

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 10th June 2019**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

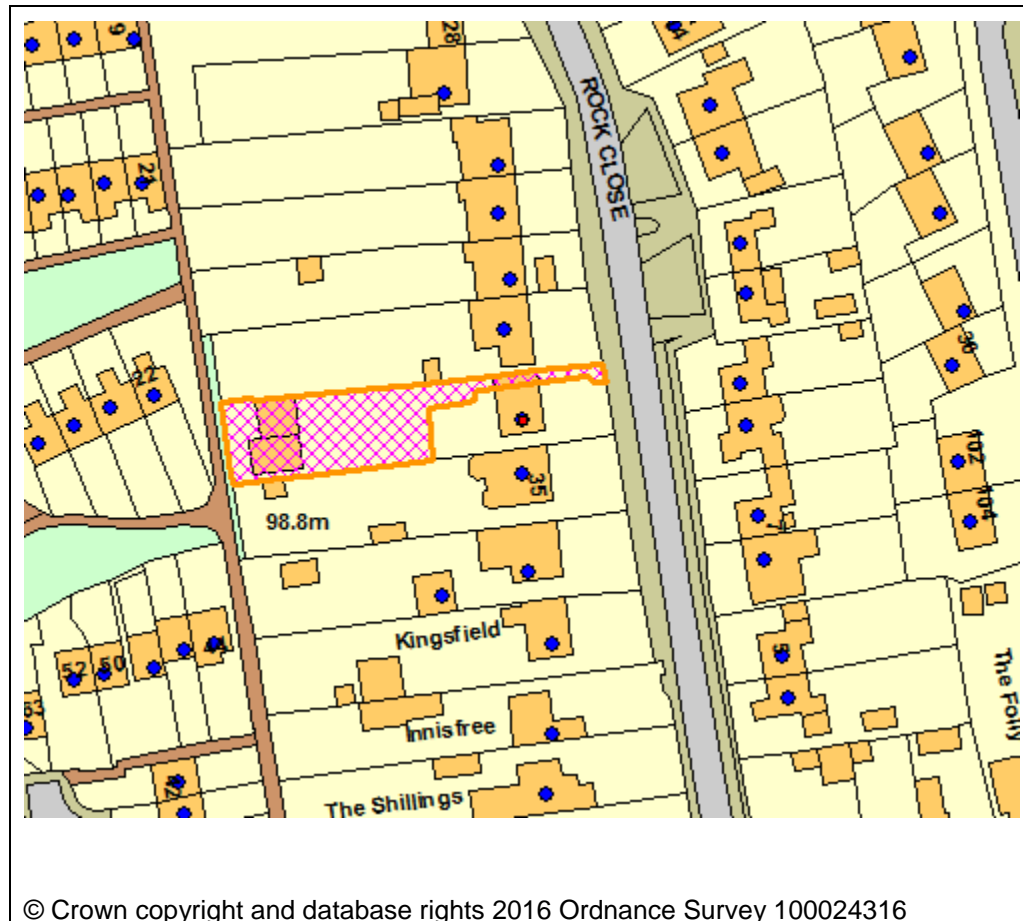
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	19/00416/FUL
Site Address	Grawins Rock Close Carterton Oxfordshire OX18 3BP
Date	8th May 2019
Officer	Jane Fray
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427679 E 207028 N
Committee Date	20th May 2019

**Location Map**



**Application Details:**

Erection of detached dwelling with associated access and parking.

**Applicant Details:**

Chris And Becky Blakely And Tilton, The Old Dairy, 116B Station Road, Brize Norton, Oxon, OX18 3QA.

## **I CONSULTATIONS**

- 1.1 Town Council Support
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.
- Recommendation:
- 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, subject to the following conditions:
- o G28 parking as plan
  - o G11 access specification
- The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980 <https://www.oxfordshire.gov.uk/business/licences-and-permits/dropped-kerbs>.
- 1.3 WODC Drainage Engineers No Comment Received.
- 1.4 WODC Env Health - Lowlands No Objection in principle.
- 1.5 ERS Env. Consultation Sites The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

## **2 REPRESENTATIONS**

No neighbour objections received.

## **3 APPLICANT'S CASE**

- 3.1 A Design and Access Statement has been submitted by the applicant, in support of the application and is summarised as follows:
- We have suggested a small scale, yet conventional form of dwelling that will blend with the character of surrounding housing.

- This dwelling is easily accommodated on the plot. In fact it appears within the centre of it, and would be surrounded by green amenity space. In our view this proposal makes best use of available developed land.
- Our view is that the proposal complies in principle with all relevant planning policies. We feel it will enhance and strengthen the existing visual character and so is potentially a positive addition to the street scene.
- Furthermore, a smaller dwelling is an addition to the mix, this is good for social cohesion according to the NPPF.
- In terms of its appearance and design, we have sought to work with relevant planning guidance also, though it is unremarkable in design, it is consistent with the general appearance of most other dwellings nearby.
- In submitting this application, we were aware that permission had been granted sometime in the past for an annexe of broadly similar scale, also set back from the street. This has not detracted from the street character either.
- It is also true that under current permitted development rules, all the gardens along this street could accommodate a much greater amount of single storey buildings without ever needing to get permission.
- It may be noticed that the garden north of our site is the only other one locally that appears to be able to repeat what we propose. Even if that were proposed (And it would require the owners a) to want to, and b) to get permission from the current applicants for access) should it be the same scale of dwelling. Thus a low density setting enhanced with added bio-diversity would also be achievable. Thus the overall low density character of the area would be safeguarded, whilst resulting in another small scale home to add to the "mix" in this area.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 This Application was deferred at the last meeting to enable a site visit to be held. The application seeks planning permission for erection of a detached dwelling with associated access and parking at Grawins, Rock Close, Carterton.
- 5.2 The site previously contained a single dwelling, in a run of similar properties along Rock Close. Permission was granted in August 2018 for a replacement dwelling in the same position, under Reference 18/01856/FUL. The original dwelling has now been demolished and the replacement two storey dwelling was nearing completion at the time of writing this report.
- 5.3 Subsequently, planning permission was granted in January 2019 under Reference 18/03027/FUL for sub-division of the original plot and the erection of a detached bungalow to the rear of the replacement dwelling. Conditions were attached to the approval to remove Permitted

Development Rights for additional windows, alterations, extensions and outbuildings, due to the restricted size of the plot and its 'backland' tandem relationship with other nearby dwellings.

- 5.4 The current application seeks permission for a dwelling in the same position and of a similar footprint and height as the bungalow approved under Reference 18/01856/FUL, but with a change of roof design, including a larger gable to the north elevation, proposed new gable to the east elevation, increase in eaves height of approximately 0.5 metres, the incorporation of new first floor windows to front (east), rear (west) and side (north) elevation, to serve two bedrooms and en-suite bathrooms in the roof space. The bedroom windows are shown as clear-glazed and the bathroom obscure-glazed. Revisions to the scheme are anticipated at the time of writing, to reduce the size of the first floor windows.
- 5.5 Carterton is classified in the current Local Plan as a main service centres, whereby new residential development is supported in principle, being primarily focused within and on the edge of these settlements. The site is not within the AONB, Conservation Area or Green Belt and there are no listed buildings on, or near the site.
- 5.6 This application is to be considered by Committee, as the Parish Council has not objected to the scheme.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties, your officers are of the opinion that the key considerations of the application are:
- Principle  
Siting, Design and Form  
Impact on the street scene  
Residential Amenity  
Highways Safety
- Principle
- 5.8 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).
- 5.9 Policy OS4 of the adopted Local Plan states that proposals should demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.
- 5.10 Policy H2 of the adopted Local Plan 2031 states that new dwellings will be permitted at the main service centres on undeveloped land within the built up area, provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.

