

**Democratic Services**

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28 June 2019

**SUMMONS TO ATTEND**

**MEETING:** LOWLANDS AREA PLANNING SUB-COMMITTEE  
**PLACE:** COMMITTEE ROOM 1, COUNCIL OFFICES, WOODGREEN,  
WITNEY  
**DATE:** MONDAY 8 JULY 2019  
**TIME:** 2:00 pm (Officers will be in attendance to discuss applications with  
Members of the Sub-Committee from 1:30 pm)

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Membership of the Sub-Committee

Ted Fenton (Chairman); Carl Rylett (Vice-Chairman); Owen Collins,  
Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good,  
Jeff Haine, Nick Leverton, Kieran Mullins and Harry St John

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**RECORDING OF MEETINGS**

The law allows the council's public meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Officer know before the start of the meeting.

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**A G E N D A**

**1. Minutes of the meeting held on 10 June 2019 (copy attached)**

**2. Apologies for Absence and Temporary Appointments**

**3. Declarations of Interest**

To receive any declarations of interest from Councillors relating to items to be considered at the meeting, in accordance with the provisions of the Council's Local Code of Conduct, and any from Officers.

**4. Applications for Development (Report of the Head of Planning and Strategic Housing – schedule attached)**

Purpose:

To consider applications for development, details of which are set out in the attached schedule.

Recommendation(s):

That the applications be determined in accordance with the recommendations of the Head of Planning and Strategic Housing.

**5. List of applications determined under delegated powers together with an appeal decision (copy of schedule attached)**

Purpose:

To inform the Sub-Committee of the list of applications determined under delegated powers together with an appeal decision.

Recommendation:

That the report be noted.

**6. Progress on Enforcement Cases (Report of the Head of Planning and Strategic Housing – copy attached)**

Purpose:

To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations, as set out in Appendices A-C.

Recommendation:

That the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Appendices A – C.



Giles Hughes  
Head of Paid Service

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WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the  
**Lowlands Area Planning Sub-Committee**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2:00 pm on **Monday 10 June 2019**

PRESENT

Councillors: Ted Fenton (Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Jeff Haine, Nick Leverton, Kieran Mullins, Carl Rylett and Harry St John.

Officers in attendance: Amy Barnes, Miranda Clark and Abby Fettes.

6. MINUTES

Councillor Haine requested an amendment to pages 2/3 of the minutes as he did not feel the wording recorded reflected his comments. The Committee Services Officer agreed to amend the wording in consultation with Councillor Haine and subject to that amendment it was

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 20 May 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

7. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillor Good.

8. DECLARATIONS OF INTEREST

Councillor Leverton declared a personal and prejudicial interest in 19/00416/FUL, Grawins, Rock Close, Carterton because the applicant was known to him. He left the room whilst the item was discussed.

Councillor Rylett declared a personal and prejudicial interest in 19/00779/HHD, 58-60 Acre End Street, Eynsham because the applicant was a close personal friend of his. He left the room whilst the item was discussed.

Councillor Ted Fenton declared an interest in 19/00728/FUL Eastnor House, Ducklington Lane, Witney because he was a County Councillor and Ducklington fell into his area of responsibility.

9. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

**RESOLVED:**

That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Head of Planning and Strategic Housing, subject to any amendments as detailed below;

3 19/00416/FUL Grawins, Rock Close, Carterton

The Planning Officer presented her report containing a recommendation of refusal and advised that Committee Members had undertaken a site visit on Friday 7 June 2019. The report advised that prior approval had been given to the development of a bungalow on the site but this application was for an amended scheme.

Graham Soame, the agent, addressed the meeting in support of the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

The Planning Officer advised that she had nothing further to add to the report.

Councillor Crossland advised that she knew the area well and due to the reservations she had had at the last meeting, she had proposed a site visit which she had found to be helpful. The visit had confirmed her worries in that the original proposal for a bungalow was more appropriate than the revised application. She felt it was disproportionate and overbearing in the context of its surroundings.

