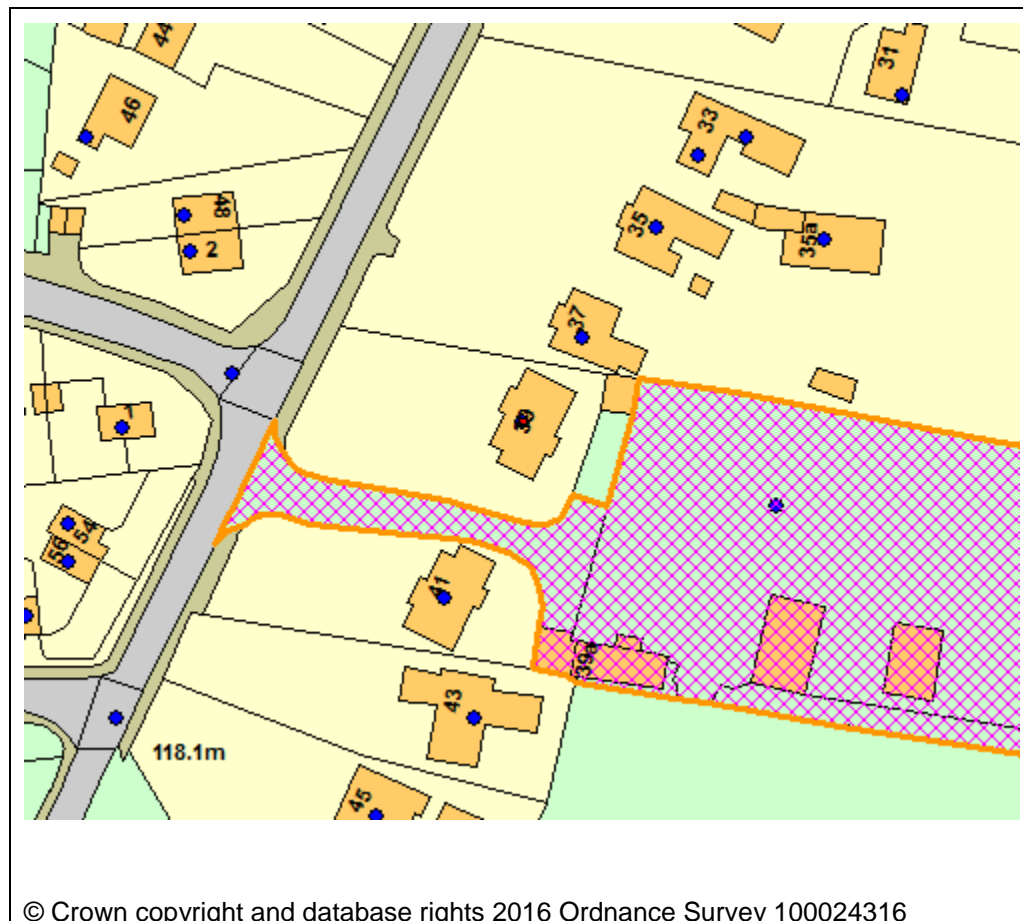
6 REASONS FOR REFUSAL

- 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, NE1 NE3 and H2 of the Adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4, EH7, EH1 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	18/00544/FUL
Site Address	39 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SF
Date	27th June 2018
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	431373 E 210652 N
Committee Date	9th July 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.

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|------|----------------------------------|--|
| I.10 | WODC Housing Enabler | The proposal is for fewer than 11 units and no contributions to affordable housing are required. |
| I.11 | WODC Planning Policy Manager | No Comment Received. |
| I.12 | Major Planning Applications Team | No Comment Received. |

2 REPRESENTATIONS

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.
- The proposal will redevelop a parcel of previously developed land of low environmental value.
 - Development of high quality design that is more appropriate in scale, design and layout to the surroundings.
 - Approximately 15 jobs created during construction.
 - 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.
 - 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 Oxforshire 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
SI06 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 required:
- Further details of access proposals.