- 5.11 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and/or character of the area, and should be compatible with adjoining uses, but not have a harmful impact on the amenity of existing occupants.
- 5.12 In light of the above, the principle of a new residential unit in this location is considered to be acceptable and has been established by the previous approval for a bungalow.

#### Siting, Design and Form

- 5.13 Section 11 of the Council's 2016 Design Guide sets out that proposals for new development should take on board the surrounding context in its design and that whatever the scale or nature of a proposed development is, local character should be respected or strengthened. Schemes should take into account the prevailing local settlement pattern in terms of development density and the arrangement and interrelationships of buildings, building lines, roads, footpaths, public and private space. It should also consider potential impacts in respect of neighbouring amenity.
- 5.14 In relation to local character of the area, officers consider the proposed scale and design of the dwelling is acceptable. The proposal has been designed with specific reference to approved application 18/01856/FUL for the new dwelling fronting onto Rock Close. The general design and massing of the proposed dwelling is considered to be appropriate in response to the variety of dwelling styles in the area and responds to the need to ensure that any development is as de minimis as possible and does not compete with the primacy of frontage dwellings along Rock Close.
- 5.15 Overall, the massing, scale and design of the proposed dwelling is not significantly different from the previously-approved bungalow and is therefore considered to be in keeping with its surrounding context and is not considered to represent over-development of the plot.

#### Impact on the Street Scene

- 5.16 It is noted that the scale of development when assessed externally is similar to the previously-approved bungalow in the same position. Again, there would be some impact on the street scene, in that the proposed development would be partially viewable from the front in the gap between existing dwellings. This has been carefully evaluated by officers. The surrounding area exhibits a mixed character, including detached, semi-detached and terraced development of both single storey and two storey height in the vicinity of the site. There is no strong building line in this part of the street scene and it is considered that given the design, scale and set-back of the proposed dwelling, that it would be acceptable in its setting.

#### Residential Amenities

- 5.17 Officers have carefully assessed potential impact on neighbouring amenity. The Council's Design Guide states that bulky development which would block the outlook from, or daylight reaching principal rooms and garden or patio areas of adjacent properties should be avoided. It also advises that the position and nature of windows in relation to potential overlooking should be carefully considered.

- 5.18 In respect of potential overbearing or overshadowing impact, this has been assessed to all four sides. There would be approximately 1.2 metres to the shared garden boundary with No. 35, 4 metres to the boundary with No. 33, 11.4 metres to the rear garden boundary with the new dwelling at No. 33A and a window to window distance of 20.5 metres between the existing and proposed dwelling and approximately 13 metres to the side boundary of the rear garden of No. 22 Faulder Avenue, the nearest property to the rear of the plot. The building would be positioned a sufficient-enough distance away from boundaries, adjacent dwellings and private garden areas such that it would not be considered to result in a significant additional adverse impact in relation to overbearing or overshadowing impact over and above the scale and position of the bungalow previously approved in 2018.
- 5.19 In relation to potential overlooking, this has also been carefully assessed on site by officers. It is noted that much of the previous vegetation on site has been grubbed out and that the ground has been cleared. Two mature trees at the western end of the site have also been severely pruned and excavated at the roots, such that they do not appear to have any current growth and look to be dying. These open out considerably views from the site towards properties in Faulder Avenue.
- 5.20 During the application process, the scheme has been amended to reduce the size of proposed first floor windows, in order to mitigate against potential overlooking impact towards nearby properties and private amenity areas. It is also noted that there would be a variety of proposed boundary treatments around the periphery of the plot, including fencing of varying heights and shrub and tree planting, in order to provide screening.
- 5.21 However, notwithstanding the above, the scheme proposes windows at first floor level, two of which serve bedrooms, with one being to the front east elevation facing 33A Rock Close and the other with its main outlook being to the rear, towards the private rear amenity space of 22 Faulder Avenue, which is beyond a public footpath adjoining the eastern boundary of the site. Officers consider that there would be direct overlooking to both of these sides and also additional views towards Nos. 33 and 35 Rock Close, resulting in perceived overlooking into garden areas and dwellings adjoining all sides of the site.
- 5.22 It is noted that the distance between the proposed dwelling and the existing new dwelling on Rock Close would amount to 20.5 metres, with 11.5 metres to the rear garden boundary, and the distance to the garden and patio area of 22 Faulder Avenue being approximately 15 metres, with potential views into rear ground floor windows of that property at approximately 19 metres away, that there would be significant direct overlooking, coupled with perceived overlooking towards the rear amenity spaces and windows of adjoining properties 33 and 35.
- 5.23 Whilst the Council does not have adopted standards for overlooking the rule of thumb of a minimum of 21 metres would be breached, given the open aspect of the site and its close-knit relationship with surrounding properties, which have previously enjoyed a degree of privacy, it is considered that there would be a significant amount of overlooking as a result of the introduction of proposed first floor windows.
- 5.24 This opinion is consistent with officer's assessment in relation to previous application 18/03027/FUL, whereby condition 7 of the approval removes Permitted Development Rights for additional windows, dormers and rooflights (amongst other things), such that the introduction of any additional openings would require planning permission.



- 5.25 It is noted that no neighbour or Parish Council objections have been received, however, in the light of the above observations, the proposed development is considered to have a materially adverse impact on neighbouring amenity, by way of significant overlooking.

#### Highways

- 5.26 Officers note that there would be a net gain of one bedroom as a result of the current scheme. However, the proposed development would be served by a new access and two new parking spaces are proposed. Given the scale of the development officers do not consider that this would significantly impact upon highway safety. Oxfordshire County Council Highways officers have raised no objection and the scheme is considered to be acceptable on highway safety grounds.

