

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 10th December 2018

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



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

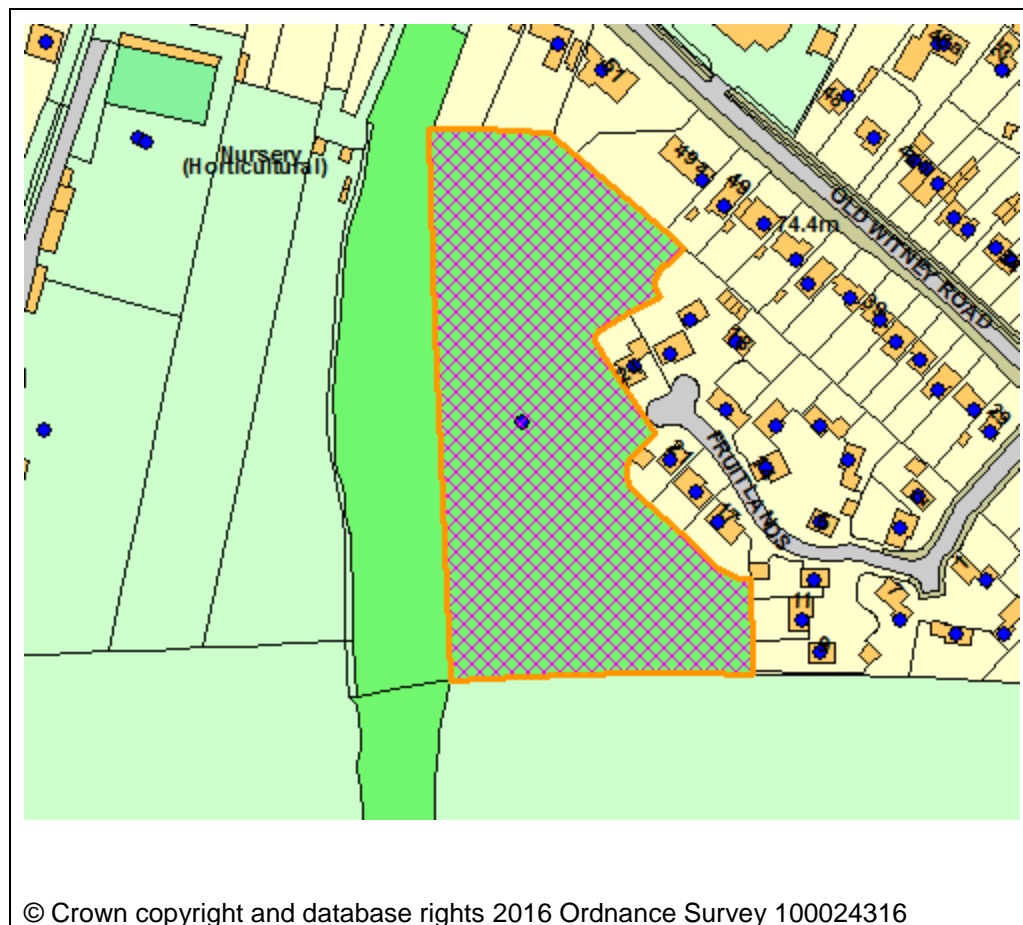
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	16/03873/FUL
Site Address	Land West of Fruitlands Eynsham Oxfordshire
Date	28th November 2018
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Eynsham Parish Council
Grid Reference	442390 E 209788 N
Committee Date	10th December 2018

Location Map



Application Details:

Erection of five dwellings with associated works.

Applicant Details:

C/O West Waddy ADP, Langford Locks, Kidlington, OX5 1HZ, Oxfordshire

I CONSULTATIONS

I.1 Parish Council

Original Proposals

Eynsham Parish Council objects for the following reasons:

1. The Parish Council has objected to the applicant's entire series of applications in respect of this site as the council has received no positive support for any of them. The strength of continuing local opposition to development of the site is reflected in the applicant's own Statement of Community Involvement and the WODC online comments.

2. This site was a wooded area long before the appeal decision of 11 May 1982 granted the applicant consent for the existing Fruitlands development on condition that the current application site be retained as public open space. This has been reiterated most recently by The Planning Inspectorate appeal decision (APP/D3125/W/15/3039143) of 24 May 2016 (the Appeal Decision) dismissing the applicant's appeal against refusal of permission for 19 dwellings (14/1009/P/OP) on the site. Following the refusal of 14/1009/P/OP, the LPA immediately imposed a tree preservation order (TPO 1/2015) on the whole site. This was supported by Eynsham Parish Council.

3. In the Appeal Decision the Government Inspector said (at 12) 'I agree with the Council that the proposal would demonstrably urbanise the rural fringe of the settlement and remove the significant contribution that the appeal site makes to the locality. The leafy reprieve the appeal site provides against the built development of the locality would be lost. This would cause demonstrable harm to the character and appearance of the area.'

4. The 'site is, clearly by far, the largest area of vegetation on the western side of Eynsham' (the Appeal Decision, at 11). The importance of this site, the last remaining wood in Eynsham, as a green open space has been increased by the subsequent granting of consent for dense development of 160 units to the south (Thornbury Road site) and of 77 units (Eynsham Nursery and Garden Centre site) to the west. In the Appeal Decision the Inspector further said (at 15) 'In any event, even if additional housing was constructed to the west of the appeal site, I consider this does not affect my finding in terms of the important contribution the appeal site makes to the locality'.

5. In order to avoid the criticism of the adverse visual impact in the Appeal Decision (at 12, 13 and 14) the applicant has reduced the proposed dwellings from a mix of 19 multi-storey houses to six nondescript, but large, bungalows. However these, together with the access road and hard landscaping, occupy substantially the same area in the north and middle of the site as the previous application (Drawing P02), and would still result in 'the removal of 185 trees or

groups of trees (37%)' according to the applicant's Arboricultural Impact Assessment (at p4).

6. In the Appeal Decision (at 24) the inspector states, 'I consider the appeal site in more general terms has ecological value' and further says, 'the appellant accepted ... that the site has an intermediate to high local ecological value and the Council agrees with this opinion'. While the applicant's current proposal reduces the ecological impact to some extent, as seen in 6 above, this is still substantial.

7. As a result of the above, the application is contrary to the current Local Plan (LP2011) BE4 (Open space within and adjoining settlements) in that it would result in the loss or erosion of an open area which makes an important contribution to the distinctiveness and visual amenity of the locality, and an area of nature conservation value.

8. The application is also contrary to LP2011 NE6 (Retention of Trees, Woodlands and Hedgerows) in that it would result in a loss of trees and woodlands which are important for their visual, historic and biodiversity value. It is also contrary to EH3 of the emerging LP (set to replace BE4) in that does not protect or enhance an open space and area of green infrastructure. Similarly it is contrary to NE13 (Biodiversity Conservation), set to be replaced by EH2 (Biodiversity), in that it does not protect or enhance the site to achieve an overall net gain in biodiversity.

9. The application proposes, in the Design & Access Statement at pp 36 and 45, a pedestrian footpath from the roadway to what is mislabelled at p28 as 'recreation ground' to the south of the site. This is the playing field of Bartholomew School and not a public recreation ground. The application therefore encourages and facilitates trespass on private property.

If the LPA does grant consent for this proposed development it should be conditional on:

- a) Strict restrictions on construction traffic, times of travel and parking on site, as well as vehicle and road cleansing, as the only access to the site is along Fruitlands itself which is unsuitable for heavy construction traffic
- b) An express restriction on any further development on the site.

If consent is granted, Eynsham Parish Council reserves the right to request a S.106 developer contribution in respect of this development.

1.2 WODC Landscape And Forestry Officer

Original scheme

1. The Inspector noted that the mature vegetation at the site makes a positive contribution to the character and appearance of the area. Whilst the number of dwellings currently proposed is less than

the previous scheme it will involve the removal of approximately half of that vegetation and there would be a strong likelihood that additional vegetation would be removed to accommodate the development and associated apparatus than indicated in the documentation.

2. Whilst there is dispute about the term 'woodland' the overall impression the site presents is one containing woodland characteristics and therefore I would be inclined to give less weight to statistical analysis of each tree and rather more to the cumulative benefits and appearance of the habitat as a whole and the effect the development as proposed would have on this.

3. The visual contribution the site provides will continue to increase as the vegetation matures.

4. There is debate about whether or not the site should be classed as 'woodland' in the technical sense of the word. This does seem to be a rather academic exercise in that the applicant's assessment is within 1.9% of it being classed as woodland. Taking into account the margins for error in assessment and interpretation and the fact that the Inspector concluded that the site has ecological value in more general terms it seems reasonable to conclude that the site does have value in the wider ecological sense, irrespective of the specific categorisation and is therefore worthy of retention.

5. I am not convinced that the removal of a considerable amount of the ecological and wider environmental interest will be adequately compensated for by managing the remaining land in a particular way. To genuinely achieve this on the ground, in the longer term, is extremely difficult in practice and this should be borne in mind in the planning balance.

6. Whilst some indicative new tree planting is shown on the proposed layout drawing the proposed locations and general modest plot sizes mean that this is likely to have negligible impact on the immediate or wider setting.

7. The contribution the site makes to the wider setting should be considered in the context of emerging plans for more extensive development to the west of Eynsham. Are there opportunities to integrate this space into a wider green infrastructure and movement network?

8. As far as I am aware there is no public right of access to the school playing field and therefore I am not clear why a footpath has been proposed to the boundary.

9. It could be argued that the overall environmental impacts of the current scheme are less than the one dismissed at appeal but the reasons for refusal still appear to be valid.

I.3	Conservation Officer	No Comment Received.
I.4	WODC Drainage Engineers	If full planning permission is granted, could you please attach the following condition:-

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. In these cases the following notes should

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
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details
- G18 Junction specification
- G22 estate road specification

I.6 Biodiversity Officer

Original Scheme
Insufficient information has been submitted; in particular, an Ecological Impact Assessment to enable the Local Planning Authority to fully assess the extent to which habitats of Principal Importance in Section 41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development, including an assessment of the impacts of habitat fragmentation and increased recreational disturbance. The mitigation proposals are also insufficient for a site with recognised moderate ecological value and there is no adequate compensation for loss of habitat. There are inconsistencies between the Ecological Report and the Arboricultural Impact Assessment. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular section 11); The Planning Practice Guidance; West Oxfordshire District Local Plan policy NE13, and ODPM Circular 06/2005. Without sufficient information the Local Planning Authority may be unable to meet its statutory duty under the Natural Environment and Rural Communities Act 2006 to "have regard... to the purpose of conserving biodiversity". The current proposals would result in significant harm to a site of moderate ecological value and traditional orchard priority habitat. In section 11 of the NPPF, the importance of "minimising impacts on biodiversity and providing net gains... where possible" is highlighted, as is the need to refuse applications that result in "significant harm"

1.7 Parish Council No Comment Received.

2 REPRESENTATIONS

2.1 38 letters of representation have been received, predominantly objecting to the proposal, and their comments are summarised as follows:

Public open space and ecology

- This land was designated as an open space when the 22 houses on Fruitlands were built.
- It is the only piece of woodland left in the west of the village.
- Still feel that building on this land will harm the flora and fauna.
- Stop the development and ask Pye to take down the fence!!!!!!
- As this is the only wooded area to the west of the village it needs to be retained and maintained to absorb both noise and chemical pollution.
- This wooded site provides a varied habitat for many birds and animals - bats, jays, birds of prey, long tailed tits, winter visitors the fieldfares, to name but a few. Deer and hedgehogs use to come into our garden from the woodland before the site was fenced off.
- In 1984 J A Pye went to appeal to the Department of the Environment to build the 22 houses currently in Fruitlands. It is recorded in the proceedings that JA Pye made an offer to the Department of the Environment that if they were allowed to build the 22 houses the remainder of the site would be given for public use. This offer was accepted making a documented verbal contract.
- The application states that 185 trees or groups of trees (37%) will be removed.
- There are said to be 490 trees, groups of trees and hedgerows currently. Without knowing the size of the groups of trees the percentage figure of trees to be removed is meaningless, it depends on the size of the groups removed and remaining.
- The number removed will be many more than 185.
- Trees are missing from the tree assessment submitted with the planning application
- The destruction of a significant part of the LAST REMAINING WOODLAND in Eynsham is too heavy a price to pay for a handful of what will certainly be unaffordable properties for the majority of those seeking new homes.
- Off site compensation is not appropriate.
- Scrub to be felled has its own ecological value.
- Replacement fruit trees will not retain biodiversity.
- Land should be retained as open space as per the appeal decision.