- Secure covered cycle parking is required for all units.
- Vehicle swept path analysis.

5.36 Additional information has been submitted in this regard and it is considered that these objections have been overcome.

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. To address this the applicant provided detailed responses to their concerns and an updated Flood Risk Assessment and Drainage Strategy. At the time of writing a final view from OCC Drainage is awaited and their comments will be reported at the meeting. It is likely that any outstanding matters in this regard could be addressed by condition.

5.40 No objection is raised by Thames Water.

SI06 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 drainage matters will be reported at the meeting.
- 5.52 The application is recommended for approval subject to OCC Drainage either withdrawing their objection or recommending a condition.

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 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.
- 9 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
- 10 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.
REASON: In the interests of road safety.
- 11 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety
- 12 A potential requirement for a drainage condition to be advised.

NOTE TO APPLICANT

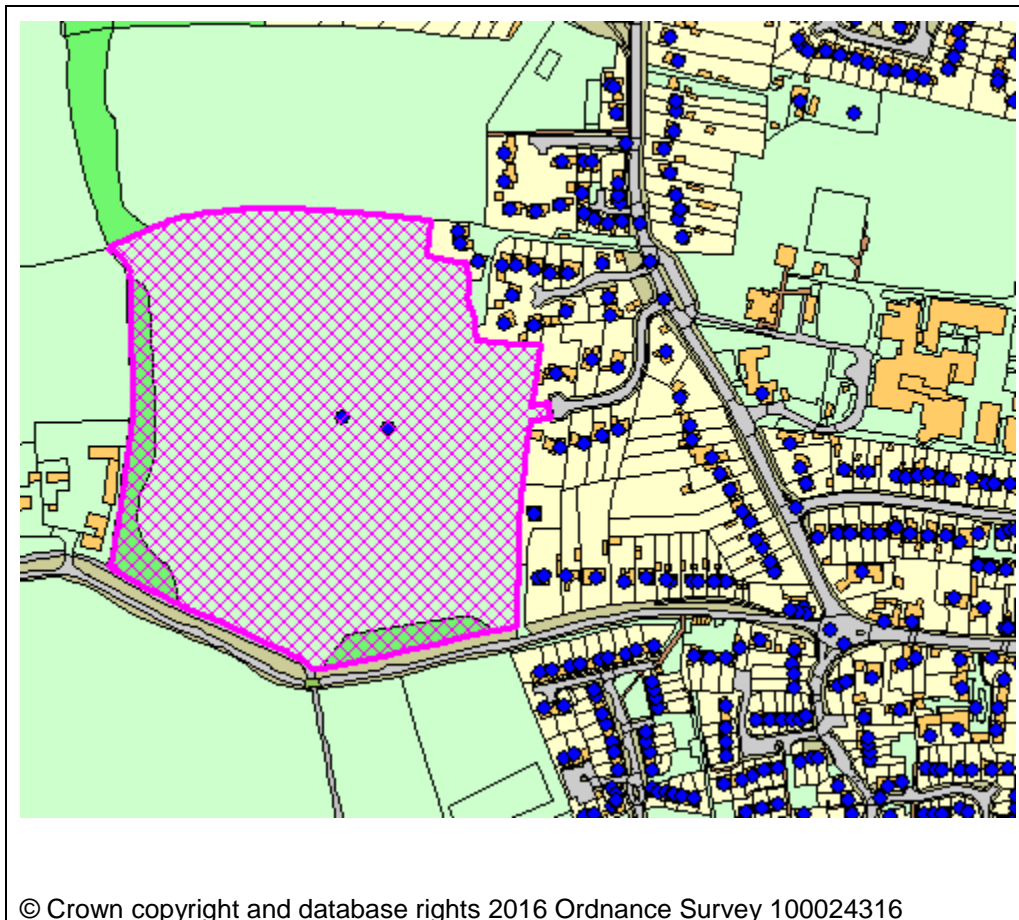
- I There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building 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.