#### Conclusion

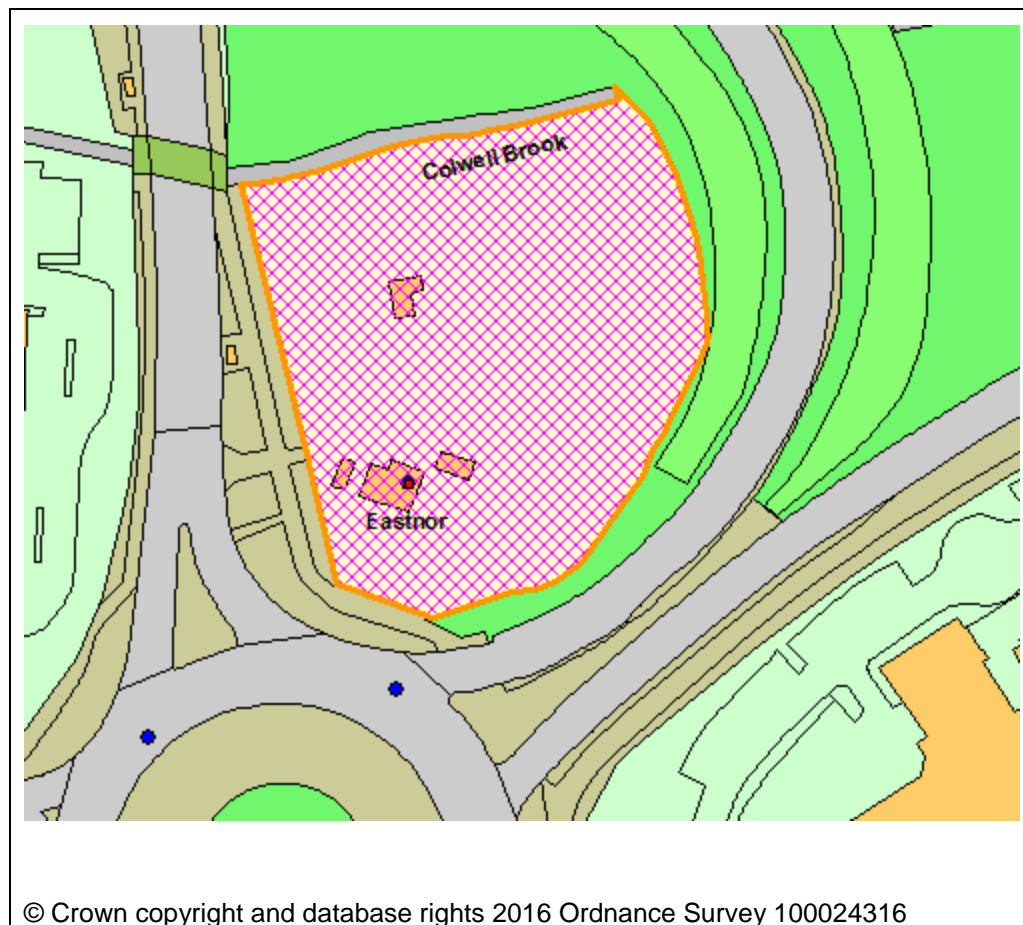
- 5.27 The proposed development is for the provision of a two storey dwelling which is considered to have a significant impact on residential amenity of nearby occupants as a result of overlooking.
- 5.28 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is not acceptable on its planning merits, and would not be in compliance with Policies OS2, OS4 and H2 of the Local Plan 2031, Section 11 of the Council's approved Design Guide 2016 and the NPPF 2019.

## **6 REASON FOR REFUSAL**

- I The proposed first floor bedroom windows would result in an unacceptable degree of overlooking and loss of privacy to adjoining residents, due to the design failing to respond to the context of the site and its surroundings. The development would therefore be significantly harmful to residential amenity and as such, the proposal would be contrary to Policy OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan 2031, the Council's approved Design Guide 2016 and relevant Paragraphs of the NPPF 2019.

Application Number	19/00728/FUL
Site Address	Eastnor House Ducklington Lane Witney Oxfordshire OX28 4TJ
Date	29th May 2019
Officer	Miranda Clark
Officer Recommendations	Approve subject to Legal Agreement
Parish	Ducklington Parish Council
Grid Reference	435184 E 208516 N
Committee Date	10th June 2019

### Location Map



### Application Details:

Demolition of existing dwelling and erection of two storey hotel and drive-thru coffee shop and associated car parking, access, landscaping and ancillary works.

**Applicant Details:**

Hinton Properties Ltd, C/O Agent.

**I CONSULTATIONS**

- I.1 Major Planning Applications Team
- Objection for the following reasons.  
Parking provision is inadequate.  
Trip generation estimates should be revised.  
If despite the County's objection permission is proposed to be granted then the County requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives]
- Parking provision is inadequate.  
Trip generation estimates should be revised.  
A Travel Plan Statement is required.  
Access arrangements are acceptable.
- I.2 WODC Env Health - Lowlands
- The GIP Ltd, Phase I Geo-environmental Assessment Report 5th (January 2018) indicates low soil contamination concerns. Soil gas monitoring was undertaken and reported. The Phase 2 report indicates that gas regime is Characteristic Gas Situation' of 'I', and thus no protection measures are needed. However the readings were obtained:
- ' From within a few metres of a recorded landfill site with low to moderate gas generation potential
  - ' On just 4 occasions ' CIRIA C662 recommended minimal frequency is 6 visits over 2 months in the context of the site
  - ' From standpipes where the response zone was largely below water table.
  - ' Collectively within less than one month in early winter ' at other times of the year groundwater levels might be lower and any gas migration more marked.
- Additionally there are several PAH and TPH concentrations above the relevant controlled waters criteria. There is no mention in the reports of these contaminants being assessed for risks posed to human health from vapour intrusion into the buildings. Consideration should be given to these risks.
- In the circumstances I believe that either further gas/vapour monitoring could undertaken to confirm minimal risk or gas mitigation measures are incorporated into the new development.
- Therefore although I have no objections in principal to the application, a condition is recommended so as to ensure that the land is suitable for the proposed use.

I.3	Conservation Officer	No Comment Received.
I.4	Adjacent Parish Council	Witney Town Council objects to this proposal on the grounds that the increase in the number of hotel rooms will have a detrimental impact in terms of the amount of traffic in an already congested area. The Town Council is also concerned that traffic may back up onto the highway as is the case at the drive through McDonalds on Ducklington Lane, Witney. This is contrary to Policies T1 and T2 of the WOLP 2031.
I.5	Thames Water	Conditions required.
I.6	Environment Agency	<p>The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its adverse impact on the environment.</p> <p>Condition</p> <p>The approved development shall proceed in accordance with the protection, enhancement and management of the main river buffer zone as detailed in the Otter and Water Vole survey Revision 1 dated May 2018.</p> <p>Notes also to be included</p>
I.7	WODC - Arts	No Comment Received.
I.8	ERS Air Quality	No Comment Received.
I.9	Biodiversity Officer	No Comment Received.
I.10	Parish Council	<p>Ducklington PC:</p> <p>The original application in May 2018 was for the hotel to have 37 rooms and the Parish Council made their comments as you will find in your records following their meeting of 6 June 2018. Part of their comments were, in summary, that the proposal is an unsightly design option acting, as it would be, as the " Gateway into Witney. As a result, traffic movements will increase on this already congested roundabout and road system that has only recently upgraded by OCC to deal with the existing heavy traffic flows. There are already 2 hotels close-by and plenty of coffee shops.</p> <p>Subsequently it appeared that the Councillors comments regarding the unsightly appearance of the building was taken into account, as for example, in that the roof line was altered so that it would be in keeping with the surrounding buildings. For example, WODC planning directed that the Shell Service Station on the roundabout roof over the fuel pumps match the roof lines locally as a result of a similar suggestion from the Parish Council Consequently, the recent planning application 19/00728/FUL, Councillors wish to make the</p>

following comments- many of which were the subject of the original 37 rooms application and now exacerbated by the 63 rooms.

1. The number of rooms has now risen to 63 rooms with the necessarily increase in the number of parking spaces - not just for the increase in rooms, but, it is imagined, the delivery lorries and perhaps increase in staff at the hotel. All this means is additional traffic, especially at peak times, over that originally envisaged.

Transport

Assessment carried out by iPRT Group Ltd . The coffee shop will also pull many vehicles off the A40 by-pass just to get a drink.

Was another Assessment carried out for the 63 room application please ?

2. The vernacular - the unsightly appearance of the hotel building has returned to that originally planned and consequently is now out of keeping with surrounding buildings having been altered as stated above to be more sympathetic by the inclusion softening items like roof line gables. Why please ?

3. Other proposed developments in the area will all add to the traffic movement issues referred to in the Parish Council comments on the original application as stated above.

These developments come after the original planning application for the hotel.