Cumulative impact

- With the proposed development of 77 homes at the garden centre and 160 homes in Thornbury Road (eventually increasing to 1000 homes to the west of Eynsham) plus a new garden village to the north of the A40, plus more development in Witney and surrounding villages, the traffic around Eynsham is going to increase significantly.
- The village is to expand with one large planned build its wrong to remove so much from our environment for so little gain.
- Can Pye be trusted again?
- Better if part of a coordinated approach.
- There is still a strength of local opposition.
- Admin error should not be used to justify profit.

2.2 With regards to the AMENDED PLANS 10 letters of objection have been received raising the following points:

- Proposal is contrary to master plan for EW2.
- Off site mitigation is not appropriate.
- Trees help reduce pollution.
- Contrary to CO16 and OS2.
- Arboricultural assessment contains inaccuracies.
- Dead and dying wood is also important for ecology.
- Site is a biodiverse habitat.
- Land proposed as vacant will be built upon.
- Woodland is not dangerous.
- Assessment of value has been incorrectly applied.
- Contrary to Eynsham Neighbourhood Plan
- Previous objections still stand.
- This is the last woodland in Eynsham.
- If site is developed we need certainty that the remainder will not be developed.
- Increased traffic.
- Services will not cope.
- Should stick to the appeal decision and refuse application.

3 APPLICANT'S CASE

3.1 The application is accompanied by several supporting statements that can be viewed online. The Original Planning Statement concluded as follows:

This planning proposal comprises the opportunity for 6 new high quality homes, with an appropriate and suitable design and layout, which protects and enhances the existing character, ecology, arboriculture and landscape of the site.

The proposal has been revised from previous applications and as a result includes numerous key benefits whilst limiting any potential for impacts. Specifically, the matters of previous refusal have been substantially and appropriately addressed.

Harm Arising from the Development

It is inevitable that development creates change, however in this instance the development proposal mitigates the potential of adverse impacts. The benefits of the proposal are documented below.

Benefits Arising from the Development

The benefits of the scheme include:

- A deliverable housing site - The proposal represents an opportunity to provide 6 dwellings towards the five year housing land supply in the District. The District are unable to demonstrate a five-year housing land supply at this time.
- Contribution to Oxford's unmet need - This site, and its context of Eynsham, are appropriate for contributing new homes towards Oxford's unmet need for new homes.

- A mix of dwellings appropriate for their context - The proposal offers 3-4 bedroom dwellings which are appropriate for their context. All the proposed homes are single storey to minimise visual impact.
- Access to Services and Facilities - Ensuring new residents have convenient access to local services and facilities. The village shop, post office, school and public house would be within a reasonable walking distance.
- Retention of large areas of existing trees - The proposal will seek to retain large areas of existing trees, including retention of all Category A and B trees.
- Retention of UK BAP Priority Habitat (Orchard) - The proposal will retain the Orchard on the site. In the revised scheme there is no impact on the Orchard, and it will be enhanced through supplementary planning, proactive management and maintenance.
- In addition, the site will be enhanced by providing a series of bird/bat boxes that will be installed.
- Retention/Improvement of the public footpath - The existing footpath southwards is retained and the setting improved with the new landscaping. The proposal ensures that the route through to the playing fields to the south is public.
- Associated Economic Benefits - The proposal provides associated economic benefits including, but not limited to, increased local spending, increased Council Tax revenue and New Homes Bonus, and economic activity related to construction and estate agency.

Concluding Remarks

This development proposal represents an opportunity to support 6 new high quality homes. The proposal fulfils the economic, social and environmental aspects of 'Sustainable Development', and is in a highly sustainable location. There are a number of associated economic benefits which should additionally be given significant positive weight.

Furthermore, this proposal responds to the need to 'significantly boost' the supply of housing, and its location places it well with regard to both contributing towards Oxford's unmet need and contributing towards alleviating the shortfall in the West Oxfordshire District Council's housing land supply.

Previous reasons of refusal at Appeal have been substantially addressed, with the new design comprising significant revisions. In particular, the number of homes has been reduced and their height now exclusively of one storey, the UK BAP have been retained, large areas of existing trees including all Category A and B trees have been retained, and other visual and functional improvements included.

In accordance with Paragraph 14 of the NPPF, the application should be determined by the 'presumption in favour of sustainable development'. Decision-making should be taken in the context of a lack of five-year housing land supply and therefore based upon "granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

In this instance the benefits clearly and demonstrably outweigh any adverse impacts. Planning permission should be granted 'without delay' in accordance with paragraph 14 of the National Planning Policy Framework.

AMENDED PLANS

- 3.2 Writing in support of the amended scheme for 5 units the agent has tabled a revised suite of information which can be viewed in full on line. This advises as follows:

Submitted with this letter are the following revised plans and documents:

Proposed Site Plan - P02

Floor Plans - P101, P106, P111

Elevations - P102, P103, P104, P105, P107, P108, P109, P110, P112, P113

Ecology Report - BSG

Flood Risk Assessment - Infrastructure CS Ltd

Landscape and Visual Impact Assessment Addendum - Aspect

Arboricultural Impact Assessment - Lockhart Garratt

Unilateral Undertaking signed and dated 18 October 2018

The above plans and reports now supersede those same reports submitted in November 2016. In addition a fully engrossed Unilateral Undertaking (UU) has been submitted that has been prepared following extensive discussions with the Council's Ecologist. The UU secures the long term management, restoration and establishment of:

The Fruitlands Orchard

Freeland old woodland

Freeland new woodland

As you are aware, the most pertinent planning history for the site relates to an appeal (ref: APP/D3125/W/15/3039143) for 19 dwellings which was dismissed in May 2016. The amended application before the Council for consideration has sought to positively address those reasons for refusal by significant amendments to the proposal and the substantial off-site mitigation that has been proposed and agreed through the enclosed UU.

As set out in the aforementioned Appeal decision, it was confirmed that the site has no formal open space designation and the site is privately owned by Pye Homes, as such the proposal would not result in the loss of recreational land or public open space.

The Inspector, in determining the Appeal, found the proposals to result in the following harms:

1. Loss of leafy character and appearance
2. Loss of Traditional Orchard BAP Priority Habitat
3. Unacceptable loss of trees

There was no reason for refusal or concerns raised by the Inspector in relation to the status of the site as not being formally designated as open space.

A Tree Preservation Order (TPO) covers the site as a whole rather than individual tree specimens. A total of 490 tree, tree groups and hedgerows were recorded on or adjacent to the site. The proposal has been significantly reduced from 19 dwellings considered as part of the Appeal to 5 bungalows. The proposal will result in the removal of 185 trees or groups of trees all of which are of low arboricultural quality or would be recommended for removal irrespective of whether development takes places.

The reduction in the number of dwellings and the inclusion of bungalows has ensured the number of trees being retained is significantly greater than the previous proposals. In particular, the proposals reduce the built form and subsequently retain the southern and northern areas of the site. This results in the ability to retain the existing orchard fruit trees which are located in the southern and northern areas of the site.

The implementation of a woodland management scheme, secured via a financial contribution and undertaken by a confirmed and qualified Arboricultural contractor, will re-establish the Traditional Orchard BAP Priority Habitat at the site. In addition, off-site mitigation will be provided in the form of the creation of 1.2 hectares of new woodland planting and the management of 0.68 hectares of existing woodland at Freeland. Both are secured via a financial contribution and the works undertaken by a confirmed and qualified Arboricultural contractor.

Through the reduction in the developed area and introduction of bungalows the leafy character and appearance of the area will still be experienced in close, medium and glimpsed views. Since the Appeal decision in 2016 there has been significant material changes in planning policy both through the adoption of the West Oxfordshire Local Plan 2031 in September 2018 and the revised NPPF. In this context it is pertinent to note the spatial strategy of the Local Plan sets out Eynsham as a strategic area of growth through the allocation of the Cotswold Garden Village Strategic Location for Growth and the West Eynsham Strategic Development Area (SDA). The site is located within the West Eynsham Strategic Development Area (SDA) as set out by policy EW1b of the plan, and therefore, the principle of development complies with policies H1 and H2 of the adopted Local Plan. The proposals provide permeability to the adjacent SDA through pedestrian connections to the west and the proposals can be delivered without prejudice to the delivery of the wider West Eynsham SDA.

The adoption of the West Eynsham SDA significantly impacts upon the context of the Fruitlands site when compared to the previously refused application. The principle of developing the site is therefore acceptable.

This development will provide social benefits through the provision of 5 high quality bungalows which will contribute towards the supply and mix of housing within West Oxfordshire. In addition to avoiding the Traditional Orchard's loss, the application will secure its the long-term management and restoration and fully integrate the site into the West Eynsham SDA. This will provide a significant benefit to the SDA.

Significant financial contributions from the developer are secured via a legal agreement for this work, which will be carried out by an agreed third party. Environmental benefits through the enhanced woodland planting and creation of managed woodland areas, and although there will be ecological impact arising from the development, the proposal secures a net gain in biodiversity.

The amended scheme is designed such that the residential amenities of existing and future occupiers will be respected.

It is considered that the scheme is acceptable on its merits and, in accordance with the NPPF, where a proposal accords with the Development Plan it should be approved without delay. We look forward to the planning application being recommended for approval subject to conditions.

4 PLANNING POLICIES

EH3 Biodiversity and Geodiversity
EW10 Eynsham- Woodstock sub area
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EW2NEW West Eynsham strategic development area
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application was originally submitted in 2016 and sought planning permission for 6 units. The application has now been revised and proposes 5 units on the site along with a comprehensive package of off site ecological mitigation. The amended plans have been the subject of further consultation and the representations received in respect of the original and amended proposals are reported separately.
- 5.2 Members will recall that this site has a long planning history. The site was originally intended as part of the open space to serve the Fruitlands development which secured consent at appeal. However the mechanism whereby the land was to be maintained was not specified or required by the Planning Inspector and it was not brought into use as POS albeit that it was used informally as such. The site is however private land and has been fenced off such that at present no public access is allowed. An application seeking redevelopment of the site with 19 units was refused and dismissed at appeal and the trees on site were made the subject of a TPO.
- 5.3 The site forms part of the area comprising the "West Eynsham Strategic Development Area" in the recently adopted local plan and as such is subject to the provisions of policy EW2 which inter alia requires provision of appropriate landscaping, biodiversity enhancements and to take account of open space and green infrastructure networks and needs to maximise opportunities to create and strengthen green infrastructure.
- 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 forms part of one of the more sustainable settlements in the District and is surrounded by existing and proposed residential development. It also comprises part of the strategic allocation for approx 1000 houses to the west of Eynsham. As such the principle of development of the site is considered acceptable provided that the various caveats as regards its impact and design as set out in H2, EW2 and OS2 are met.

Siting, Design and Form

- 5.6 As set out in the agents covering letter the scheme has been much amended from that which was dismissed at appeal and indeed there have been further revisions since the application was tabled. It now comprises 5 bungalows set around a loose cul de sac and in the main located to the rear of existing dwellings that sit at the end of Fruitlands. The main area of tree cover to the south of the site including the vast majority of the orchard trees is retained largely intact and an area of category B trees in the NW corner is also retained. In that the majority of units are low slung and sit behind the existing houses the visual impact of the new units from Fruitlands will be much reduced compared to the previous schemes and the contribution that the tree and shrub cover gives to this part of the settlement should be enhanced- particularly with reference to the fact that at present it is fenced off and as such contributes very little in visual amenity terms.
- 5.7 The design of the dwellings reflects the context of the 1980's dwellings erected in Fruitlands. Your officers consider that the proposals are compliant with the provisions of EW2 EW10, H2 and OS2 as regards the impact of the development on the surroundings.
- 5.8 The agent has made reference to the ability of the site to provide footpath connections to the wider development area. However it is not clear how exactly this would be delivered in practice and so this element of the proposals will need further clarification and potentially amendment to the tabled unilateral obligation.

Highways

- 5.9 Members will note that there has been no objection from OCC and in that the proposals comprise a small extension to the existing cul de sac with the proposed units having their own off street parking this recommendation is considered sound.

Residential Amenities

- 5.10 The houses within the scheme have a mostly front to front relationship and as they are single storey the levels of overlooking etc are considered to meet the usual privacy norms. The key relationship with existing properties is where plot 5 backs on to an existing property in Fruitlands but in this regard the overlooking as would occur is from the existing house to the proposed bungalow. The direct relationship is with a utility room door and secondary bedroom window and as such is not considered problematic. In terms of sunlight and overbearing impacts the proposed site sits to the NW of the existing house and so will have no material impact on light with southerly sun also reaching the new unit from late morning onwards. As the new unit is only single storey the extent of overbearing impact is not sufficient as to justify refusal in your officers assessment. Taken in the round the new environment would be an attractive place to live and would complement the existing form and amenity of the existing development.