Application Number	18/01009/RES
Site Address	Land West of Thornbury Road Eynsham Oxfordshire
Date	27th June 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442549 E 209439 N
Committee Date	9th July 2018

Location Map



Application Details:

Construction of 160 dwellings and associated works. (15/03148/OUT) To include discharging of conditions 2,5,6,7,8,9,11 and 12 of planning permission 15/03148/OUT.

Applicant Details:

Mr Steven Neal, C/O Agent.

I CONSULTATIONS

I.1 Parish Council

Eynsham Parish Council objects to the following elements of the proposed development:

While the Parish Council does not object to the application in principle, it is disappointed by the unimaginative lack of mix of market and affordable homes which tends to ghettoize the affordable housing within an out of date planning model. This does not reflect the current mix of housing in Eynsham as a whole.

With the emphasis on larger three, four and five bed houses (64%) there is little provision for downsizers or lifetime homes. Also there is restricted availability for first time buyers wishing to buy market homes (only 3% two bed market houses).

The provision of designated parking in the 'mews' area of the proposed development appears to allow vehicle parking to dominate the space, to the inconvenience of pedestrians and cyclists, and the detracting of the visual aspect, contrary to the best practices referenced in the Manual for Streets (at 8.3).

The Council is concerned that the proposed design concentrates the higher, three storey, buildings in the northern, and highest, area of the site, increasing the visual impact of the development from both the surrounding countryside and the village itself.

The Council is also concerned about the future maintenance of the public open space in the proposed development, which is inadequately addressed in this application. This is based on the experience of the applicant's 100 dwelling development of Hazeldene Close, Eynsham, where maintenance provision by the applicant has proved seriously inadequate to the ongoing detriment of the residents of Hazeldene Close and the quality of the development itself.

The Council supports the Construction Traffic Management Plan for the protection of the residents and the village during this large construction project.

The Council also notes that the S278 Agreement plan now clarifies the means of access and road markings for Thornbury Road.

I.2 Major Planning Applications Team

Objection to original plans

Based on the information at hand, it is considered the application has not provided sufficient detail to warrant support from the Highways Authority.

Key points

No Drainage strategy has been submitted for this site so far
Refuse vehicle tracking identifies potential highway safety issues

Absence of cycle parking facilities

- 1.3 WODC Landscape And Forestry Officer No Comment Received.
- 1.4 Conservation Officer Raised concerns regarding some of the detailing which has now resulted in the submission of amended plans
- 1.5 Biodiversity Officer I am satisfied with the information submitted for discharge of condition 5 of planning consent 15/03148/OUT, which requires a programme of works to safeguard the ecological value of the site during construction and to enhance it in the longer term to be submitted to the LPA for approval. An 'Ecological Management and Biodiversity Enhancement Plan' dated February 2018 prepared by Windrush Ecology has been submitted with the reserved matters application and I recommend that this is sufficient for the discharge of condition 5.
- 1.6 ERS Env Health - Lowlands I have no adverse observations to make.
- 1.7 ERS Env. Consultation Sites No Comment Received.

2 REPRESENTATIONS

- 2.1 In respect of the original plans 21 letters have been received, albeit that 9 originate from one household.
- 2.2 The main points raised may be summarised as follows:
- Thornbury Road is inadequate to serve the development
 - Would be better if planned as part of the wider development area
 - What will happen to the existing western end of Thornbury Road?
 - Road needs re surfacing
 - Concerned drains will be damaged
 - How high will the houses be and what measures are there to retain privacy?
 - Pleased there is 50% affordable housing provided
 - Impact on school
 - Impact on A40
 - Toll bridge and A40 needs sorting before further development in West Oxfordshire
 - Development should be east of Oxford and not west
 - We need more bungalows
 - Plans appear more dense than outline application
 - Further public consultation is required
 - Affordable housing is too clustered
 - Too close to Willows Edge
 - Apartments are on highest part of site
 - Request more open space/lesser density