4. The bus stop appears to have been moved further away from the villagers of Ducklington who probably use it most . This means and a much longer trip to queue for the bus that appears to have to cross 2 roads within the hotel site complex. Why please?

## **2 REPRESENTATIONS**

No comments have been received.

## **3 APPLICANT'S CASE**

A Planning Statement and a Design and Access Statement have been submitted as part of the application. Both conclusions of those reports have been summarised below. Full details can be viewed on line:

- The application site is situated approximately 2.5km to the south of the centre of Witney, adjacent to the A40 and accessed from the A415 Ducklington Lane. This Design and Access Statement accompanies an application for the Demolition of the existing dwelling and erection of three storey hotel (use class C1) with a drive-thru coffee shop (use class A3) and associated car parking, landscaping and ancillary works on land at Eastnor House, Ducklington Lane, Witney (REVISED SCHEME following grant of planning permission: 17/02845/FUL).
- The principle of a hotel and coffee shop use has already been established through the grant of permission 17/02845/FUL. The site has been deemed to be in a suitable and sustainable location for this type of development.
- The proposed building is simple, honest and contemporary in design and will help create a strong gateway into the town and supporting both tourism and business needs by providing affordable yet high quality hotel accommodation for Witney.

- The proposal accords with the principles of sustainable development and the policies for regeneration and making the best use of previously developed land as outlined in national and local planning documents.
- The proposed development has been designed to the highest standards and:
- Will deliver a quality modern design which responds to its local context.
- The supporting transport assessment demonstrates that the revised design would not result in a development that would have a severe or harmful impact on highway safety and the increased level of parking proposed (71 spaces) would be appropriate. It has also been demonstrated through this statement and supporting reports that other technical considerations such as drainage design, ecology, amenity impact and contamination would remain acceptable in planning terms. It has also been established that the proposed development would deliver a range of economic benefits both through the delivery new jobs and increase in hotel bed space which in turn will support Witney's tourism offer. These are significant material considerations that weigh in favour of this revised proposed development.
- Will introduce active hotel uses to the street scene.
- Includes a number of sustainable design initiatives making the project sustainable in social, economic and environmental terms.
- Is well landscaped to improve the appearance of the locality.
- Careful consideration has been given to site access and parking, and the proposal will not be harmful to the highway safety or the wider transport network. The site is also easily accessible by a range of sustainable modes of transport, including pedestrians, buses and cyclists.
- It is evident that the proposals represent sustainable development in accordance with the provisions of the NPPF and the adopted Local Plan. It is therefore respectfully requested that the Council support this application and grants planning permission.

#### **4 PLANNING POLICIES**

EH2 Landscape character

EH8 Environmental protection

E4NEW Sustainable tourism

E6NEW Town centres

EH3 Biodiversity and Geodiversity

OS2NEW Locating development in the right places

OS4NEW High quality design

OS1NEW Presumption in favour of sustainable development

OS5NEW Supporting infrastructure

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

WIT6NE Witney sub-area strategy

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application site is situated approximately 2.5km to the south of the centre of Witney, adjacent to the A40 and accessed from the A415 Ducklington Lane. Members will recall that a

previous application was approved for a similar scheme, planning application reference 17/02845/FUL. Members approved that development which was for the demolition of the existing dwelling and erection of two storey hotel (use class C1) and drive-thru coffee shop (use class A3) and associated car parking, access, landscaping and ancillary works. The application was heard at the July 2018 meeting.

- 5.2 The revised application is seeking consent for the demolition of the existing dwelling and erection of three storey hotel (use class C1) with a drive-thru coffee shop (use class A3) and associated car parking, landscaping and ancillary works. The changes from the approved scheme are as follows:

Increase in hotel accommodation from 37 beds to 63 beds

Slight increase in build height from max ridge height of 11.8m to 11.9m

Increase in parking numbers from 59 to 71, including accessible and waiting bays and parking for 16 bicycles.

- 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 of development

- 5.4 Your officers consider that the principle of such a use has already been established and the site is within a sustainable location for this type of development. However, there are several issues with the proposal which has changed from the approved scheme.

- 5.5 At the time of the previous committee meeting Members commented that the hotel was not large enough to meet Witney's accommodation needs and also noted that the design approach pursued was disappointing. The current revised proposal has been subject to pre-application discussions.

Siting, Design and Form

- 5.6 The application seeks full planning permission for the erection of a three storey hotel with associated parking facilities.

The proposed hotel would contain 63 bedrooms in the following mix;

30 Standard double rooms

29 Family rooms

4 Accessible rooms

The hotel reception, staff offices and ancillary spaces are at ground floor. As well as the Costa coffee shop drive thru.

- 5.7 In terms of layout, the design principles of the scheme are to remain as previously approved as is the access. The location of the hotel and coffee shop is sited in the same location. The open parking areas would be situated to the west and north, as currently approved.

- 5.8 With regards to the proposed appearance of the building, the design is now of a simple and more contemporary in architectural style. Changes in materials break up the massing of the elevations and are considered to add visual interest. The mixture of render and buff brick will

provide a traditional quality that is distinctive to Witney. Large areas of glazing have been incorporated into the principal elevations where internal activity will be clearly visible from the street creating an active frontage to Ducklington Lane and the A415/A40 roundabout.

- 5.9 The scale of the building is larger than that previously approved although it remains a storey lower than the design originally submitted. The flat roof has allowed the building maintain the ridge height with 100mm of the previously approved scheme and reduces the overall scale of the larger hotel building.
- 5.10 The articulation of the elevations is a balanced response to the Travelodge and Costa specifications, but primarily aims to visually reduce the perceived bulk of the elevations.
- 5.11 Your officers consider that this revised approach to the design is acceptable and is an improvement to the previous scheme's design. The contemporary appearance will add interest to the streetscene and has a more simple form rather than the bulky appearance of the previous proposal.

#### Highways

- 5.12 OCC as Highway Authority have objected to this revised scheme on a number of technical grounds. Given both the Parish and adjacent Town Council have objected in terms of increased traffic, your officers consider that these issues need to be resolved.
- 5.13 Since the objections from OCC were received, the agent for this application has been liaising with the Transport Team at OCC and further documents have been submitted to address their concerns.
- 5.14 At the time of writing this report, no revised response has been received from OCC. However it is anticipated that a response will be received prior to the meeting where officers will update Members accordingly.
- 5.15 Your officers have included a list of suggested conditions to be attached to the decision if the OCC withdraw their objection. The permission would also seek to amend the legal agreements where appropriate, as a £9,320 contribution has been requested towards Public Transport Infrastructure, specifically the relocating of the bus stop adjacent to the site, given that it will need to be moved from its current position to make way for the site access.

#### Conclusion

- 5.16 Your officers consider that the principle of this development was established by the previous planning permission.
- 5.17 The proposed design is considered to be acceptable and would make a positive contribution to the visual amenity and appearance of the streetscene.
- 5.18 The outstanding matters which include Thames Water as well as OCC matters are anticipated to be resolved prior to the meeting. Your officers will verbally update Members, but subject to the outstanding issues being overcome, and to no new and substantive matters being raised, officers are provisionally recommending approval of the scheme.