Ecology

- 5.11 It will be noted that the applicants have sought to ensure betterment will occur in terms of the biodiversity impact of the development. This has not been possible within the confines of the site but involves improvements to an existing woodland in Freeland and planting a further woodland in Freeland- on land also within the applicants control. This is not something that has been undertaken as a matter of course in West Oxfordshire but it is anticipated as a mechanism to ensure net gains arising from development as part of the newly revised NPPF. This allows for

the restoration and enhancement of existing habitats as part of the process of securing net gains from development. At the time of agenda preparation the views of the Councils Ecologist have yet to be received but the principle of what is being proposed is not ruled out.

106 agreement

- 5.12 The applicants have tabled a signed unilateral obligation that seeks to ensure that the proposed mitigation measures are delivered in a timely and appropriate manner. However this does not appear to allow for public access to/through the main open space that will be retained as part of the development and this aspect will require further clarification before the application is determined.

Conclusion

- 5.13 This site was always intended as an open space to serve the Fruitlands scheme. As a result of the inadequacies of the Inspectors decision where the question of the future adoption and maintenance of the space was not properly addressed the land has never functioned as was intended. This has had negative consequences in terms of the public amenity of the space but probable benefits in terms of the ecology of the space. This application impacts upon that ecological value but seeks to address any harms by providing a nett benefit by enhancing ecosystems elsewhere in the district. The application offers an opportunity to secure the public right to use the land, as was originally intended which would be a benefit. There would however be some on site tree loss which even though there was additional tree planting elsewhere would alter the character of this site. The trees lost are however generally in the less visible parts of the site.
- 5.14 In terms of the details of the scheme it is now much reduced when compared with that which was dismissed at appeal and sits within an area shown as providing up to 1000 houses. That allocation does however recognise the need to ensure sufficient green space and biodiversity remains. The units are single storey and would sit comfortably within their context and there are no technical objections.
- 5.15 The recommendation is finely balanced. On the one hand the site has been dismissed at appeal and has a TPO upon it. It also has recognised ecological value. These factors would point towards a refusal but to set against this the development has no major in principle policy objections and if approved offers the potential to plant more trees than will be lost, to provide net biodiversity gains and to enable public access to/through a site from which it is currently excluded. The advice of the Councils ecologist will clearly be very material to this assessment and as such a formal recommendation will not be made until such time as it has been received and considered. However, assuming that the claims being made by the agent are valid and deliverable it is likely that Officers will conclude that the benefits of the development outweigh the harms and as such will be recommending approval subject to a legal agreement/obligation that secures the ecological benefits and public access.
- 5.16 A full verbal update will be given at the meeting.

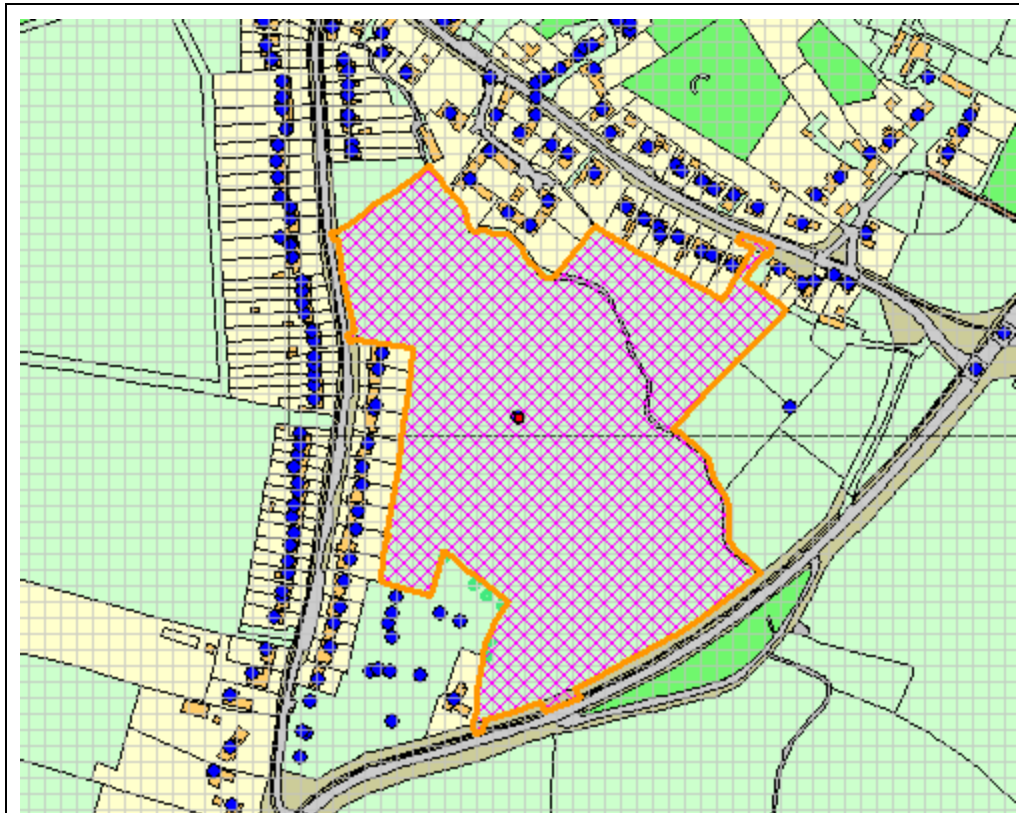
6 RECOMMENDATION

- I A full verbal update will be given when the response from the Councils ecologist has been received. If no objections are raised it is anticipated that conditions would be imposed to cover the following matters:

Time limits,
Amended plans,
Materials to be used,
Highways and parking,
Drainage,
Tree protection,
Landscaping,
Boundary enclosures,
Withdrawal of permitted development rights for extensions/garage conversions/new windows,
CTMP,
Obscure glass to secondary windows
Etc

Application Number	18/01724/OUT
Site Address	Land North of Grange Farm House Bampton Road Curbridge Witney Oxfordshire
Date	28th November 2018
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Curbridge Parish Council
Grid Reference	433152 E 208512 N
Committee Date	10th December 2018

Location Map



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Application Details:

Outline application for the erection of up to 85 dwellings including 40% affordable and 3 x self-build plots with associated landscaping, public open space and enhancements to the children's play area, 2 x footpaths and 1 x footbridge and the provision of land for DI use, vehicular access from Bampton Road,

pedestrian and cycle access from Well Lane and car parking and limited residential vehicular access from Main Road (all matters reserved other than access).

Applicant Details:

SCC Curbridge LLP & Mrs M. Parker, C/O Agent

I CONSULTATIONS

I.1	Parish Council	<p>The Parish has submitted a 26 page representation which can be viewed on line. The comments are summarised as follows:</p> <ol style="list-style-type: none">1. This speculative application is contrary to many of the saved policies in WODC's prevailing 2011 Local Plan, as well as the policies contained in the emerging Local Plan 2031.2. It does not meet any identified housing needs in the Witney Strategic Development Area.3. It would significantly urbanise Curbridge Village increasing the number of houses by 48%.4. There are already 122 new houses/apartments recently built on the edge of the Parish, a hotel and 257 houses being built in the Parish and 1,000 houses being built within ¼ mile of the Parish.5. It would not be a 'sustainable' development.6. The Application bears no relation to the Curbridge Village Design Statement.7. The Parish Council would expect WODC to examine in detail whether or not the development endangers species and habitat, evidenced in the Ecological Survey, that are protected by any existing law.8. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
I.2	Major Planning Applications Team	<p>Highways - no objection subject to conditions and legal agreement Archaeology - no objection subject to conditions Education - no objection subject to legal agreement</p>
I.3	WODC - Arts	<p>A contribution of £10,710 towards temporary public art activities in the vicinity of the site, post occupation, for the benefit of residents for the purposes of enhancing wellbeing and boosting community spirit.</p>
I.4	Conservation Officer	<p>The development would subvert the existing character of the settlement and would impact on the setting of listed buildings.</p>
I.5	Biodiversity Officer	<p>No objection subject to conditions and legal agreement</p>
I.6	ERS Air Quality	<p>No Comment Received.</p>
I.7	ERS Env. Consultation Sites	<p>No objection subject to condition</p>

I.8	ERS Env Health - Lowlands	<p>I have No Objection to this Outline application. I know of the site. Noise has been considered and assessed by professionals in this field. I recommend that the design of the 85 dwellings is such that internal sound levels as promoted by World Health Organisation (WHO) are achieved.</p> <p>A suitable condition you may wish to consider is:-</p> <p>The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require: Resting 35 dB LAeq,16hour Dining 40 dB LAeq,16hour Sleeping 30 dB LAeq,8hour 45dB LAFmax and any external amenity space(s) should achieve between 50 -55 dB</p>
I.9	WODC Housing Enabler	No objection subject to legal agreement
I.10	WODC Landscape And Forestry Officer	No response received to date.
I.11	WODC Planning Policy Manager	<p>Curbridge is identified as a village in both the adopted and emerging local plans. The emerging Local Plan which is due to be adopted shortly can be given significant weight and emphasises that at such villages, new development should be limited and respect village character and local distinctiveness.</p> <p>The key issue here is whether the proposed development can be construed as limited and whether it respects the character and local distinctiveness of Curbridge.</p> <p>Whilst the Council's SHELAA assessment identifies some potential suitability, I do have concerns that the proposal potentially conflicts with a number of the general principles set out in Policy OS2 of the draft Local Plan.</p> <p>Given that the Inspector has confirmed in his Local Plan report that the Council is able to demonstrate an adequate supply of housing, the need for this development to come forward at the present time is not clear.</p>
I.12	WODC - Sports	<p>£1,723 x 85 = £146,455 contribution towards sport/recreation/community facilities within the catchment</p> <p>Provision of land (minimum of 400m²) to be used as children's play area adjacent to the existing village play area and a contribution of £139,916 towards enhancing and maintaining the new combined play space</p>

I.13 Thames Water

Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. 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.

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.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development>. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains and have contacted the developer in an attempt to agree how the asset will be diverted / development will be aligned. We have been unable to agree a position in the time available and as such Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset /

align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

The proposed development is located within 15m of a strategic water main. Thames Water have contacted the developer in an attempt to agree a piling methodology, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. 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. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>. Should you require further information please contact Thames Water.
 Email:developer.services@thameswater.co.uk

I.14 WODC Env Services - Waste Officer

No Comment Received.

I.15 Oxford Clinical Commissioning Group NHS

OCCG notes that primary medical care in the West Oxfordshire locality is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure.

We would be seeking a developer contribution of at least £73,440 to support improvement of local primary care infrastructure if this development were to go ahead.

This calculation is based on OCCG's adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure.

The size of this development does not justify a new separate health centre or equivalent, so we would anticipate funds being used for enhancing existing primary care medical infrastructure to meet the needs of a growing population.

We would wish to engage in discussion about the developer contributions for this development.

1.16 Wychwood Project No Comment Received.

1.17 Environment Agency No Comment Received.

2 REPRESENTATIONS

2.1 99 objections have been received referring to the following:

- Visual impact and harm to the rural character of the area
- Over-development of the village
- Impact on highway safety.
- Impact on flood risk
- Impact on wildlife and flora
- 1300 houses already being built nearby
- Impact on foul drainage
- Increased traffic
- Not in keeping with layout of the village
- Density too high and too many houses
- Housing requirements for the District are inflated
- Impact on residential amenity
- Not in a sustainable location - lack of services, facilities and employment in the village
- Contrary to Village Design Statement
- Loss of community feel and village identity
- Contamination risk
- Effects of construction and construction vehicles
- Pollution and increased noise
- Loss of property value
- Impact on the amenity of walkers
- Not required to meet housing needs in terms of 5 year supply
- Comprehensive approach to development in the village needed
- Contrary to Local Plan
- Incentives to Parish shouldn't be used to justify development
- Inappropriate speculative development

CPRE

- There seems to be a contradiction between the developer's conclusions on species and evidence provided by locals. Further studies are therefore necessary. The developer has visually checked ponds close to the site for GCNs, but not the site itself. Could the ditch include areas of still water for newts? If so, this must be investigated. Also, are visual survey adequate for adjacent ponds or should traps be set?
- On a general point, construction/ earthworks/ concrete pouring is hugely damaging to green space. The fact that the site drains to the ditch means that it will be affected, even if it's not developed itself. There will be pollutants. Equally, human access affects species and it seems the scheme seeks to encourage access to the ditch area.
- We note Thames Water has indicated that there is capacity in the foul sewers. This is often the case in theory. However, the sewers are not watertight and surface and ground water gets in, so when it's rainy, the foul sewers can flood. We note that there has been flooding in the past with sewage mixed in. Any additional sewage will exacerbate this problem and this matter needs review.
- We note that the ground is relatively impermeable with underlying clay, although a GI is needed, including soakage tests. Nevertheless, the top layer will absorb an amount of surface water, so once houses are built the run off will be greater. The drainage strategy is to allow that water to run off to the ditch area, which will act as attenuation. The capacity will need checking carefully, as this strategy could lead to flooding of properties near the ditch or if the ditch flows/ discharges elsewhere, there could be problems downstream. The FRA concludes that 2,035 sq. m. of storage is needed, but ponds of 866 sq. m. are provided and a further 1,191 sq. m. of capacity is provided via permeable paving. This seems very tight, with only 22 sq.m. spare. No account is taken of silting up of the paving and relying on it would seem unwise- it should surely be used as top up capacity. Additionally, it's not clear where the run off will go and whether there is capacity for it. If there is ground water/ saturation already on the site, the drainage strategy will be ineffective.
- The design statement talks of using render in some places and elsewhere natural stone, unless a suitable reconstituted stone alternative can be found. CPRE would be wary of this qualification.
- With regard to landscape, the views from Curbridge Road and beyond to the South East of the site will be affected.
- Unnecessary loss of green space is undesirable.
- The development is out of scale for a village and as such is contrary to policy.
- This site is not in the Local Plan as an allocation. Therefore, it is not needed it's too large for windfall. The total windfall allowance up to 2031 for the Witney area is 276 homes and 85 is far too large of a proportion on one site.
- Latest Government figures show that the housing target for are District is much higher than needed and that the SHMA is overstated. Therefore, building more than the target is particularly undesirable.