- Should have smaller houses backing on to neighbours
- A 3d model should be created
- Boundary details are inconsistent
- Adjoining properties not shown accurately
- Apartments are too high and will not be an appropriate landmark
- Ground should be lowered or design changed to reduce impact
- concerned at impact on Ridge and Furrow archaeology
- Proper investigation needs to be carried out
- Will not encourage cycling, walking etc
- Village infrastructure is inadequate
- Site is a community asset
- Loss of wildlife value
- Should be lower density/height along the boundaries
- Materials should blend in better
- Concerned at tree loss
- Where is provision for elderly people?
- Concerned at flood risk
- Contrary to adopted plan policies
- Overshadowing will occur
- There is very little 3 storey development in the village
- Open space should be re-allocated nearer to existing residents
- Profits before neighbours
- We don't need big houses
- Development has not taken account of emerging plan policies seeking to encourage green energy use
- Has not had regard to consultation responses or neighbourhood plan
- TW scheme at Hazledene has issues
- Lack of play space

2.3 One letter has been received in respect of the amended plans raising the following points:

- Concerned at tree loss
- More trees should be kept

3 APPLICANT'S CASE

3.1 In summary, the Design and Access Statement has demonstrated how the Land off Thornbury Road can be developed as a high quality residential area which:

- Is in line with outline parameters;
- Is located in a sustainable location, within walking distance of public transport and cycle/pedestrian routes;
- Accommodates an appropriate number of dwellings which reflects densities established in Eynsham;
- Does not appear overbearing to the neighbouring area;
- Provides homes needed for the local area, including affordable;
- Promotes a stronger soft landscaping plan.
- The scheme has evolved through the acknowledgement of:

- The relevant planning policies, national and local;
- The planning officers comments;
- The opportunities and constraints of the site and its surroundings.

3.2 In support of the amended plans the agent advises:

- A number of comments were provided by Oxfordshire County Council in respect of layout. I can confirm that separate discussions have been underway with OCC s38 officers in respect of the highways safety points and tracking. Accordingly, I can confirm a number of minor tweaks were made to satisfactorily address the points raised:
 1. The master plan has been updated to show sheds within the back gardens of properties without a garage that can provide a secure space for storage.
 2. The single large cycle store associated with the apartments has been replaced with several smaller units
 3. Speed cushions have been placed opposite Plot 88;
 4. A raised table is now located opposite Plots 47/46;
 5. A road narrowing opposite Plot 79;
 6. Shared surface roads now include a maintenance strip;
 7. The surfacing of Thornbury Road is covered as part of the s278 process;
 8. A TRO for double yellow lines is currently out for consultation;
 9. Trees within 5 m of the carriageway have been considered as part of the layout.
- With regards to parking spaces that the area referred to in the OCC comments (within the Mews Court) is not intended to be adopted by the Authority rather it will remain under the control of a management company. In addition it is noted that the addition of landscaping causes some issues in terms of conflicts with waste collection. Notwithstanding that a number of amendments have been made in order to break up the parking and provide more landscaping. This includes the relocation of one of the spaces (133) its replacement with landscaping to break up the larger row of spaces.

Drainage Strategy

I note the comments in respect of drainage which are covered by existing conditions 10 and 14. These require detailed information in respect of drainage. I can confirm that detailed information has now been finalised and will be submitted under separate cover including the required FRA and drainage strategy. For clarity I can confirm that the updated master plan has had regard to the findings with some minor tweaks being required accordingly.

Construction Transport Management Plan (CTMP)

An updated CTMP has been prepared that includes the wheel washing facilities and a site plan showing such facilities.