## 6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The approved landscaping scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 5 No development (including site clearance and demolition) shall commence until a plan showing all existing trees to be retained on a tree protection plan which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 6
  1. No development shall take place until a site investigation to assess volatile contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.
  2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

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

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

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

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

Discharge Rates

Discharge Volumes

Maintenance and management of SUDS features (contact details of any management company must be provided)

Contact details of landowner post development

Sizing of features - attenuation volume

Infiltration in accordance with BRE365

Detailed drainage layout with pipe numbers

Detailed construction drawings for all elements of the drainage strategy

SUDS (the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)

Network drainage calculations

Phasing

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

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

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

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

-The CTMP must be appropriately titled, include the site and planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.

- Details of and approval of any road closures needed during construction.

- Details of and approval of any traffic management needed during construction.

- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.

- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - The erection and maintenance of security hoarding / scaffolding if required.
  - A regime to inspect and maintain all signing, barriers etc.
  - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
  - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
  - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
  - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
  - Local residents to be kept informed of significant deliveries and liaised with through the project.
  - Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
  - Any temporary access arrangements to be agreed with and approved by Highways Depot.
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- REASON: In the interests of the efficient operation of the highway network and in the interests of highway safety.

- 11 Prior to the first occupation of the development hereby approved, a Travel Plan Statement in relation to the hotel, prepared in accordance with Oxfordshire County Council's Guidance Note "Transport for New Developments: Transport Assessments and Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.  
REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.
- 12 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 13 Noise from external plant shall not exceed a rating level of LAeq 42 dB (1 hour) daytime and 34 LAeq (15 min) during night time hours 23:00 h to 07:00 h at the nearest noise sensitive dwelling.  
REASON: In the interests of residential amenity.
- 14 The development shall be completed in accordance with the recommendations in Section 4 of the Ecological Report dated June 2017 and Section 6 of the Otter and Water Vole Survey report dated May 2018, both prepared by All Ecology Ltd, and the external lighting details

shown on drawing number P109-2736-G1 and landscaping scheme drawing number 17-058-01 Rev F (dated 02-06.2018). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that water voles, otters, bats, orchids, common toads, nesting birds and other protected/priority species are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 15 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, repeat water vole and otter surveys shall be carried out to identify any likely new ecological impacts that might arise from any changes and to update the mitigation strategy (as approved under Condition (14)) with a timetable for implementation. Works shall then be carried out in accordance with the approved ecological mitigation strategy and timetable.

REASON: To ensure that up to date survey information for protected and priority species is obtained should the commencement of the development be delayed by 2 years.

- 16 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of 'biodiversity protection zones';
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including an orchid translocation method statement; habitat manipulation methodology during site clearance for common toads and the protection of river buffer area (e.g. fencing, no storage of materials and no site compound);
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - v. The times during construction when specialist ecologists need to be present on site to oversee works;
  - vi. Responsible persons and lines of communication;
  - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
  - ix. Ongoing monitoring, including compliance checks by a professional ecologist or similarly competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of

the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 17 A report prepared by a professional ecologist or similarly competent person certifying that the required mitigation and/or compensation measures identified in the CEMP-B (required by Condition (16) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 18 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development hereby approved. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including locations shown on a site map;
- ii. Details of the ongoing protection of the river buffer area, including the installation of interpretation boards or appropriate signage to inform visitors and hotel residents of the importance of this area for water voles and other wildlife, and why it should remain undisturbed;
- iii. Details of the management of the river buffer area for water voles based on the 'Water Vole Mitigation Handbook (April 2016, The Mammal Society);
- iv. Landscape and ecological trends and constraints on site that might influence management;
- v. Aims and objectives of management;
- vi. Appropriate management options for achieving aims and objectives;
- vii. Prescriptions for management actions;
- viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- ix. Details of the body or organisation responsible for implementation of the plan;
- x. Ongoing monitoring remedial measures;
- xi. Timeframe for reviewing the plan; and
- xii. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 19 Before occupation of the development hereby approved, a Water Vole and River Buffer Zone Monitoring Strategy shall be submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the successful establishment of the river buffer zone as water vole habitat. Monitoring shall be carried out annually for a period of at least 5 years following the completion of the development hereby approved. The content of the strategy shall include, but not necessarily be limited to, the following:
- i. Aims and objectives of monitoring to match the stated purpose;
  - ii. Identification of adequate baseline conditions prior to the start of development;
  - iii. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
  - iv. Methods for data gathering and analysis;
  - v. Location of monitoring;
  - vi. Timing and duration of monitoring;
  - vii. Responsible persons and lines of communication; and
  - viii. Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority annually (specific time each calendar year to be specified in the strategy). The report shall also set out (where the results from monitoring show that the aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

REASON: To ensure that water voles and their habitats are safeguarded in the long term in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, Policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 20 No part of the development hereby approved shall be brought into use or occupied until the following works have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority:
- (a) new vehicular access into the Site preventing right-turning from the site on to Ducklington Lane;
  - (b) widening of Ducklington Lane north of the roundabout to accommodate a new right-turn lane into the Site and associated alterations to the splitter island on the roundabout;
  - (c) realignment of the shared use footway/cycleway on the eastern side of Ducklington Lane and informal pedestrian crossing at the splitter island; and
  - (d) new hardstanding area for relocated bus stop on Ducklington Lane.

The development shall be carried out in accordance with the approved details and retained thereafter.

REASON: To ensure safe and suitable access is achieved for all users.

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

Supervision of all work within 7m of the main river bank top by a suitable ecologist;  
Protection from disturbance during construction by suitable fencing;  
Provision of a suitable lighting scheme to avoid light spill into the buffer zone and onto the watercourse;  
Management of overhanging trees and shading vegetation to improve conditions for water voles;  
Maintenance of the new native species hedge to 1.5m or less in order to minimise shade onto the buffer strip beyond;  
Management of the grass and other elements of the buffer to prevent scrubbing up over time.  
REASON: This condition is supported by the National Planning Policy Framework (NPPF), paragraph 170 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

- 22 Prior to the commencement of development, plans showing how the means of access to the development between the land and the existing highway boundary will be constructed, laid out, surfaced, lit and drained, shall be submitted to the approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the proposed development, construction of these accesses shall commence only in accordance with the approved details.  
REASON: To enable safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework.

#### NOTES TO APPLICANT

- I Marginal planting on the landscape plan shows areas (mostly the middle block) to be inland of the bank-top. Wetland plants will not survive in the dry and we advise the applicant to re-consider this.  
Unless regularly managed native hedging demarking the buffer zone could grow tall and shade the grassland/buffer zone along the brook, which will be contradictory to the aims of the buffer. We recommend this annually maintained.  
Environmental permits - advice to applicant  
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:  
on or within 8 metres of a main river (16 metres if tidal)  
on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)  
on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.  
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 2 The proposed private treatment plant associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised.

You should be aware that there is no guarantee that a permit will be granted.