3 APPLICANT'S CASE

- 3.1 The proposed development will improve connectivity and support the cohesiveness of the village through a sensitively-planned sustainable development within the core of the village. The proposal has also been developed taking into account the current and future development sites to the south and east respectively, ensuring a comprehensive approach is taken to development in Curbridge.

- 3.2 The site has previously been identified as a 'grey' site within the Strategic Housing and Economic Land Availability Assessment 2016 (SHELAA). Grey sites are sites that have not been allocated in the emerging plan but are considered to be potentially appropriate for development.
- 3.3 Our proposal would not only make efficient use of an identified grey site but would also bring significant community benefits that weigh in favour of this sustainable form of development. This exemplary proposal on a site which has already been assessed as suitable for future development, and which could come forward as part of the windfall allocation for the Witney sub-area upon which the Local Plan depends, would in fact support and strengthen the new Local Plan.
- 3.4 Within the context of the presumption in favour of sustainable development, which is at the heart of the Framework and the Local Plan 2031, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." (Paragraph 11, the Framework).
- 3.5 The proposed development includes a number of community benefits, including significant landscape enhancements such as the green corridor along the Elm Bank Ditch available as public open space.
- 3.6 The site has the potential to be a high quality village extension which:
- is in a sustainable location close to principal employment areas and on a reliable and frequent bus route;
 - provides many more benefits for the community by taking a comprehensive approach rather than piecemeal development;
 - preserves and enhances the distinct identity of the village;
 - is landscape-led and has the potential to provide improvements to the settlement form and its interface with the rural landscape;
 - accommodates an appropriate number of dwellings that balances local context with the need to use land efficiently;
 - can support a diverse mix of housing types and markets;
 - can provide affordable homes needed for the local area;
 - provides pedestrian and cycle links between existing routes and networks;
 - provides usable open space which can have a variety of functions, from natural green space to play area.
- 3.7 The proposed scheme would comply with relevant policies of the Council's newly adopted Local Plan 2031. In particular the proposal would comply with Policy OS2 (Locating development in the right places) of the new plan which states: "The villages [which includes Curbridge] are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities."
- 3.8 More detail on the benefits to the local community can be found in the accompanying Community Benefits Report, May 2018.

4 PLANNING POLICIES

EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Conservation Areas
EH9 Listed Buildings
EH11 Listed Buildings
EH13 Historic landscape character
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H5NEW Custom and self build housing
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
WIT6NE Witney sub-area strategy
WOLA West Oxfordshire Landscape Assessment
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 85 dwellings (including 40% affordable and 3 self-build plots), public open space and D1 use, with only principle and access to be considered at this stage. A range of supporting information and an indicative masterplan have been provided. The main vehicular access would be from Bampton Road, with a secondary access to serve 3 dwellings off Main Road.
- 5.2 The site is pasture in agricultural use which lies in a triangular area of open space between Bampton Road, Main Road and Well Lane, Curbridge. In the south east corner of the triangle is a parcel of land in separate ownership. A watercourse known as Elm Bank Ditch runs roughly north south through the land.
- 5.3 The village is characterised by ribbon development along Well Lane and Main Road, although some small pockets of development do push out behind the main streets. The Bampton Road frontage is largely undeveloped but a site of 14 dwellings has recently been constructed adjacent to the corner of Bampton Road and Well lane. The site is not subject to any formal designation.
- 5.4 There is no relevant planning history associated with the site. Curbridge doesn't have a Conservation Area, but there are a limited number of listed buildings in the village.

5.5 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 and landscape
Heritage
Highways
Trees and Ecology
Amenity
SI06 matters

Principle

5.6 Curbridge is classified in the Local Plan 2031 as a village. Based on the settlement sustainability assessment (Nov 2016) the village sits joint 31st of the range of the towns and villages assessed (41 in total) in terms of services and facilities available.

5.7 The village has very limited services and facilities and residents are largely reliant on Witney for day to day needs and employment. However, the proximity of Witney and availability of a bus service mean that it is perhaps more sustainable in location terms than many other smaller settlements.

5.8 Local Plan 2031 was adopted on 27th September 2018. Given this recent adoption, its policies are not out of date and the tilted balance under paragraph 11 of the NPPF does not apply. Paragraphs 2 and 12 of the NPPF reinforce the statutory status of the development plan as the starting point for decision making.

5.9 Policy H2 states that at the villages new dwellings will be permitted "On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it 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".

5.10 It is acknowledged that the site "adjoins" the village because the red line area abuts the boundaries of existing village development. It is also acknowledged that the SHELAA identified the site as having some potential for housing development. However, it is necessary to assess whether the proposal is required to meet identified housing needs, as it was not selected as a housing allocation in the Local Plan.

5.11 The recently adopted Plan demonstrates a 5 year supply of housing. In addition, a recent Written Ministerial Statement lowers the requirement in Oxfordshire to 3 years. There is no shortfall of housing land supply and no demonstrable need.

5.12 In looking at the merits of this proposal as windfall, paragraph 5.35 of the Plan contemplates greenfield development, and paragraph 5.38 clarifies the position as follows: "Windfall housing development on undeveloped land adjoining built up areas will require robust justification. Sites outside the Cotswolds AONB will only be supported where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, which could be district-wide needs, needs identified through a neighbourhood plan or affordable housing needs specific to a

particular settlement, for example through a rural exception site. Any such development would also need to be in accordance with the indicative distribution set out in policy H1 and other relevant plan policies, including in particular the general principles in Policy OS2".

- 5.13 Whilst the Witney sub area strategy includes an allowance for windfall, such windfall must necessarily fall within the policy constraints as set out under H2. As referred to in paragraph 5.11 above there is no case for need. The 5 year windfall allowance across the whole District between 2018 and 2023 is only 140 units. The site is not identified in a Neighbourhood Plan and is not promoted as a rural exception site exclusively for affordable housing. Although 40 % affordable is proposed as a Policy H3 compliant contribution, the need for open market housing has not been demonstrated. The proposal is not in accordance with H2.
- 5.14 Policy OS2 states that "The villages are suitable for limited development which respects village character and would help to maintain the vitality of these communities". It is noted that Curbridge has limited services and facilities. Whilst the applicant is offering a site for D1 use it is not clear what meaningful contribution the development would make to maintaining the vitality of the village. Whilst the term "limited development" is not defined in the Plan, it is the view of Officers that the addition of 85 dwellings would be more than limited. At the 2011 Census, Curbridge (including Lew) comprised 208 household spaces. The proposal would represent a 40% increase in households. Having regard to the general principles to be applied to all forms of development, the proposal would be a disproportionate addition to the village.

Siting and Form

- 5.15 An indicative layout has been provided, and this indicates that a scheme of 85 dwellings can be accommodated within the site area. It shows that all the dwellings except 3 self-build plots would be located on the western portion of the site to the west of the ditch. The scheme is relatively low density in terms of the relationship between built form and open space.
- 5.16 Landscaping is a reserved matter but the applicant has indicated that a substantial area of the site would be provided as open space, forming a corridor from the existing recreation ground at Well Lane through to Bampton Road. There would be the opportunity to provide buffering to the mature hedge on the southern boundary to Bampton Road. Nevertheless the development would be a substantial incursion into existing green space that provides a rural setting for the village. Particularly when viewed from Bampton Road, it would materially affect the rural character of the locality. With reference to the general principles under Policy OS2 it would not form a logical complement to the existing scale and pattern of development and the character of the area. It would not protect or enhance the local landscape and setting of the village. It is also contrary to the locally produced Village Design Statement.

Heritage

- 5.17 The site is not located in a Conservation Area. The listed buildings likely to be affected by the development in terms of proximity and setting are Curbridge Farmhouse (GII), Willow Cottage (GII) and Thatch Cottage (GII). Officers are required to have regard to S66 of the Listed Buildings and Conservation Areas Act 1990 in considering the effect on setting and significance.
- 5.18 The applicant asserts in their "Cultural Heritage" report that the proposed development "will not impact the setting of these designated heritage assets". Officers agree with respect to

Willow Cottage, given relationship and existing intervening development, that there is no material harm.

5.19 As regards Curbridge Farmhouse the applicant's report states:

"The significance of the building primarily derives from the historic value being constructed during the 16th century and subsequently extended, with the original fabric lending some evidential value as well. The slate roof and stone elevations provide the buildings some aesthetic value which can only really be fully appreciated from the Main Road frontage. The setting and appreciation of the buildings is primarily restricted to the grounds of the building and views from Main Road, although some sense of the scale of the building can be gleaned from views of the rear elevation from the study site. The land within the study site from where the building can be viewed from the site does provide a minor contribution to the setting of the building due to comprising former agricultural land in proximity to the property, although this contribution to its significance is marginal at best due to the lack of direct relationship to the land within the site and progressive adjacent development preventing its original function being perceived and understood".

5.20 In the view of Officers, the farmhouse would have been associated with agricultural land and a rural setting. The development would further erode this setting (already affected by village development), although the development would be located somewhat removed from the immediate environs of the listed building. The harm is judged to be less than substantial and this harm needs to be considered in the context of paragraph 196 of the NPPF which requires a balance of harm and benefit. The proposal would bring the 3 self-build units and new car parking close to Thatch Cottage. Here too the rural setting for this modest cottage would be eroded by new built form. The harm is judged less than substantial. Whilst overall, as set out above, the development is not supported as a matter of principle, if developed it would deliver the benefit of 40% affordable housing, a site for community D1 use, significant areas of public open space, improvements to the existing public right of way, and ecological enhancements. Therefore looking specifically at the potential benefits of the scheme, these would outweigh the limited harm to the setting and significance of Curbridge Farmhouse and Thatch Cottage in purely heritage terms.

5.21 Non-designated remnants of ridge and furrow characterise the land form. This is not a particularly good example and such landscape features are not particularly rare in this area. Given existing village development and the mature hedgerow to the Bampton Road the features cannot be readily appreciated in wider viewpoints. Its heritage value is limited.

5.22 The OCC Archaeological Officer has considered the application. He notes that the applicant has commissioned and submitted an archaeological desk based assessment of the application site. This has identified that there is some archaeological potential but that there is no evidence to suggest that archaeological features of such significance as to preclude the principle of development are present within the application site. It also states that if consent is granted then conditions should be attached to ensure that archaeological investigation is undertaken in advance of the development. Officers concur with that approach and conditions are recommended.