Travel Plan

An updated Travel plan has been prepared to include the additional elements required. It now includes:

1. The housing mix, the build rate and number of likely future occupants (para 1.2.1);

2. A formal commitment period of 5 years from occupation (para 1.2.1);
3. A site plan in the appendices of the TP (Appendix a);
4. 2011 census travel to work data sets the baseline travel plan targets - a 5-10% reduction in SOV vehicle trips made to and from the site is specified (para 6.2.3 / table 6.1);
5. A target is specified for all modes in numbers and percentages for each year in which a survey will take place (years 2 & 4) (para 1.2.1 and table 6.1 / 6.2);
6. A copy of the residents survey and a commitment to carry it out at years 2 and 4 is specified (para 4.3.1 and appendix B);
7. The targets section includes an action table with measures that support the targets (action table in Appendix C); and
8. It is indicated that the coordinator will provide personalised travel planning for anyone that requests it (Section 8.9).

We also note that the original TA did not include any additional measures and the Plan now states this.

Mews Court

Following our meeting, the scheme architects and TW gave considerable thought to how they could address the comments that were made during our meeting in respect of linking the apartment parking areas to the mews court. Given the requirements for a through route (visibility splays / junction arrangements, tracking etc) and the overarching parking requirements, it was considered that the optimum design approach would be to provide a pedestrian / cycle route through the formal square in front of the apartment blocks. We are strongly of the view that by following this desire line an attractive pedestrian route can be provided.

Architectural Detailing and Boundary Treatment

As requested, we have added an additional 300m of trellis to the eastern boundary (shown in the amended boundary treatment plan. With regards to the architectural comments, as noted our clients house types do not allow for a shallow depth or additional windows due to internal matters, however I am pleased to note that we have been able to make the following additions:

- Chimneys added to plots 5-6, 11-12, 53-54, 55-56, 69-70
- Dummy window to the lounge to break up the elevation (plots 4, 42, 43, 50, 51, 60, 63, 66, 67, 73, 74, 83, 86, 115, 119, 156 and 160).

4 PLANNING POLICIES

BE2 General Development Standards

H2 General residential development standards

OS4NEW High quality design

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to the site served from Thornbury Road that members will recall was the subject of a site visit (ref 15/03148/OUT) As part of that application consent was given for a residential development of up to 160 units and the means of access was fixed at that time. This application seeks to provide the remaining details as regards external appearance, siting, landscaping etc along with the discharge of a number of the conditions applied to the outline application relating to ecology, access details, driveways, parking, cycle parking, travel plan and Construction Management plan.
- 5.2 In terms of its form the scheme comprises two principal routes leading through the site to connect on to the wider development area in due course with a series of secondary/tertiary roads leading away from the main routes. The houses comprise a mix of detached, semi detached and terraced properties along with some 3 storey apartments. Development of up to 3 storeys was allowed for under the terms of the outline permission. 50% of the units to be provided will be affordable units and the Housing Enabling Manager has confirmed that the mix conforms to the requirement of the related section 106 agreement.
- 5.3 Parking is generally on plot other than for the terraced and apartment units where it is generally either frontage parking or small parking courts. The materials to be used are predominantly Bekstone artificial stone with a buff and brown brick type used elsewhere to reflect the materials used elsewhere in the settlement. Officers will make reference to the submitted plans as part of the presentation.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 The site adjoins one of the larger settlements in the district, is part of a wider allocation in the emerging plan and has outline planning permission for a development of this general scale and nature. As such the scheme is acceptable in principle.

Siting, Design and Form

- 5.6 Illustrative plans tabled with the outline application indicated development of 2 storey height backing onto neighbours with 2 1/2 storey on the outer edge and up to 3 storey in the centre of the scheme. There was also a desire to retain a large area of land a Public Open Space to the south of the site. There was a requirement to make connections through to the land to the west.
- 5.7 As tabled the first layouts did not reflect the vernacular traditions of Eynsham in terms of its preponderance of terraced units and additionally did not make provision for connections. The flat blocks sat uncomfortably in amongst conventional residential units.
- 5.8 The scheme as now tabled has followed the requirements of the outline but has re sited the flat blocks to form a focus of the new development in association with an area of open space.