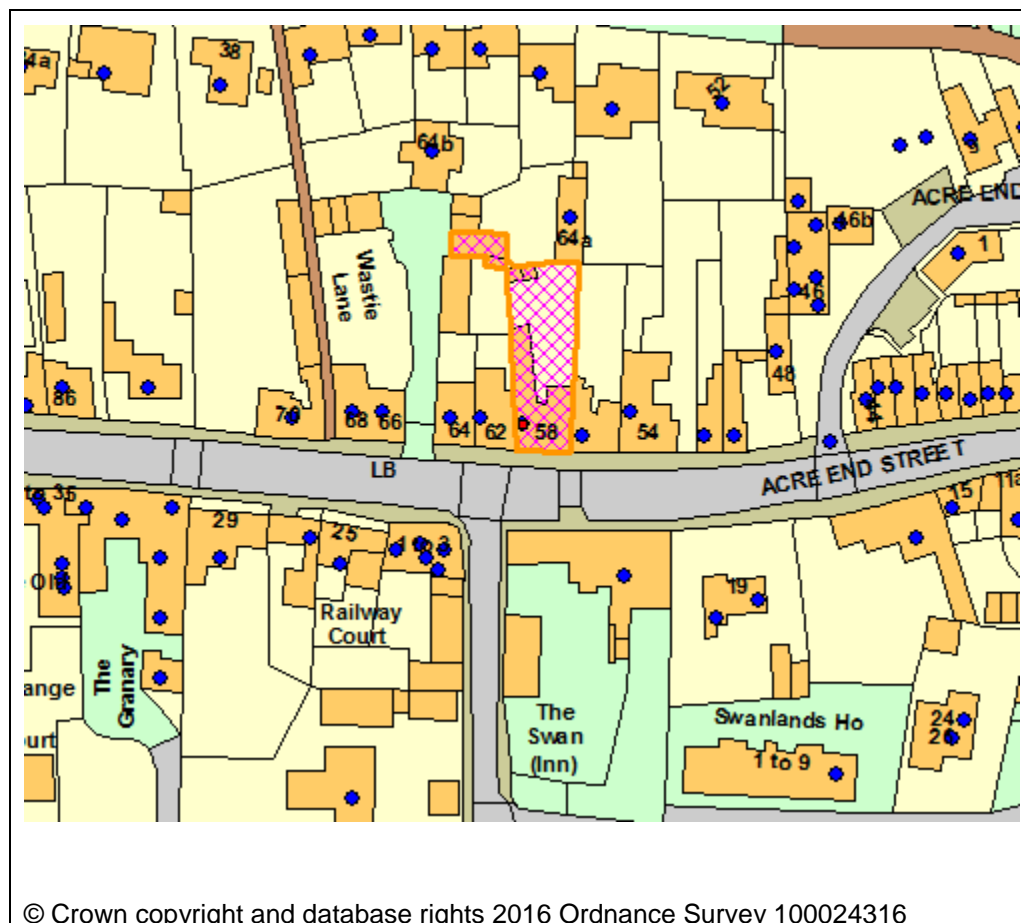
Additional 'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>.



Application Number	19/00779/HHD
Site Address	58 - 60 Acre End Street Eynsham Witney Oxfordshire OX29 4PD
Date	29th May 2019
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443072 E 209296 N
Committee Date	10th June 2019

### Location Map



### Application Details:

Single storey rear infill extension.

### Applicant Details:

Mr And Mrs Levy, 58-60 Acre End Street, Eynsham, Witney, Oxfordshire, OX29 4PD

## **1 CONSULTATIONS**

Parish Council                      No Comment Received.

## **2 REPRESENTATIONS**

No letters of objection have been received.

## **3 APPLICANT'S CASE**

3.1 A Design and Access Statement has been submitted as part of the application in support of the proposals and is summarised as follows:

- The proposal is a high quality and sensitively-designed scheme in terms of its form, materials, scale and proportions, which will fit in with the character of the host dwelling.
- The additional floor space will provide a more generous and usable family living area on the ground floor, whilst integrating the utility rooms into the main body of the house.
- Instead of facing inwards towards the enclosed back yard, the building as proposed would open out onto the cottage garden, taking advantage of the improved physical connections.
- The proposal enhances the setting of the dwelling without increasing its visual impact as seen from neighbouring properties.

## **4 PLANNING POLICIES**

OS4NEW High quality design  
H6NEW Existing housing  
EH10 Conservation Areas  
T4NEW Parking provision  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application relates to a traditional, terraced dwelling, 58-60 Acre End Street in the heart of Eynsham, which is located within the Conservation Area. The locality is characterised by predominantly vernacular development, with a mixture of residential and commercial uses nearby. This application is to be heard before the Committee as the applicant has been elected as a Ward Councillor during the process of the application.
- 5.2 The application property is a generously-proportioned natural rubble limestone dwelling, with traditional timber windows and slate and clay tiled roofing. The dwelling fronts directly onto Acre End Street, with the private rear garden being enclosed by high walls. There is access to parking via a gate at the rear corner of the garden.
- 5.3 The proposal is to construct a rear, single storey extension, comprising removal of the existing single storey lean-to at the end of the two storey east wing and replacement with a larger

kitchen extension, which infills the existing yard area and would project out by a maximum of 0.5 metres beyond the line of the existing mono-pitched extension. The proposals also include internal renovation of the redundant outhouse rooms. This would provide an enlarged kitchen and dining area, utility room and study. The proposed design is to comprise a shallow-pitched lead roof with one large and two smaller conservation rooflights. Proposed wall materials are to match the existing. Three sets of French windows are incorporated, facing the garden, with an existing doorway in the outbuilding to be blocked up.

- 5.4 There is no relevant planning history for this property.
- 5.5 Taking into account current 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

- 5.6 Officers consider that the principle of provision of a single storey rear extension is acceptable in this location. The key issues are set out below:

Impact on character and appearance of the dwelling

- 5.7 The property is characterised by its traditional design. Due to the overall scale and design of the proposed extension, coupled with its materials and architectural detailing, it is considered that the scheme would be sympathetic to the character and appearance of the existing property. Whilst an area between the two existing rear wings would be infilled, given the relatively 'lightweight' design which is being proposed, it is not considered that the traditional character of this part of the building would be significantly compromised, since the existing two storey projecting wing would remain a dominant feature visually and the single storey rear outbuilding wing would still project beyond the line of the proposed extension, so that the building's historical evolution can still be read as such.

Impact on character, appearance and setting of the Conservation Area and surroundings

- 5.8 Since the application site is 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.9 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.10 There would be no impact on the front street scene, given that the extension would be to the rear. The application property comprises one of a number of similar dwellings, with varied rear elevations. Given that there is no strong rear 'building line', it is considered that the proposals would be acceptable in terms of the surrounding irregular pattern of development.

- 5.11 Given the modest scale and position of the proposed extension to the rear of the host dwelling, it is considered that the contribution which the site makes to the Conservation Area is not significant. Consequently, your officers do not consider that the proposal would have a detrimental impact on the Conservation Area or its setting.

#### Residential amenity

- 5.12 It is noted that no neighbour objections have been received to this application in relation to amenity aspects. Given the proposed single storey scale and position of the extension, high adjacent boundary wall between the site and No. 56 Acre End Street, whereby the proposed extension would fall below the height of this wall and absence of adjacent windows which would be affected, it is not considered by your officers that the scheme would give rise to a potential significant overshadowing, overbearing, or overlooking impact.

#### Impact on Highways

- 5.13 The County Highways Officer has raised no objections to the proposal and there would be no change to existing parking or access arrangements. The site currently benefits from an existing rear vehicular and pedestrian access. The current off-street parking provision would not be affected by the development and sufficient parking to meet current standards would remain. In view of no net gain of bedroom spaces resulting from the extension proposed, it is not considered that there would be an adverse impact on highway safety or loss of parking as a result of the proposed development.

#### Conclusion

- 5.14 In view of the above, your officers are of the opinion that the proposed development is acceptable and would not cause significant harm to the character or appearance of the host dwelling, the surrounding Conservation Area, residential amenity, or highway safety, subject to appropriate conditions to ensure a satisfactory appearance to the development.
- 5.15 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, and would be in compliance with the Local Plan 2031 and the NPPF 2019.