5.23 Subject to the suggested conditions, it is considered that heritage is not a significant constraint in this case.

Highways

- 5.24 The main access would be taken from Bampton Road. A secondary access would serve 3 dwellings off Main Road.
- 5.25 OCC Highways make some technical observations about access arrangements as follows:
- The applicant will need to insert a ghosted right-turn lane on the A4095 Bampton Road to help mitigate the issue of lack of forward visibility for south-west-bound through traffic travelling past the proposed new access.
 - The applicant will need to apply for a Traffic Regulation Order under the Road Traffic Regulation Act 1984 to relocate the existing speed limit signage that is located 110m to the south-west of the site access to a position 50m north of it. This will help reduce average vehicle speeds of through traffic on the mainline A4095 and will reduce the chance of collisions at the new access junction.
 - Regarding the secondary vehicular and pedestrian access from the southern side of Main Road, the applicant needs to confirm that there is no third-party land between the highway boundary, which is approximately 3.7m south of the southern edge of the carriageway on Main Road and the red line as displayed on Drawing No. 1709-40 - PL08 - Rev. B.
 - An order will be required to stop up and divert the existing Public Footpath No. 185/7 as it runs through the site to enable the construction of the site.
 - At reserved matters stage the applicant will need to submit a vehicle tracking drawing which shows that a refuse vehicle of not less than 11.6m in length can enter, turn in, and exit the development safely in forward gear.
- None of these matters constitute an objection and suitable access is capable of being provided in highway safety terms. No objection is raised as regards traffic generation.
- 5.26 The applicant's position is: "As shown within the ... highway records plan ... the public highway covers the entirety of Main Road up to the property boundary for the existing properties. The red line for the site... abuts this land, meaning that the entire proposal falls within the control of either the highway authority or the land owner. As detailed within chapter 5 of the Transport Assessment (1709-40 TA01C), the proposed access requires a reduction in speed limit, subject to a TRO. Should this reduction in speed limit not be achievable a fallback solution including a ghost island right turn lane has been offered, as detailed in the submitted Transport Assessment. It is noted that suitable visibility splays have been provided in both the preferred and fallback options, and that the road safety audit did not state a requirement for a ghost island right turn lane".
- 5.27 In light of these matters, there is no highways reason for refusal.

Trees and ecology

- 5.28 All existing trees are on the periphery of the site or along the line of the Elm Bank Ditch. Category U trees in poor condition or of low life expectancy could be removed in line with good arboricultural practice. Others are capable of being retained in the context of the illustrative scheme. In addition, the plans indicate significant new planting as part of the open space/green infrastructure would be provided. A condition specifying tree retention and protection measures can be imposed. Retention (except where removal is necessary to provide the access) of the hedge to the Bampton Road frontage, along with buffering and supplementary planting can also be achieved.

- 5.29 The Biodiversity Officer has considered the information provided, and had regard to the detailed representations of interested parties.
- 5.30 The site is not located within a Conservation Target Area (CTA). It is within the lowland village farmland (Upper Thames Vale) area in the Oxfordshire Wildlife and Landscape Study (OWLS). The whole site has been in a similar condition with the same habitats present since 1999, including the hedgerow along Well Lane to the northwestern edge of the site, which measures approximately 75 metres (evident on aerial photographs). The Elm Bank Ditch appears to have been affected by previous development at the former Curbridge Farm site (now referred to as 'Elmbank Court') along its northern section and the southern section appears to have been affected by vegetation removal or habitat management (e.g. scrub removal, tree pollarding) in the late 2000s. The retention and enhancement of this important biodiversity and landscape feature is therefore a fundamental part of the proposed development.
- 5.31 The ecology report concludes that the construction of the new footbridge over the Elm Bank Ditch will be small scale and have no adverse effect on stream flow or function. It is noted that the proposed new footbridge is of a small-scale and timber design, which will be constructed to minimise the amount of habitat loss within the stream corridor. Precautionary checks for otter and water vole should be carried out before the installation of this feature to ensure that protected species are fully considered as part of the construction phase. It is therefore recommended that this is written into the Ecological Construction Method Statement or CEMP Biodiversity document that is required as a condition of any planning consent. The footbridge should not be illuminated and any lighting that is introduced into the wildlife corridor would need to be sensitively designed so as not to affect foraging/commuting bats using the stream and adjacent habitats. This should be specifically addressed in a sensitive lighting design strategy for the site.
- 5.32 There has been some debate about the value of the site for foraging/commuting bats with regard to some of the objections received to the application. The value of the site based on the presence of barbastelle bats is regional, whereas if this species is removed from the scoring system, the site is valued at the District level. It is advised that the level of this value does not affect the required mitigation within the site and that the retention of important flight lines and foraging habitats, along with a sensitive lighting strategy, will be critical to ensure that the site remains suitable for foraging and commuting bats, including barbastelles.
- 5.33 As no otter holts/lying up sites or bat roosts were found within the site, no European protected species licence would be required (from Natural England) in order for the proposed development to proceed. This may change in future if any bat roosts are found within mature trees that are subsequently affected. The re-survey of trees for bats should be included within the recommended Ecological Construction Method Statement or CEMP (Biodiversity) document.
- 5.34 The Priority habitats of hedgerows and stream are being retained, protected and enhanced. The landscaping scheme and the appropriate long term management of these priority habitats are critical to ensuring that the proposed development does result in a net biodiversity gain. It is therefore recommended that a landscaping scheme to be submitted under reserved matters incorporates full details of all biodiversity enhancements, including hedgerow planting, tree/scrub planting, wetland habitat creation and the habitats to be created within the 'secluded wildlife area' (e.g. tussocky wildflower meadow habitat to benefit grass snakes and other species).

- 5.35 There is a need for the "secluded wildlife area" to the northwest of the Elm Bank Ditch to be fenced off to prevent access by dogs and to limit disturbance by people. It is also recommended that interpretation signs are required to ensure that the residents are aware of the reasons for this and to ensure that they respect the need to stay out of this area. There is a large area of public open space to be provided for local people as part of the proposed development and exclusion from a very small part of this would not be detrimental to the green infrastructure requirements of the site.
- 5.36 Potential predation by domestic cats can be mitigated by provision of thickets of scrub and planting thorny species within hedgerows that are thickened up to create dense nesting habitat for birds.
- 5.37 Along with a number of recommended conditions, long term Habitat Management can be secured by legal agreement.

Drainage

- 5.38 The site is within Flood Zone 1 and therefore at low risk of flooding. OCC has raised no objection on flood risk grounds and recommends a condition requiring a sustainable drainage scheme to be agreed.
- 5.39 Thames Water has advised that with regard to Foul Water sewage network infrastructure capacity, there is no objection based on the information provided.
- 5.40 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. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then Thames Water would consider this to be a material change to the proposal, which would require a reassessment of their position.
- 5.41 Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water therefore request a condition requiring that no property is occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows from the development have been completed; or -a housing and infrastructure phasing plan has been agreed to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 5.42 The proposed development is located close to strategic water mains. Conditions are requested in terms of diverting the asset, or aligning the development, or construction techniques, so as to prevent the potential for damage to water infrastructure.

Amenity

- 5.43 The indicative layout demonstrates that it would be possible to design a scheme that creates acceptable distance between properties in the interests of amenity. Loss of a private view is not a material planning consideration, nor is loss of property value.

- 5.44 Short term pollution effects such as noise and dust can be addressed by the imposition of conditions dealing with a Construction Method Statement and Construction Traffic Plan. The longer term effects of noise and pollution from occupiers of the development and traffic movements are an inevitable consequence of housing growth.
- 5.45 Contamination risks have been assessed and the Council's Pollution Control Officer recommends a condition.
- 5.46 It is acknowledged that the experience of people using the right of way through the site would be materially adversely affected by replacing green space with substantial built form.

SI06 matters

- 5.47 A 40% on site provision of affordable housing.
- 5.48 £1,723 x 85 = £146,455 contribution towards sport/recreation/community facilities within the catchment. Provision of land (minimum of 400m²) to be used as children's play area adjacent to the existing village play area and a contribution of £139,916 towards enhancing and maintaining the new combined play space.
- 5.49 Public transport services - £85,000 towards the cost of increasing the frequency of services between Main Road, north of the site, Witney, and Carterton.
Traffic Regulation Order (if not dealt with under S278/S38 agreement) £2,700 to relocate the existing speed limit signage that is currently located to the south west of the site on the A4095 Bampton Road.
Travel Plan Monitoring fee £1,240 to monitor the residential travel plan for this development.
Public Rights of Way - £5,000 towards off-site improvements for local public rights of way.
- 5.50 Education contribution to Primary and nursery £478,428 towards the future expansion of the new primary school at west Witney to increase from 1.5fe to 2fe.
Secondary (including sixth form) £439,035 towards expanding permanent secondary capacity within the Witney planning area
- 5.51 A contribution of £10,710 towards temporary public art activities in the vicinity of the site, post occupation, for the benefit of residents for the purposes of enhancing wellbeing and boosting community spirit.
- 5.52 Oxfordshire Clinical Commissioning Group is seeking a developer contribution of at least £73,440 to support improvement of local primary care infrastructure if this development were to go ahead.
- 5.53 It is understood that should planning permission be granted The Parish would require the following:
- Land for a new children's playground and £85,000 (£68,000 NEAP + £17,000 LAP) towards equipment.
 - £50,000 towards the refurbishment of the Parish Hall or towards the building of a new Amenities Hall within the Development.
 - 2.6 hectares of landscaped space the length of Elmbank Ditch, with £220,000 to the Parish Council in perpetuity for maintenance.

- 10 car park spaces within the Development, close to the Parish Hall.

5.54 The Biodiversity Officer would require landscape and ecological management measures to be included in a legal agreement.

Conclusion

5.55 The proposal is not required to meet either a 5 year or 3 year housing requirement. With reference to Policy H2 it would not represent a suitable windfall opportunity and as a matter of principle greenfield open market housing development outside the settlement is unacceptable when assessed against H2 as a whole.

5.56 The development would represent a disproportionate addition to the village which is more than "limited" and therefore contrary to Policy OS2.

5.57 Development of this greenfield site would represent an inappropriate addition to the village in terms of its morphology and character. It would not form a logical complement to the existing scale and pattern of development. Nor would it protect or enhance the local landscape and setting of the village. It would result in the loss of an open space that makes an important contribution to the character and appearance of the area. This is contrary to Policies OS2 and EH2.

5.58 The access to the site is acceptable in highways terms but loss of hedgerow on the Bampton Road frontage and the urbanising effects of the provision of the access would be harmful in landscape character terms.

5.59 Flood risk has been assessed and there is no objection from statutory consultees.

5.60 There would be no impact on protected species and mitigation and enhancements for wildlife can be secured by condition/legal agreement.

5.61 Impacts on residential amenity and pollution control are capable of being addressed by conditions. However, light pollution and general disturbance would have urbanising effects and impact on the rural character of the area.

5.62 It is judged that there would be less than substantial harm to the setting and significance of heritage assets and this harm is outweighed by the potential benefits of the scheme should it be granted planning permission.

5.63 Having taken into account material planning matters, the proposal is contrary to the Local Plan, in particular Policies H2, OS2 and EH2 and is accordingly recommended for refusal.

6 REASONS FOR REFUSAL

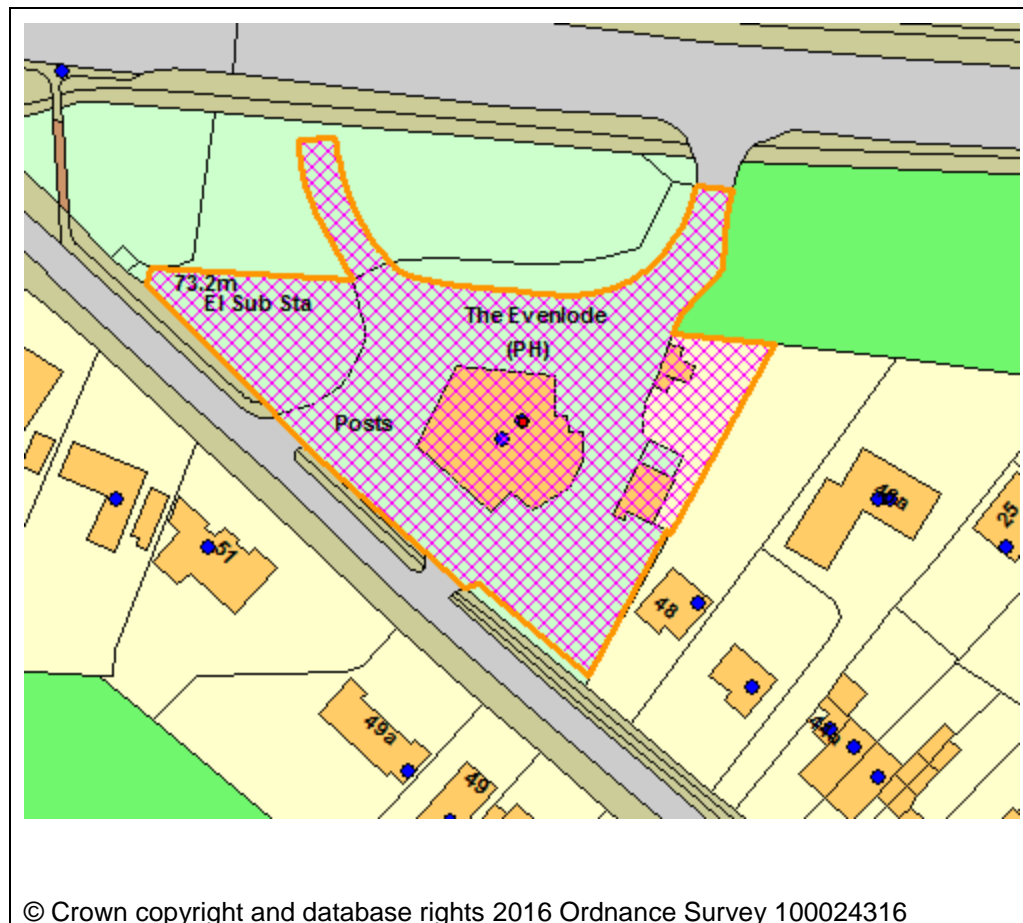
1 The proposal is for significant, and more than limited, housing development on a greenfield site beyond the existing settlement boundary of Curbridge. The site is therefore in the countryside. The development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of the location, site characteristics, and a very low 5 year windfall allowance. The proposal would not form a logical complement to the existing scale and pattern of development in this location, it would fail to protect or enhance

the local landscape and the setting of the village, it would involve the loss of an area of open space that makes a positive contribution to the character of the area, and would fail to conserve the natural environment. There would therefore be an unacceptably harmful impact on the character and appearance of the area. This would be compounded by loss of hedgerow on the site frontage to Bampton Road and the urbanising effects of the site access. The development is inconsistent with the linear pattern of development in Curbridge and would not contribute to local distinctiveness. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies H2, EH2, OS2 and OS4, paragraphs 12, 127, and 170 of the NPPF, and the West Oxfordshire Design Guide.