She felt that this was a very rural area and a lower property would be more appropriate. She advised that the path to the rear of the site had been the dividing line between the RAF Married Quarters and rural Carterton and whilst the existing trees formed screening, they had been savaged and visual gaps created. Councillor Crossland felt the proposal was not proportionate and had an inappropriate impact on the street scene. The lack of objection from neighbours was irrelevant because future residents could suffer as a result.

The Officer recommendation was proposed by Councillor Haine and seconded by Councillor Crossland.

The recommendation of refusal was then put to the vote and was carried.

Refused

(Councillor Leverton left the room whilst the item was discussed.)

10 19/00728/FUL Eastnor House, Ducklington Lane, Witney

The Planning Officer presented her report containing a recommendation of grant subject to a legal agreement. She advised that County Council Highways and Thames Water had withdrawn their objections prior to the meeting. Prior approval had been agreed at a meeting July 2018 but this was a revised application.

Matthew Barker addressed the meeting, in his capacity of Chairman of Ducklington Parish Council, in objection to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

James Griffin, the agent, addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Councillor St John queried the additional number of bedrooms versus no increase in parking provision. He had looked at other hotels nearby had assessed the parking provision and was unsure if the capacity was safe and achievable.

Councillor Enright queried whether the change of policy at Travelodge meant that the company would still be willing to go ahead with the original proposal. Mr Griffin advised that the previous proposal would not be viable and the confirmed that the company would not proceed with that scheme.

In response to a question from Councillor Leverton, Mr Griffin advised that there would not be any restaurant facilities at the hotel but guests would be encouraged to go into town. In addition, Mr Griffin confirmed that the transport consultant had taken staff parking provision into account and Travelodge would be promoting sustainable travel with some of the S106 money being used for a new bus stop.

The Planning Officer continued with the presentation and detailed the roof height and the contemporary and modern design.

Councillor Enright commented that in his opinion the existing building, Eastnor House, was not attractive and he felt the proposed design reflected the colours of Witney. He queried whether Witney Town Council's concerns about traffic generation had been passed on to the County Council and he felt the specialists should be trusted. Officers advised that representations were not automatically shared with statutory consultees but were available online. It was agreed that additional signage could be discussed with the County Council and the hotel.

Councillor Leverton asked for clarification relating to the slip road over the A40. He was advised that the costings and/or provision of this would form part of the 278 Agreement with the County Council. He was also concerned about the description relating to visible areas through the glazing and felt that stone materials were more appropriate on a building at the gateway to Witney.

Councillor Haine highlighted that many members of staff would be working shift patterns that could be contrary to when guests were staying and he hoped that adequate bike storage would be incorporated into the development. He reiterated that the building would not be able to have a pitched roof design with the number of bedrooms being proposed.

The Officer recommendation was proposed by Councillor Haine and seconded by Councillor Enright.

Councillor St John queried the external materials being proposed and did not feel that buff brick was typical of the surrounding area. Officers advised that buff brick was in the design guide for the District and highlighted that this was a more contemporary design.

Councillor St John also requested that a condition be added to restrict the parking on site to avoid staff or visitors parking elsewhere. However, officers advised that the Highway Authority had not felt it necessary to

impose such a condition and were content with the number of spaces being provided.

Councillor Collins felt that the design was inoffensive and nicer than other buildings on the route into Witney. He supported the proposal to encourage alternative methods of transport along with the suggestion that the developer consider installing a number of electric vehicle charging points on site. It was agreed that this could be added as a note to the permission.

Councillor Crossland was disappointed that this proposal had changed because she felt that Members had worked hard on the previous design. She felt the design was very ordinary and did not appreciate having a 'smoking gun pointed at our heads' by Travelodge. She stated that she had reservations and found the development overbearing.

The recommendation of grant was then put to the vote and was carried.

Permitted

Councillor Leverton requested that his abstention be noted.

(Councillor Mullins arrived part way through this item)

25 19/00779/HHD 58-60 Acre End Street, Eynsham

Prior to the start of the presentation, the Chairman checked with Councillor Mullins as to whether he had any declarations of interest to declare. Councillor Mullins confirmed that he had none.