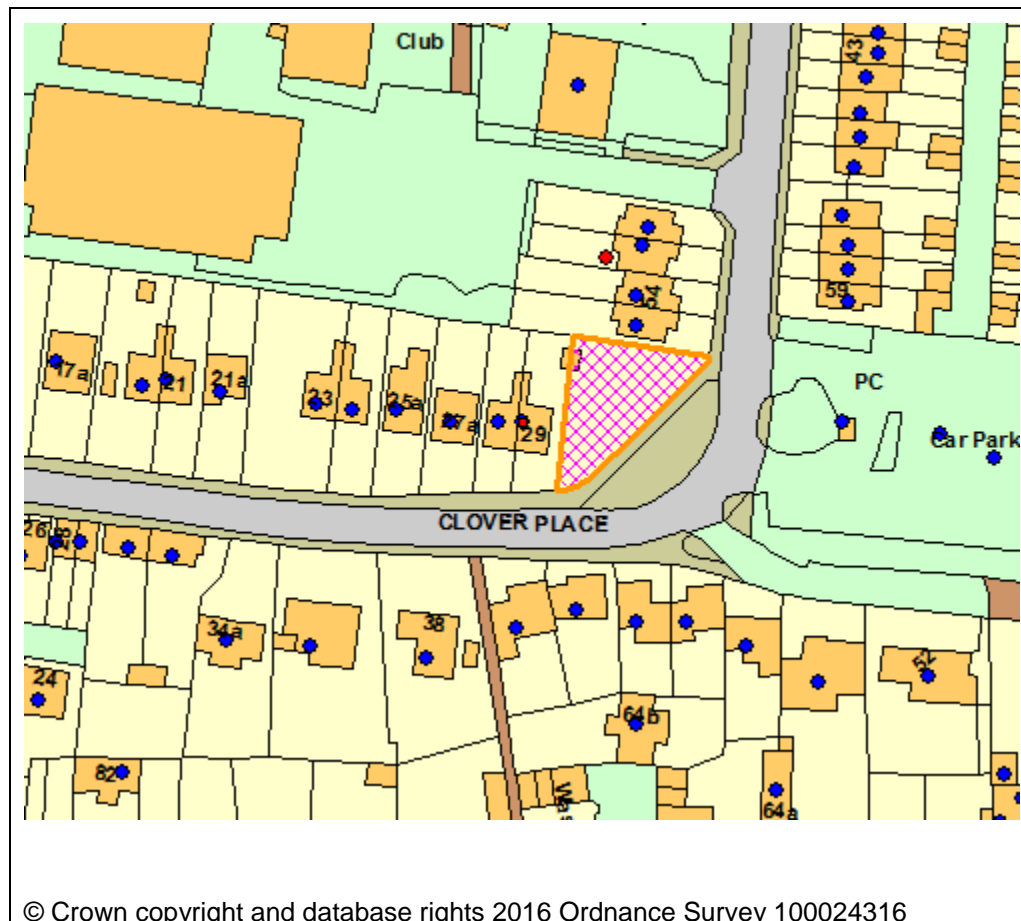
## **6 CONDITIONS**

- 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 natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.

- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows, doors and rooflights, 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.

Application Number	19/00852/OUT
Site Address	29 Clover Place Eynsham Witney Oxfordshire OX29 4QN
Date	29th May 2019
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443038 E 209391 N
Committee Date	10th June 2019

### Location Map



### Application Details:

Erection of detached dwelling

### Applicant Details:

Cottsway Housing Association, Cottsway Housing , Heynes Place, Avenue Two , Witney, OX28 4YG

## I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- Recommendation:
- 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, subject to the following conditions:
- o G28 parking as plan
  - o G11 access specification
  - o Prior to first use 2.0 x 2.0m pedestrian awareness vision splays to be provided at the proposed access in accordance with a scheme to be submitted and approved. Thereafter the vision splays shall be maintained at all times
- The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980 <https://www.oxfordshire.gov.uk/business/licences-and-permits/dropped-kerbs>
- I.2 Conservation Officer No Comment Received.
- I.3 Thames Water No Comment Received.
- I.4 WODC Drainage Engineers No objection, subject to conditions
- I.5 ERS Env. Consultation Sites The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.
- I.6 Parish Council Object - 29 Clover Place is on a 90 degree bend which joins with Back Lane and the Village car park. Concerns regarding traffic issues and parking on the bend. The visibility splay proposed is poor in relation to the surrounding area. The Parish Council considers the application contrary to Local Plan Policies OS2 and OS4. If the LPA is minded to approve the application, it should be subject to: 1.double yellow lines on both sides of the road and bend. 2. the property being retained by Cottsway Housing Association for social/affordable housing as opposed to 'market housing'.

## **2 REPRESENTATIONS**

2.1 2 letters of objection have been received, raising the following summarised points:

- The parking along this road is horrific, this building work will only add to it. The nearby car park appears to be full all day.
- We will now be living next to a building site on to what is a small but ideal Conservation Area.
- This site is situated on an extremely dangerous corner with poor visibility and proximity to car park entrance and exit. It is believed that the proposed siting of the driveway access will lead to a very serious accident.
- Hazard for school children and elderly residents visiting the doctor's emerging from Wastie Lane (directly opposite the proposed driveway)
- Concerns about the presence of lorries and builders' vans on the corner during construction.

2.2 2 letters of comment have been received from local residents on the grounds of:

- A preference for preserving the trees and hedges on the site. This is particularly important on this corner plot because it used to be a garden, and has provided a habitat for birds and biodiversity
- a small, attractive stretch of native hedge adjacent to the driveway should be preserved if at all possible, as it provides a natural boundary, in the same way as the proposed fence, but is also a habitat for birds and other wildlife, and creates a nicer aspect on this corner than a fence.
- Concerns that the original house has been left with no off street parking spaces.

## **3 APPLICANT'S CASE**

No correspondence in support of the application has been submitted by the applicants or their agent at the time of writing this report.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH10 Conservation Areas

T4NEW Parking provision

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



## 5 PLANNING ASSESSMENT

- 5.1 This application seeks Outline planning permission to establish the principle for the erection of a detached dwelling adjacent to 29 Clover Place, Eynsham. The existing site is a triangular parcel of land comprising approximately 275 square metres, close to a sharp bend in the road and fronting onto grass verge opposite the entrance and exit to a public car park. The site falls within Eynsham Conservation Area but is not in Green Belt or AONB.
- 5.2 The application has been brought before Members of the Lowlands Planning Sub-Committee for consideration as the Parish Council have objected to this application.

### Background Information

- 5.3 There has been no relevant planning site history.
- 5.4 Taking into account planning policy, material considerations and the representations of the interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, Design, Form  
Residential Amenity  
Impact on the Conservation Area and the Street Scene  
Highways Safety  
Biodiversity

### Principle

- 5.5 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).
- 5.6 Eynsham is within the Eynsham-Woodstock Sub-Area and Policy H2 of the adopted Local Plan 2031 states that new dwellings should be permitted on undeveloped land within the built up area of Eynsham, provided that the proposal is in accordance with other policies within the plan, in particular OS2. Policy OS2 states that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and/or character of the area, and should not have a harmful impact on the amenity of existing occupants.
- 5.7 Eynsham is classified as a rural service centre in the Local Plan 2031, being the fourth largest settlement in West Oxfordshire and is considered as being suitable for a reasonable scale of development, in order to deliver affordable housing and reinforce its role as a service centre.
- 5.8 Policy H2 of the Local Plan is permissive in principle of the residential development of undeveloped sites within an existing settlement or on land adjoining the settlement area, where this is necessary to meet an identified need and where the development is considered to be

compliant with the general provisions of Policy OS2 of the Local Plan. If a proposed dwelling falls within the settlement an expected requirement would be that the development should form a logical complement to the existing pattern of development in terms of its siting.