- 2 The applicant has not entered into a legal agreement or agreements to secure the provision of: affordable housing; self-build housing plots; sport and leisure; public transport; education; community benefits; public art; primary healthcare; and ecological and landscape management. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy H3, EH3, EH5, T3 and OS5 and paragraphs 54 and 56 of the NPPF.

Application Number	I8/02659/FUL
Site Address	The Evenlode Old Witney Road Eynsham Witney Oxfordshire OX29 4PS
Date	28th November 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442469 E 209926 N
Committee Date	10th December 2018

Location Map



Application Details:

Extension of public house to provide guest rooms

Applicant Details:

Robinson-Smith, The Evenlode, Old Witney Road, Eynsham, Witney, Oxfordshire, OX29 4PS

I CONSULTATIONS

- I.1 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.
- I.2 ERS Env. Consultation Sites Thank you for consulting about the above application. I have no objections in principal to the application, however it would appear that the hotel is to be extended over the site of a former petrol filling station, as acknowledged in the applicant's supporting documents. I would therefore recommend a condition be attached to any grant of planning permission to ensure that any remaining filling station infrastructure and associated contamination is suitably addressed and rendered safe.

The following condition is recommended so as to ensure that the land is suitable for the proposed use:-

1. No development shall take place until a site investigation of the nature and extent of 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 site 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.

3. 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.

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 15 of the NPPF.

- I.3 WODC Drainage Engineers Condition requested
- I.4 Parish Council Eynsham Parish Council wish to support the community' hotels/public houses and agrees with the application in principle.
- The Council noted the limited information provided in the Design & Access Statement and some of the plans were not entirely clear. Members of the Lowlands Planning Sub-Committee may wish to consider the application - please advise whether it will be doing so.

2 REPRESENTATIONS

- 2.1 No comments received.

3 APPLICANT'S CASE

- 3.1 A supporting statement has been submitted with the application. It has been summarised as:
- The Evenlode is currently a public house and restaurant situated on the Old Witney Road and the A40 in the village of Eynsham. First built as a roadhouse it was sold to H & G Simmonds Ltd, Brewers of Reading in March 1935. The Evenlode has since been used as a public house, hotel and restaurant.
 - The present owners purchased the property in February 2017 and after extensive refurbishment re-opened at the end of May 2017. The property when built provided client accommodation in a few existing dated guest bedrooms. The majority of public houses that have survived the decimation of the industry now provide a significant amount of accommodation, seen as a necessary part of the industry. As a further part of the service industry it is vital that staff and managerial accommodation is provided on site and existing first floor rooms have been given over to live in staff to maintain the high standard of service, food and security that is prevalent in the experienced owners other properties.
 - The primary intention of the proposal is to provide high quality accommodation which, given the current difficult economic pressures for public houses, some 18 closing every week according to the latest Government figures, would provide a sustainable financial business to ensure the property's continued viability for future years. The extension of the property would also provide considerable employment both locally and for those moving to the area, as well as generating income for local businesses. A business plan has been provided to support the application.
 - The existing building has been constructed with stone walls, bespoke stone lintels and cills, small plain tiles to the roof with detailed eaves finish and guttering. It is proposed to build the north walls of the extension in matching stone and the south and east walls to have a monocouche finish, all with stone lintels and cills, windows and door design as existing. The proposed roof would be constructed with matching tiles as existing with the same eave and guttering detail. The objective being to ensure that the new structure appears totally in keeping with the original building both in respect of materials and design.
 - The proposed extension would be partly built on the site of an historical petrol station, two small buildings remaining. This area is currently predominately screened off by timber fencing and a few parking spaces. A survey of the site has been provided by Groundsure Ltd to assess contamination, flood risk and ground condition.

- Every consideration, when designing the building, has been given to the surrounding properties to ensure no adverse affect and to maintain their privacy. Indeed the proposed building would act as a barrier between the neighbouring properties and the existing public house.
- With a view to sustainability local materials would be sourced, a grey water system would be explored as well as installing the most environmentally sound energy system that the local utility service can supply.
- There are two existing pedestrian and vehicular accesses to the site, one from the Old Witney Road and one from the A40, both of these accesses would be retained. An access detail and parking layout has been provided with the application.
- The existing property has access ramps installed for persons with disabilities, infants and a disabled toilet. It is proposed to install further ramps in the proposed extension, as well as internal modifications, to ensure total access and ease for all persons with disabilities and to be family orientated.
- No trees or boundary hedges will be affected and the existing timber fencing retained.
- The Evenlode would return to its original purpose of providing drink, food and accommodation. To this end it is proposed to extend and maintain the property to ensure its continued future for the local community and beyond.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

E4NEW Sustainable tourism

EW10 Eynsham- Woodstock sub area

E5NEW Local services and community facilities

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Cllr Mr Kelland has requested the application to be heard before the Committee. The reasons for calling in the application are concerns of the quality of design and scale.
- 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 Evenlode is an established public house located on the edge of Eynsham which sits adjacent to the A40. Your officers consider that due to its existing use as a local service and community facility that it should be retained and developed. Policy E5 of the adopted West Oxfordshire Local Plan states that the Council will support the development and retention of local services. Policy E4 discusses sustainable tourism. It states that new visitor facilities should be located within or close to Service Centres and reuse appropriate existing buildings. Whilst a town centre location will be most appropriate your officers consider that the location of the existing

public house and its space on site, lends itself to developing the important service to include letting rooms.

Siting, Design and Form

- 5.4 Your officers had concerns with the proposed scale and designs of the proposed extensions. After discussing with colleagues and providing the agent with a suggested revised scheme, the applicant has agreed to the proposed changes. Officers do not consider that the proposed extensions will harm the visual appearance of the locality. Conditions have been suggested to request samples of materials to ensure a high standard finish due to the highly prominent position the application site.

Highways

- 5.5 OCC Highways have been consulted and have no objection in terms of traffic movement and highway safety issues.

Residential Amenities

- 5.6 Your officers consider that the existing residential properties of the dwellings that are immediately adjacent to the existing building will not be adversely affected by the proposed development in terms of loss of light or overlooking issues.

Conclusion

- 5.7 Given that The Evenlode is an established local service provider and community facility, your officers consider that the principle of extending the existing building for letting rooms, is an acceptable proposal. However this is subject to the scale and design of the proposed extensions. After negotiations your officers consider that on balance the revised proposals are acceptable and complies with the relevant policies and the NPPF.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.

- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).
- 7 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 sewerage 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 sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 8 No digging of trenches shall take place until a site investigation of the nature and extent of 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 site 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.
- 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.

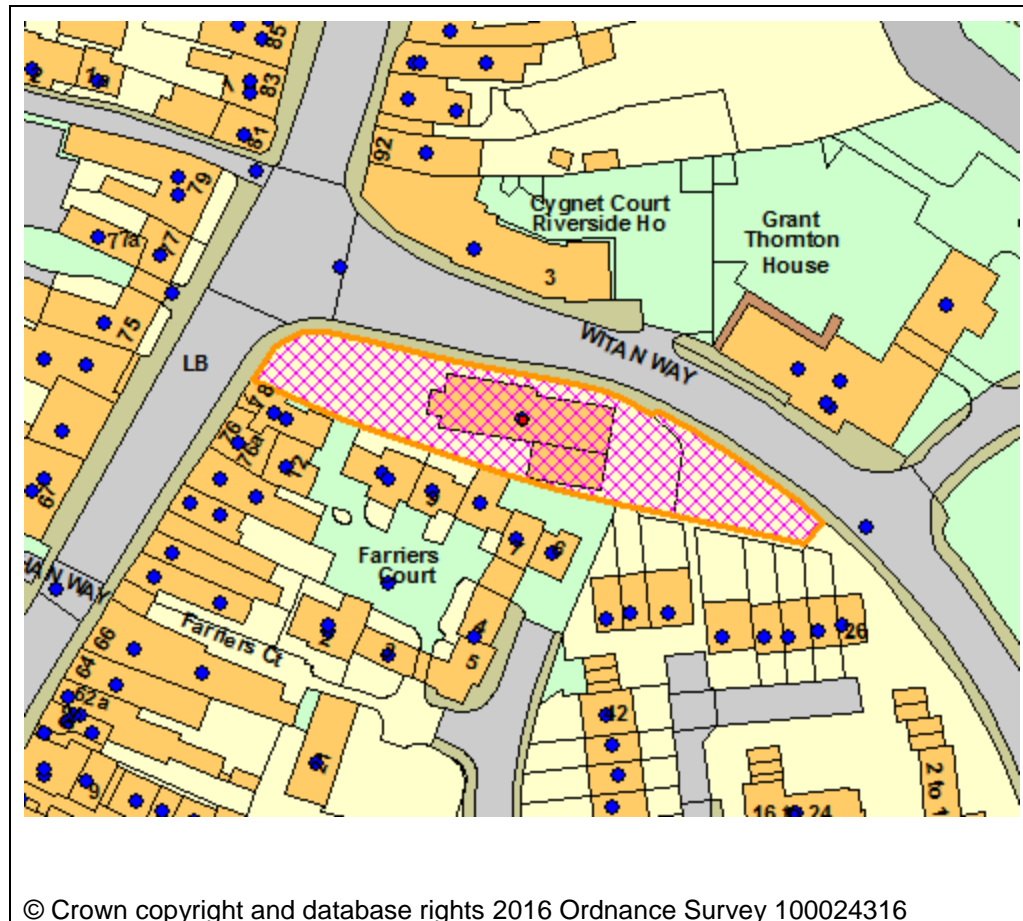
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate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

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

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 15 of the NPPF.

Application Number	I8/02905/FUL
Site Address	Welcome Evangelical Church High Street Witney Oxfordshire OX28 6HL
Date	28th November 2018
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435778 E 210032 N
Committee Date	10th December 2018

Location Map



Application Details:

Replacement of all windows and one fire door.

Applicant Details:

Mr Jeremy Brien, Welcome Evangelical Church, High Street, Witney, Oxfordshire, OX28 6HL

I CONSULTATIONS

- 1.1 Conservation Officer Context: A modern building, but very prominently located near a nodal corner in the Conservation Area.
- Opinion: As discussed, there would normally be a presumption against plastic window frames in this context, but I think that if balanced and flush casements are used throughout, and if all of the units are carefully designed, this will be an acceptable proposition subject to conditions.
- Recommendations: Give permission, with: condition for external door and window details, with accurate and detailed elevations of each unit at min. 1:20 scale, condition D35 for recessed window and door frames (min 75 mm).
- Reasons: Appears compliant with policies OS4 and EH10.
- 1.2 WODC Building Control Manager No Comment Received.
- 1.3 Town Council Witney Town Council objects to this application as the proposed windows are UPVC and not wooden. The Town Council would like to see wooden windows within the town centre and conservation area.

2 REPRESENTATIONS

No representations received.