The Planning Officer presented her report containing a recommendation of grant and advised that the application was before committee because the applicant was a West Oxfordshire District Councillor.

The Officer recommendation was proposed by Councillor Enright and seconded by Councillor Eaglestone.

The recommendation of grant was then put to the vote and was carried.

Permitted

(Councillor Rylett left the room whilst the item was discussed)

30 19/00852/OUT 29 Clover Place, Eynsham

The Planning Officer presented her report containing a recommendation of grant and reminded Members that this was an outline application with all matters reserved.

Councillor Rylett was concerned that the area now appeared overgrown whereas previously it had been a beautifully tended garden. His main concern was the loss of green space and biodiversity and he queried the mitigations that would be put in place.

Following a comment regarding the apple tree on site, the Planning Officer advised that conditions 9 and 11 of the report addressed the ecology and the trees located on site.

Councillor Rylett also raised a concern about parking issues in the area.

The area was heavily residential and the car park attached to the doctor's surgery was often filled by Sixth Formers parking which in turn spread out onto Clover Place.

Officers advised that the County Council had not objected and the details relating to visibility splays would be provided at reserved matters stage. In addition, officers advised that it would be difficult to ask the County Council to add yellow line parking restrictions as they had not objected to the application. It was also confirmed that the highways officers visited the sites in person before submitting their comments.

Councillor Collins requested clarification on the access currently suggested on the plans and stated that he had viewed the site on Google maps to get a better understanding of the way it sat within the landscape.

Councillor St John raised a concern that there was potential for the pedestrian and vehicle routes to clash and was advised that Condition 6 of the report addressed this issue as per the County Council Highways Department.

Members noted that the applicant was Cottsway Housing but were mindful that the development was likely to be sold on the open market rather than as a standalone, affordable housing unit.

The Officer recommendation was proposed by Councillor Haine and seconded by Councillor St John.

Councillor Enright commented that in his opinion this was not open green space as it appeared to have a chain link fence at the boundary. He agreed with the concerns raised about the entrance and exit to the site and he highlighted the request from the Parish Council that the land stayed in the ownership

The Planning Officer reminded the Committee that the access arrangements would be agreed at the reserved matter stage.

The recommendation of grant was then put to the vote and was carried.

Permitted

#### 10. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers and appeal decisions was received and noted.

The meeting closed at 3.16pm.

CHAIRMAN

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 8th July 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.