Clearer road hierarchy has been introduced and various changes have been made to the house types to seek to ensure that where they are seeking to reflect vernacular traditions that the detailing is appropriate.

- 5.9 Where houses adjoin key areas of landscaping such as boundary hedges to the playing fields or the countryside beyond sufficient distances have been secured to ensure that the trees/hedges and houses can co exist. Some lesser trees along the shared boundary with Willows Edge will be removed but these are not protected and as such could be removed without any consent being required from the Council. The open space adjoining the Chill Brook is substantial and should provide a valuable amenity for existing and proposed residents as well as retaining/enhancing the setting of Chill Bridge which is a listed building.
- 5.10 The applicants have sought to create different character areas by the use of differing materials and house types/landscaping and this should add a degree of visual interest.
- 5.11 Your officers are satisfied that the scheme is acceptable in terms of its design form.

Highways

- 5.12 Members will note that at the time of schedule preparation there is an outstanding objection from OCC but that the applicants are asserting that they have resolved the issues by way of the submission of amended plans. A verbal update will need to be given as regards this aspect of the development.
- 5.13 Officers have sought as part of the negotiations to reduce the number of parking courts and to ensure that they operate as through routes rather than cul de sacs to aid permeability. This has only had limited success in that vehicular permeability is less good than it might be. Parking is provided on plot or in front of plot for most units and where parking courts are to be used they are sufficiently close as to be likely to be used by residents.

Residential Amenities

- 5.14 This is a key issue for the objectors many of whom have enjoyed a very pleasant outlook over fields and whose outlook will certainly change as a result of the implementation of the outline consent/allocation. However the developer has had regard to the opinions offered by officers that as a result of the high existing standards of outlook development should not be located at the usual minimum privacy distances. Members will be aware that there are conventions that suggest a 21m face to face relationship and a 14m face to gable relationship is the minimum standard before privacy is compromised to the extent that refusal is justified. In this instance the face to face relationships with the most affected properties are 24m, 31m and 35m and the face to gable relationships are 23m, 30m, 18m and 21m. In addition additional screening by way of trellising on top of the proposed fencing has been secured and some of the existing trees that have grown up along the rear garden boundaries are to be retained. As such whilst there has been considerable disquiet expressed regarding the neighbourliness impacts your officers are satisfied that the standards of amenity are acceptable and would not justify a refusal.

Ecology/play space/green energy

- 5.15 Members will note that a number of correspondents have cited emerging plan policies requiring green energy etc as not having been complied with. However these policies are not as yet being

given weight by the Inspectorate and the requirements were not embodied into the conditions on the outline application (which of course were negotiated well in advance of the most recent LP hearings) As such it is not considered that not complying with such policies would, at this stage in the local plan process, justify refusal. The Councils ecologist is happy with the ecological arrangements and the requirement for a play area was forgone as a means to secure the funding for the additional traffic calming measures requested by the Parish Council as part of the outline consent and because there were already existing play areas in close proximity to the site. The maintenance arrangements are picked up by way of the legal agreement attached to the outline application.

Outstanding issues

- 5.16 At the time of agenda preparation the views of OCC as regards the amended plans are awaited. In addition officers are seeking clarification over a discrepancy between existing boundary enclosures and the red line site area and whether this offers the opportunity to secure additional planting. Retention of a limited number of additional existing trees is being sought and the plans need to be amended to show the through roads to the site edge. The design/connections of the mews courts is still of some concern as well. It is hoped that these matters will be resolved by the date of the meeting.