3 PLANNING POLICIES

OS4NEW High quality design
H6NEW Existing housing
EH10 Conservation Areas
The National Planning Policy framework (NPPF) is also a material planning consideration.

4 PLANNING ASSESSMENT

Description of Site

- 4.1 This application relates to Welcome Evangelical Church, a modern building located in central Witney. The building is located in a prominent position at the corner of Witan Way and the High Street and is also located in the Witney and Cogges Conservation Area.
- 4.2 The building is located within flood zone 2, however as the proposed development is minor the applicant has submitted measures that are consistent with the standing advice provided by the Environment Agency.

Proposal

- 4.3 The proposal is for the replacement of all windows and one fire door. Materials are proposed as anthracite grey UPVC windows and an anthracite grey UPVC door.
- 4.4 The proposal has been submitted as the existing glazed timber windows are inefficient and insecure, causing draughts, condensation and by virtue of manufacture do not prevent CO2 emissions.

Planning History

- 4.5 13/0643/P/FP - Alterations to existing lobby doors and window and extension of porch flat roof to provide covered area, installation of cedar cladding to rear walls of covered area.
- 4.6 13/0644/P/AC - Erection of two externally illuminated fascia signs, one internally illuminated notice board, one flat screen static notice board and one non illuminated notice board.

Principle

- 4.7 This application seeks permission for replacement windows and one fire door at an existing place of worship. The principle of development is therefore acceptable subject to design and amenity issues being carefully considered against the Local Plan.

Design and Visual Impact

- 4.8 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 4.9 In terms of the scale, the proposed development will not result in a change to the external dimensions of the building.
- 4.10 With regard to design and exterior appearance, the proposal makes use of UPVC window frames. These are considered balanced and will have flush casements throughout.
- 4.11 With reference to the street scene, the building is located in a prominent position and is visible to the street. There would normally be a presumption against UPVC window frames in this context, however based on the modern nature of the existing building and the fact all units are being carefully designed, balanced and with flush casements; the proposed development is not considered to have a negative impact on the street scene or character and appearance of the Conservation Area. As such, the character of the Conservation Area is preserved.

Amenity

- 4.12 In relation to amenity, the proposed development is to replace existing windows without the creation of any additional windows. Therefore, there won't be any new views available from the

building and as such the proposed development is not considered to have a negative impact on the amenity of neighbouring properties.

Conclusion

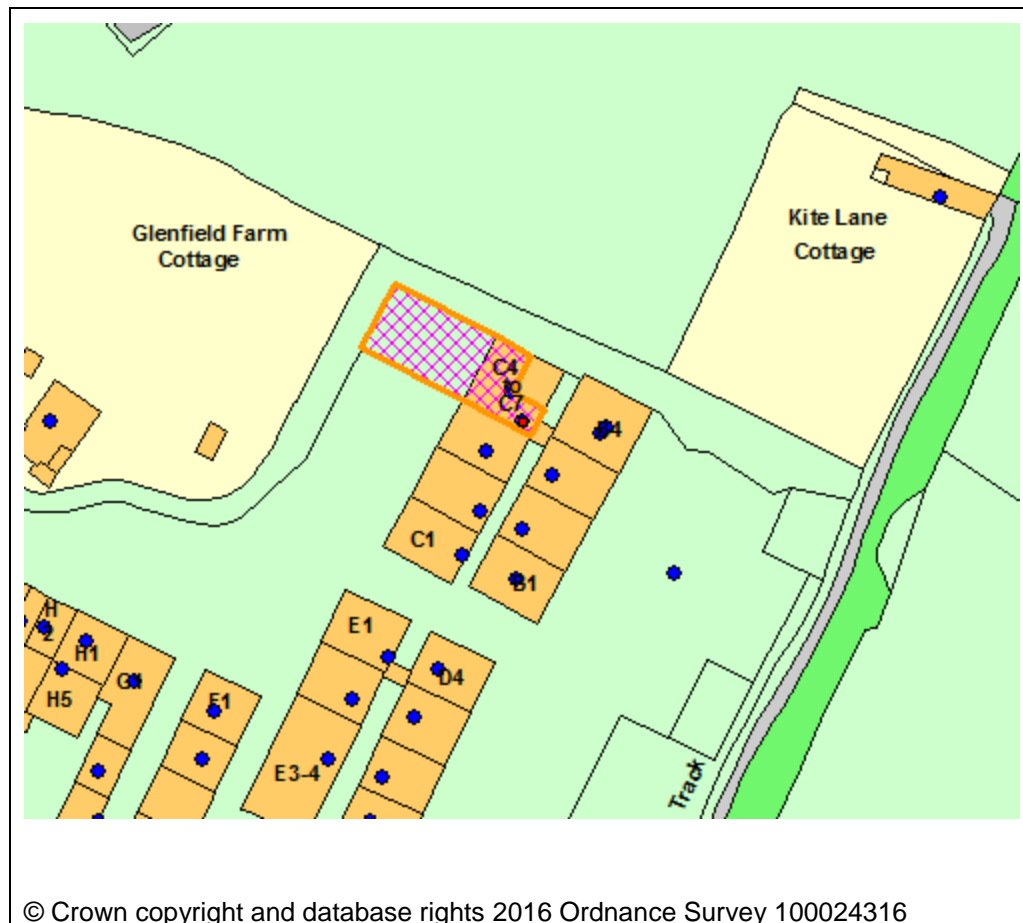
- 4.13 The proposed development complies with Policies H6, OS4 and EH10 of the Local Plan. In light of the above the planning application is considered to be acceptable and is recommended for approval.

5 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors and windows to include elevations of each complete assembly at a minimum 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

Application Number	I8/02996/FUL
Site Address	Unit C6 New Yatt Business Centre New Yatt Witney Oxfordshire OX29 6TJ
Date	28th November 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	North Leigh Parish Council
Grid Reference	437747 E 213151 N
Committee Date	10th December 2018

Location Map



Application Details:

Change of use from office to coffee shop/cafe, providing hot and cold food and drink, to eat in or take away.

Applicant Details:

Mr Carl Reynolds, Solar Limpets Ltd, 21 Ladywell Close, North Leigh, Oxon, OX29 6RL

I CONSULTATIONS

- 1.1 ERS Env Health - Lowlands No Comment Received.
- 1.2 OCC Highways
Recommendation:
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they object to the granting of planning permission.
Comments:
The documents available to me via the Councils public access website do not contain adequate information for me to provide any comment other than an objection based upon lack of detail with regards to car and cycle parking.
OCC expects for a proposal of this nature to provide 1 car parking space per 5sqm of public space. However the only details I have are contained within the application form that state the whole area is 67sqm. Therefore based upon 67sqm, I would be looking for 13.4 car parking spaces within the applicants control in order to make the proposal acceptable in highway terms. Further what is not helpful, contained within the application form, the applicant has stated that they can provide between 5-10 light good vehicle parking spaces on site. This is very ambiguous and as such cannot be relied upon as an accurate reflection of what car parking is available on site. In order to lift this objection, I require the details highlighted above to be answered.
Further, I have no details before me of any secure cycle parking on site. OCC's optimum cycle parking is 1 cycle stand per 50sqm, or 1 stand per 12 staff and 7sqm.
For visitors, 1 stand per 20sqm of public space. Taking the public space calculation OCC would be looking for $3.35 + 1 = 4.35$ stands based upon the sqm of 67 that is contained within the application form.
Given the deficient level of detail before me, the proposal are likely to have any adverse impact upon the local highway network from a traffic and safety point of view, therefore I offer an objection to this proposal.
- 1.3 Parish Council No objections.

2 REPRESENTATIONS

- 2.1 Comments have been received from Simon Letton of Inks and More, and Ian Munro Proprietor, Witney Shirt Printing. The comments have been summarised as:
- Firstly, there are inadequate parking facilities for ourselves and any visiting customers, let alone any café customers.
 - Secondly, we feel that our clothing business will not benefit from any smell of cooking which is likely to drift around the building.

- Thirdly, the general construction and wood cladding of these buildings may well constitute a fire hazard during the cooking processes.
- I hope these concerns will be taken into account when looking at this application.
- We are in Unit C3 directly next to Unit C6 we would like to place our objections to this proposal on the grounds of increased traffic & access. There is already a lack of parking on the business centre. We also have lorry pallet deliveries & collections during office hours 8.30 to 17.00 which require loading & unloading via fork lift requiring open access to the parking area directly outside of unit C3.

3 APPLICANT'S CASE

No documents submitted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

T4NEW Parking provision

E1NEW Land for employment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is to be heard before the Committee as the Parish Council have no objections.
- 5.2 The application site is located at the first floor of an industrial unit within New Yatt Business Centre. The proposal is for a cafe and takeaway use providing hot and cold food and drink.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 The most relevant Policy of the adopted West Oxfordshire Local Plan is Policy E1. This Policy discusses Existing employment sites and non-employment uses on employment sites. It states that such uses will be refused except in the following circumstances:
- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the
 - employment site and the local community, and conform with Policy E6: Town Centres; or
 - where substantial community benefits would be achieved by allowing alternative forms of development.

- 5.5 Your officers consider that a cafe use could be an acceptable addition were it to serve only the users of the business centre. This is in terms of the use being complementary and compatible to the functioning of the employment site. However other policies within the adopted West Oxfordshire Local Plan must be met.

Siting, Design and Form

- 5.6 As the application is for a change of use of an existing unit your officers do not consider such issues to be relevant.

Highways

- 5.7 Representations have been received from the immediate occupiers of the neighbouring units in relation to parking issues that already exist. Following officers own site visit it was apparent that there was a lack of parking available to these particular locality and the whole site generally. OCC Highways have been consulted and object to the proposal due to the lack of detail submitted with the application form regarding on site parking and cycle parking.
- 5.8 Furthermore whilst your officers assume that the proposed cafe use is for the users of the Business Centre only, a condition which restricts the use to such users and not general members of public cannot reasonably be enforced. As such further conflict with parking and other highway safety measures could result.

Residential Amenities

- 5.9 No details have been provided regarding the types of food to be cooked or served have been submitted within the application. Your Environmental Health officers have been consulted and a response is expected to be received prior to the meeting. Officers will update Members verbally.

Conclusion

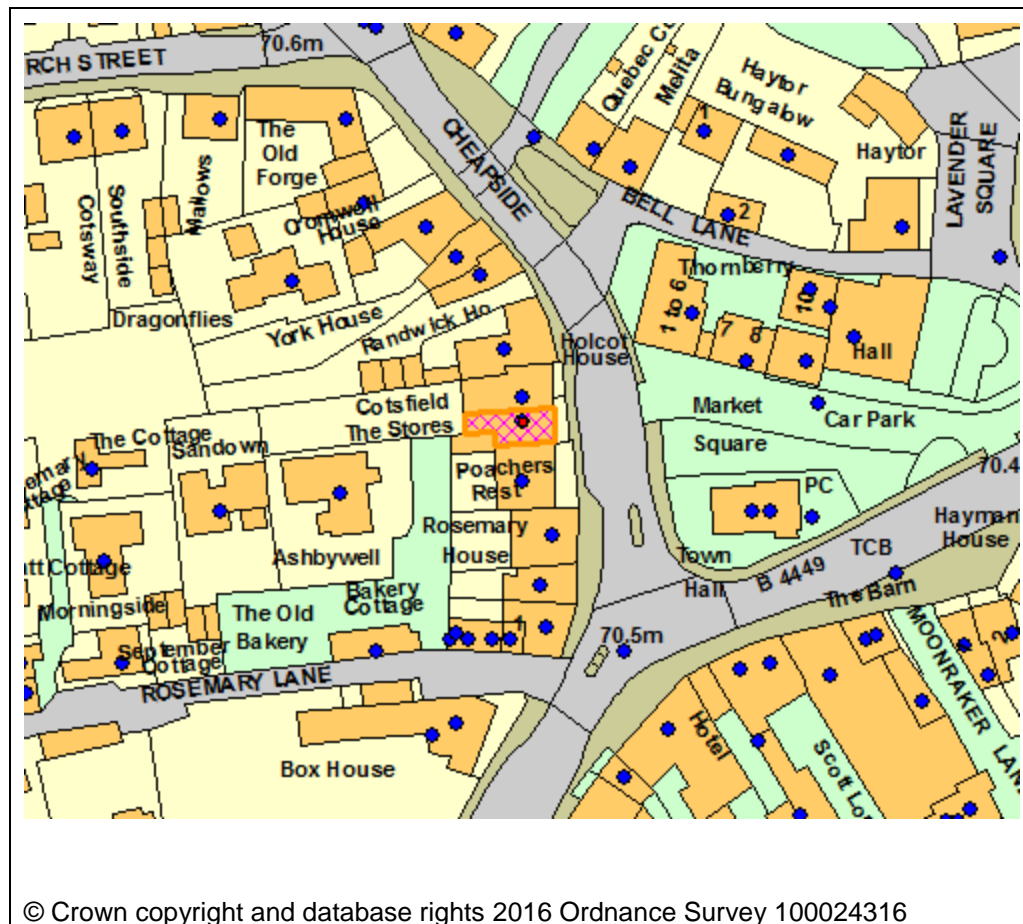
- 5.10 Given the above highways objection and the lack of detail submitted with the application, your officers consider that the proposal is contrary to Policies EI and T4 of the adopted West Oxfordshire Local Plan.