- 5.9 The application proposes the erection of a new dwelling. The immediate neighbouring properties lie adjacent to the site and therefore the development is considered to be infill development. In terms of locational siting, your officers consider that the development would broadly form a logical complement to the existing pattern of development and would be compliant in principle with the provisions of Policies H2 and OS2 of the Local Plan. Your officers consider that the site would represent a sustainable location for residential development in terms of its proximity to existing services and facilities in Eynsham.
- 5.10 In light of the above, the principle of the development is considered to be acceptable.

#### Siting, Design and Form

- 5.11 The application is in outline only, to establish the principle of development, with all matters reserved for future detailed consideration. Plans have been submitted for illustrative purposes only, indicating a two storey 3 bedroomed market dwelling sitting within the centre of the triangular plot. Potential access is indicated adjacent to the boundary with No.29 Clover Place including a turning area and two parking spaces. Potential amenity space is indicated to the north part of the site, adjacent to the boundary with 54 Back Lane.
- 5.12 The proposed form, massing and scale of the potential dwelling is considered to be in keeping with the surrounding properties and the size of the plot. Sketches of a gabled-design have been submitted, which again would be in keeping with the nearby modern vernacular. No indication of materials is provided at this stage, but would be submitted for reserved matters.

#### Residential Amenities

- 5.13 Your officers have carefully assessed potential impact on amenity and are satisfied that the plot would be capable of providing adequate private rear amenity space.
- 5.14 In relation to potential overlooking towards existing private amenity spaces for adjoining properties at 29 Clover Place and 54 Back Lane, it is considered by your officers that acceptable positions for fenestration and sufficient separation gaps could be incorporated into the proposed scheme to meet current guidelines in terms of potential overlooking/privacy aspects.
- 5.15 In respect of potential overbearing or overshadowing impact, the new dwelling would be set away from No. 29 by approximately 5.5 metres and No. 54 by approximately 5.5 metres at its nearest point. In relation to a dwelling of two storey scale it is considered that there would be sufficient gaps to the boundaries which the site shares with neighbouring properties to ensure that there would not be significant overbearing or overshadowing impacts, sufficient enough to merit refusal of the scheme.
- 5.16 The proposed development seeks to incorporate a new boundary hedge and 1.8 metre high fence to the west and north boundaries respectively, which is furthermore considered would provide appropriate boundary screening between private garden areas.

- 5.17 In light of the above observations, the proposed development is not considered to have a materially adverse impact on neighbouring amenity.

#### Impact on the Conservation Area and the Street Scene

- 5.18 Since the application site is 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.19 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the pattern of development within the area.
- 5.20 There would be some impact on the street scene to the front, given that the dwelling would be on a site which is visible in the public realm. However, given the potential siting in a suitable gap between two existing properties, the development would be considered to be an infill which would broadly form a logical complement to the existing pattern of development and could be positioned to be in-keeping with the existing front and rear building lines within the existing street scene and be acceptable in relation to visual impact on the street-scene.
- 5.21 Given the current overgrown nature of this vacant site at present, it is considered that the contribution which the site makes to the Conservation Area is not significant and detracts from the area. Consequently, officers do not consider that a sympathetically-designed dwelling would have a detrimental impact and would potentially preserve or enhance the Conservation Area and its setting.

#### Highways

- 5.22 The proposed development would be served by a proposed new access/dropped kerb onto Clover Place in the south west corner of the site, and would be capable of providing at least 2 No. parking spaces, with a manoeuvring area to the front of the properties. Several local residents have objected to the proposals on highways grounds, in relation to traffic congestion worsening in the locality, poor visibility, proximity to entrance and exits for the car park opposite posing a traffic risk and danger to pedestrians and other road users as a result of the proposed development.
- 5.23 Whilst the new development would result in additional traffic movements onto surrounding roads, given the scale of the development officers do not consider that this would significantly impact highway safety. Officers consider that the proposed means of access would be appropriate and would not compromise highway safety or amenity. Oxfordshire County Council Highways have been consulted on the application and raise no objection. Given that Highways Officers are satisfied with the proposed parking arrangement on site, the scheme is considered to be acceptable on highway safety grounds.

### Trees, Hedges and Ecology

- 5.24 Comments have been received from local residents in regard to preservation of existing trees and hedges on site as wildlife habitats and to preserve biodiversity. This is considered to be particularly important on this corner plot because it used to be a garden, and has provided a habitat for birds and biodiversity. Comments are also made that a small, attractive stretch of native hedge adjacent to the driveway should be preserved if at all possible, as it provides a natural boundary, and creates a nicer aspect on this corner than a fence.
- 5.25 It is noted that a proposed new hedge is indicated to form the western boundary of the site and several existing trees and shrubs are to be retained. Your officers support the retention and enhancement of vegetation on the site and recommend conditions to secure this.

### Conclusion

- 5.26 The proposed development is for the provision of a new dwelling which is considered to be acceptable in principle on this site and could be satisfactorily achieved without having a significant adverse impact on the street scene, residential amenity of existing occupants or nearby highway safety.
- 5.27 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, and would be in compliance with the Local Plan 2031 and the NPPF 2018.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 Details of the Access, Appearance, Landscaping, Layout and Scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with site location plan I9009.01. The development shall be limited to up to 1 dwelling and the building shall be no more than 2 storeys in height, consistent with the submitted Planning Application by Freeman Architecture Ltd dated October 2018.  
REASON: For the avoidance of doubt as to what is permitted.
- 4 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

- 5 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

- 6 Prior to first use 2.0 x 2.0m pedestrian awareness vision splays to be provided at the proposed access in accordance with a scheme to be submitted and approved. Thereafter the vision splays shall be maintained at all times.

REASON: in the interests of highway safety.

- 7 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part I, Classes A, B, C, D, E, and G shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to ensure an appropriate level of amenity for existing and future residents in this location as regards, privacy, outlook, light and amenity space.

- 9 An Extended Phase I Habitat Survey Report shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development, including details of ecological mitigation and enhancements which shall include details of the provision of bat roosting features and/or nesting opportunities for birds (House martin, House sparrow, Starling, Swift and Swallow) into the new buildings, including a drawing of the site showing the locations and types of features. The approved details shall be implemented before the dwellings are first occupied, and thereafter permanently maintained.

REASON: To appropriately enhance biodiversity in accordance with relevant paragraphs of the National Planning Policy Framework and Policy EH3 of the West Oxfordshire District Local Plan 2031.

- 10 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 11 No development (including site clearance and demolition) shall commence until a tree retention plan and protection plan which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 12 The screen walls and fences shown on the approved layout plan shall be completed before occupation of the dwelling and shall be retained thereafter.  
REASON: In the interests of the appearance of the development and to secure a reasonable standard of privacy.
- 13 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 14 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.  
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.
- 15 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.

#### NOTES TO APPLICANT

- 1 The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980 <https://www.oxfordshire.gov.uk/business/licencesand-permits/dropped-kerbs>.

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part I - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part I - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015