Conclusion

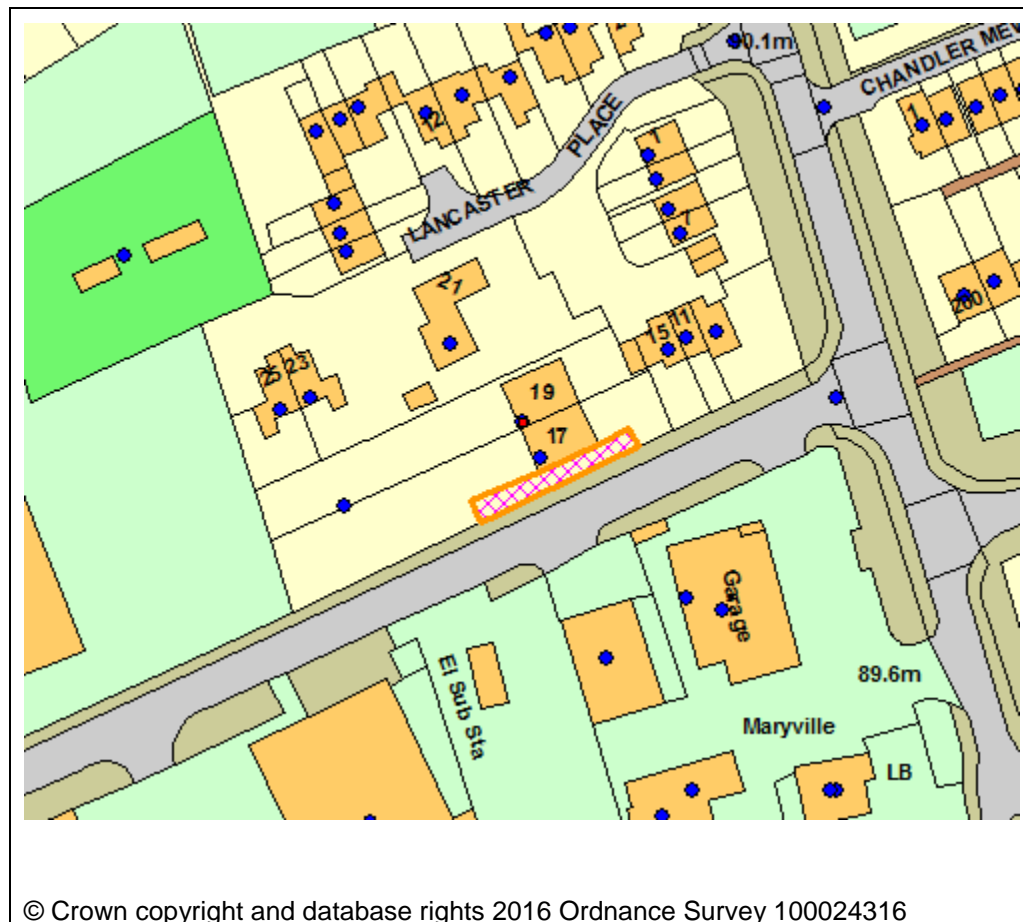
- 5.17 The principle of this scheme is established by way of the outline consent. The details are generally consistent with what was anticipated when outline consent was granted and of themselves are not considered to justify refusal. As such approval is recommended, subject to the outcome of negotiations on the outstanding matters identified above.

6 RECOMMENDATION

Officer to report when OCC comments and response of agent to outstanding issues has been received.

Application Number	I8/01246/FUL
Site Address	19 Lancaster Place Carterton Oxfordshire OX18 3ET
Date	27th June 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	428230 E 206170 N
Committee Date	9th July 2018

Location Map



Application Details:

Conversion of existing garage into a two bedroom dwelling.

Applicant Details:

Mr Cometsen, 19, Lancaster Place, Carterton, Oxon, OX18 3ET

I CONSULTATIONS

- 1.1 OCC Highways The red line application area does not include access to the highway or the parking and manoeuvring area.
- Subject to the above –
- 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
- o G28 parking as plan
- 1.2 ERS Env Health - Lowlands I have no objections and no conditions for this application.
- 1.3 WODC Drainage Engineers No objections subject to comments regarding soakaway design.
- 1.4 Town Council Made comments in support of the application.