6 REASON FOR REFUSAL

- I It has not been demonstrated to the satisfaction to the Local Planning Authority that sufficient vehicle and cycle parking to serve the proposed use can be accommodated safely within the applicant's ownership without resulting in conflict with other users of the New Yatt Business Park. As such the proposed non-employment use is not considered to be compatible or complementary to the functioning of the employment site. The proposal is considered to be contrary to Policies T4 and EI of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Application Number	I8/03122/FUL
Site Address	The Stores Market Square Bampton Oxfordshire OX18 2JJ
Date	28th November 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431445 E 203201 N
Committee Date	10th December 2018

Location Map



Application Details:

Change of use from holiday let to hair salon

Applicant Details:

Mrs Susan Marshman, 159 Britannia Close, Carterton, Oxfordshire, OX18 IDR

I CONSULTATIONS

- 1.1 ERS Env Health - Lowlands No Comment Received.
- 1.2 Parish Council No objection

2 REPRESENTATIONS

2.1 Comments have been received from Mr Andrew Gullett of Cotsfield Market Square. The comments have been summarised as:

- In regard to design layout please note that the block plan on the application is incorrect because it does not show that "Cotsfield" footprint returns all the way behind "The Stores" at ground and first floor level.
- In regard to noise & disturbance, we are concerned about the noise of people talking over hairdryers and music during opening hours. The ground floor party walls at the rear of "The Stores" have poor acoustic qualities which has been noticeable since construction works in 2015.
- Floor joists sit on these party walls which means that sound can travel through gaps above the ceiling. If a door was fitted between the proposed hair salon and proposed staff T bar then this would be an improvement and reduce sound transfer - can this be added to the plans? The ceiling can be opened up at the rear and rear/side and sound insulation added to muffle the noise – can this be added to the proposals? If these simple improvements were made then the concern in regard to noise & disturbance would be eased to a certain extent. Sound testing of the party wall to British Standards would establish what improvement is required. Can these points be a condition of approval please?
- In regard to overlooking and noise & disturbance, please note that the external door to the first floor treatment room is a fire exit only and should not be used for other purposes e.g. a smoking area. This fire escape door overlooks the garden of "Cotsfield" and forms part of "Cotsfield" kitchen roof. Can a condition be added to ensure that this area is not to be used for staff smoking?
- We would be grateful if you would take these things into account when assessing the application.

3 APPLICANT'S CASE

No documents submitted as part of the application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

E5NEW Local services and community facilities

T4NEW Parking provision

E6NEW Town centres

EH10 Conservation Areas

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Cllr Mr Mills has requested that this application heard before the Committee for the following reason:

So that an assessment can be made of the impact on the Conservation Area.

- 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 Previous planning history of the property includes the change of use from shop to residential in 2007. The most relevant policy of the adopted West Oxfordshire Local Plan is Policy H6 Existing Housing. This Policy states that changes to existing housing will be managed to maintain sustainable communities and a high quality environment in accordance with the following principles:

- the loss of existing dwellings to other uses will only be permitted where it can be demonstrated they are in an unsuitable location for housing
- do not provide satisfactory living accommodation
- are not needed to meet an identified local housing need
- or the proposed use will make a positive contribution to local services and facilities

- 5.4 Your officers consider that the proposal to a hairdressing salon is acceptable in principle given that the proposed change to hair salon will help to maintain a sustainable community and will make a positive contribution to the existing local services and facilities.

Siting, Design and Form

- 5.5 As the application is for a change of use of an existing unit your officers do not consider such issues to be relevant. Your officers have had regard to Policy EH10 and consider that the proposed change of use will not harm the setting of the Conservation Area.

Highways

- 5.6 Public car parking is available opposite the premises.

Residential Amenities

- 5.7 The existing use of the property is for a holiday let. The proposed use is for the ground floor of the property to be used for hairdressing, the first floor for treatment rooms, and for the second floor to be used as an office. After assessing the representations from the adjoining occupier, your officers have discussed the noise implications with Building Control officers.

- 5.8 In terms of the fire exit door, your officers have suggested a condition to prevent it from being opened apart from in an emergency. Smoking areas come under a different legislation to that of planning which your Environmental Health officers would liaise with the applicant.

Conclusion

- 5.9 Your officers consider that the principle of a hair salon is an acceptable use in this location. The additional proposed use will help to make a positive contribution to local services within the village.
- 5.10 Hair salons are not generally considered to be of such a noise nuisance to adversely affect residential amenities to such a degree to warrant refusal of applications. However your officers have included conditions where appropriate and reasonable, for example your officers have included conditions restricting the use to a hair salon, and conditioning the proposed opening times.
- 5.11 In view of the above your officers consider that the proposal complies to the relevant policies of the adopted West Oxfordshire Local Plan and NPPF.

6 CONDITIONS

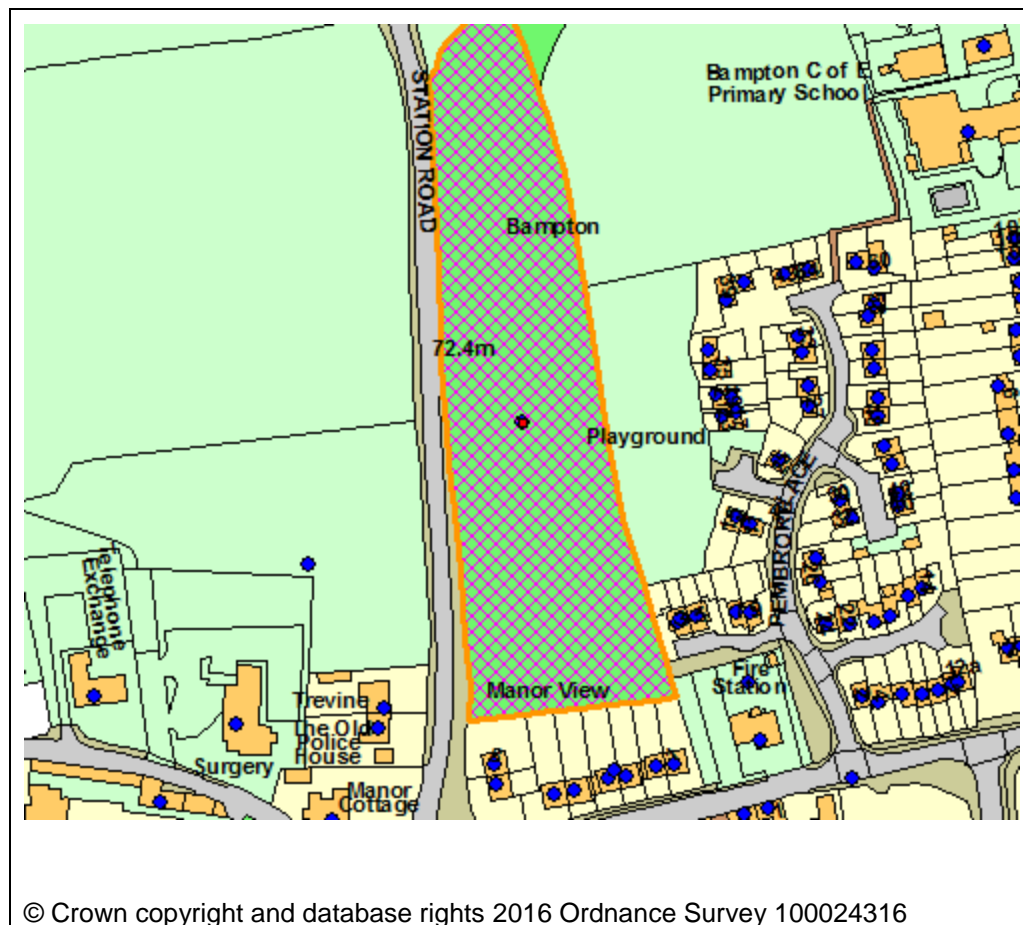
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The use shall not take place other than between the hours of: -
0900 18:00; Tuesdays Wednesdays Fridays
10:00 20:00; Thursdays
09:00 15:00; Saturdays
Closed; Sundays, Mondays and Bank Holidays.
REASON: To safeguard living conditions in nearby properties.
- 4 The premises shall be used for a hair and beauty salon and for no other purpose.
REASON: To protect residential amenities of neighbouring dwellings and to control the use of the property.
- 5 The proposed fire exit to the rear at first floor level shall remain closed and only be used in emergency circumstances only.
REASON: To protect residential amenities of the adjoining dwelling.

NOTE TO APPLICANT

Please note that your proposal may require alterations to comply with Building Regulations. You are advised to contact the LPA to ensure no further permissions are required for such alterations.

Application Number	18/03108/FUL
Site Address	Land at Station Road Bampton Oxfordshire
Date	28th November 2018
Officer	Phil Shaw
Officer Recommendations	Defer
Parish	Bampton Parish Council
Grid Reference	431447 E 203636 N
Committee Date	10th December 2018

Location Map



Application Details:

New access to agricultural land.

Applicant Details:

Mr Martin Falkner, C/O Agent,

I CONSULTATIONS

- 1.1 Parish Council Objection:
We note with dismay the comments of the highway agency as we consider this access to be on a dangerous bend. We feel this area of land is small enough that it could be accessed and maintained through the existing site as it is no bigger than many normal existing gardens. As previously stated, the Parish Council are prepared to take this on as amenity land. It is not agricultural land.
- 1.2 OCC Highways No Comment Received.

2 REPRESENTATIONS

- 2.1 Two letters have been received from Mr Milne Day and Dr Outhwaite. The following points are raised:
- The development of 9 retirement homes to the south would be better and safer if served by this access. At present the access is by the chicane where cars entering Bampton are speeding up to get through. This was always madness. If the Officer is minded to grant permission please can it be subject to condition that access must only be used for agricultural purposes not as a means of opening up a swathe of land to the north and east
 - This seems to have been dishonestly described as access to agricultural land, when there is also a plan for a housing estate. It should be dismissed on these grounds. Anything other than agricultural access would be extremely dangerous from a traffic point of view.

3 APPLICANT'S CASE

The proposed access would allow agricultural access into the site. Due to the granting of permission for retirement homes to the South of the site, the North of the site remains as agricultural land which now requires its own separate access. The proposed access will allow a separate access directly into the application site from Station Road. The proposed access and associated works will not have an adverse impact on the landscape character given its position on the boundary. Visibility splays will be introduced to ensure that the proposed access is safe to use for entrance and egress from the site and for vehicles travelling down Station Road. The scale of the access will be appropriate and within a suitable location to provide safe agricultural access into the application site. The vegetation on the boundary will be no more than 600mm in height to ensure visibility is not impaired. The proposal complies with the relevant policies of the National Planning Policy Framework 2018 and the West Oxfordshire Local plan 2031 (September 2018). In view of the above, it is requested than planning permission is granted.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
T1NEW Sustainable transport
CA5 Carterton sub-area strategy
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to a site to the east of Station Road when leaving the town and seeks consent to remove an area of hedge to create a new vehicular access to an area of open land. Members will recall that when they considered the small housing development currently under construction closer to the village this area of land was retained due to its contribution to the setting of the village.
- 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 principle of creating a new access to serve the land is not objectionable in and of itself. The key issues are the loss of hedgerow to form the access/vision splays and the highway safety implications. With regard to the first of these issues the hedge at this point does contribute to the rural approach to the settlement but there are no trees of note within the area of hedge to be lost and the creation of a low key agricultural access would not, of itself, give rise to such visual harms as would in your officers opinion justify refusal.

Highways

- 5.4 This is the critical issue. The site lies close to the bend and in very close proximity to an existing access serving an adjoining field. There is a need to ensure that the visibility and potential for confusion about turning movements is fully addressed by OCC and, dependent upon whether they require safety etc measures, this may in turn impact upon the visual amenity/impact of the scheme. At the time of agenda preparation the advice of OCC has not been received but if it is received in good time for consideration it may be possible that the application could be brought forward with a verbal recommendation.

6 RECOMMENDATION

Verbal update when the advice of OCC has been received.