2 REPRESENTATIONS

- 2.1 No comments received at the time of writing.

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted as part of the application. It has been summarised as:
- 19 Lancaster Place is a semi-detached chalet bungalow with a detached pitched roof garage which is located next to no.17 Lancaster place.
 - The proposal is to convert the existing garage into a two-bedroom dwelling by raising the roof height by 2.5m, therefore, creating a 1st floor and by extending the rear of the building by 3m.
 - The design has been carefully considered and therefore will have no adverse impact on the street scene and neighbouring properties. The layout has also been carefully considered and provides a comfortable flowing ground floor and 1st floor. All the materials are to match no.17 &19. Access is via existing linking up to Lancaster Place and two parking spaces will be allocated to the new proposed dwelling
 - Mains drainage is already provided.
 - We believe that this proposal represents a good design and will result in providing Carterton with one more much needed two-bedroom dwelling with ample parking and garden area and therefore we ask that the council support this application.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

BE19 Noise

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is to be heard before the Lowlands Planning Sub-Committee as the Town Council has not objected to the proposal.
- 5.2 The site is located adjacent to an established industrial estate and adjoins a plot of land where planning permission has been granted recently for three dwellings (16/03985/FUL)
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

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

- 5.8 The application site is located within Carterton which is categorised as a main service centre where new dwellings can be permitted.

Siting, Design and Form

- 5.9 Planning permission was approved for a single storey garage in 2017. The proposal is to convert and extend the existing garage into a two bedroom dwelling by raising the roof height by 2.5m, to provide the proposed accommodation.
- 5.10 Whilst the principle of converting a garage to a smaller unit of accommodation may be acceptable, your officers have substantial concerns with the current proposal.
- 5.11 The existing building runs parallel to the industrial estate. By raising the roof of the garage this will create an uninterrupted ridge line of approximately 10.5m along this boundary, and over 6m in height. In addition to the shallow pitched roof design, your officers consider that the proposed development will appear as an incongruous feature within this part of the streetscene, which does not reflect the existing built up form of the existing residential dwellings. In addition due to the constraints of the site, your officers consider that the proposed dwelling will appear cramped, and an over development of the site.

Highways

- 5.12 Subject to the red line of the application being extended to include access to the highway or the parking and manoeuvring area, OCC Highways have no objection subject to a condition relating to the parking to be as per the plans. Your officers understand from the applicant's agent that a revised site plan will be submitted shortly.
- 5.13 As such your officers do not consider that there is a highway objection relating to access or parking relating to the proposed dwelling.

Residential Amenities

- 5.14 Although the proposed building extends past the existing property at No 17, your officers do not consider that their residential amenities in terms of loss of light will be adversely affected to the rear. Your officers do have concerns regarding the existing windows to the side elevation of No 17. Whilst there will be a slight separation distance between the two windows serving No 17 and the proposed building, your officers consider that there will be some over dominant impact to the residential amenities of No 17 Lancaster Place.

Conclusion

- 5.15 Your officers consider as proposed, the dwelling will appear as an over development, over dominant and incongruous feature within the streetscene, which is contrary to the policies as stated.

6 REASON FOR REFUSAL

- I The proposed dwelling, by reason of its proposed scale and design, will appear as a cramped over development of the site which will result in an over dominant feature which will result in harm to the visual character of the streetscene and be out of character with the existing residential development context. Furthermore due to the scale and positioning of the proposed dwelling, the adjacent dwelling at No 17 Lancaster Place's residential amenities in terms of overbearing issues will be harmed. As such the proposal is contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan, and Policies OS2 and OS4 of the Emerging West Oxfordshire Local Plan, and the relevant paragraphs of the NPPF.