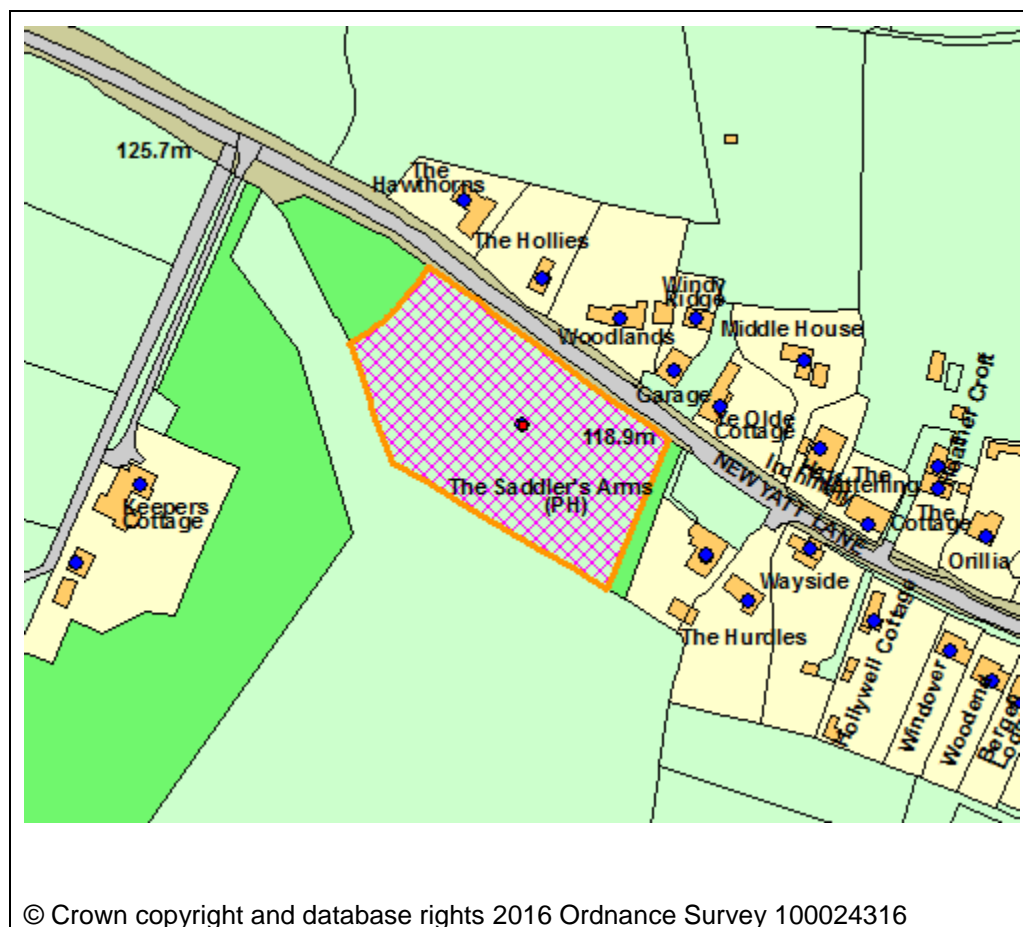
Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)



<b>Application Number</b>	<b>Address</b>	<b>Page</b>
<a href="#"><u>18/03244/OUT</u></a>	<a href="#"><u>Land South of The Hollies, New Yatt Lane, New Yatt</u></a>	3
<a href="#"><u>19/01030/HHD</u></a>	<a href="#"><u>9A West End, Witney</u></a>	12
<a href="#"><u>19/00868/RES</u></a>	<a href="#"><u>138 Abingdon Road, Standlake</u></a>	17
<a href="#"><u>19/00977/FUL</u></a>	<a href="#"><u>Mulberry House, 9 Church Green, Witney</u></a>	24
<a href="#"><u>19/00978/LBC</u></a>	<a href="#"><u>Mulberry House, 9 Church Green, Witney</u></a>	30

Application Number	I8/03244/OUT
Site Address	Land South of The Hollies New Yatt Lane New Yatt Oxfordshire
Date	26th June 2019
Officer	
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	437191 E 213115 N
Committee Date	8th July 2019

### Location Map



### Application Details:

Residential development of up to 8 dwellings and associated infrastructure works

### Applicant Details:

Mr P Salter, C/O Agent.

## I CONSULTATIONS

- I.1 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:  
G18 Junction specification.
- I.2 WODC Drainage Engineers Soakaways may not be suitable due to the soil type identified for the postcode, this will need to be established by soakage testing. If infiltration is feasible, soakaways should be designed to withstand a 1 in 30 year + 40% climate change event.
- The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event.
- An exceedance flow plan should be provided for storm events in excess of 1 in 100 yr + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties.
- No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.3 WODC Planning Policy Manager The scale of the development proposed in this location, especially in relation to paucity of existing services and facilities and ability to achieve safe and convenient access to nearby services and facilities, means it is contrary to Policies OS1 and OS2. As the proposal does not, in my opinion, comply with Policy OS2, it is therefore also contrary to Policy H2. A specific local need for this development in this location has not been put forward. The only criterion that the proposal could fulfil is the fact that the site is a proposed allocation in the Neighbourhood Plan. If the allocation is not approved, the proposal fails to comply with Policy H2.
- I.4 Thames Water No Comment Received.
- I.5 Biodiversity Officer I still recommend that the site layout needs to be re-considered so that the southern boundary hedgerow does not form domestic curtilage - this is an "important" hedgerow under the Hedgerow Regulations 1997, and once it becomes domestic curtilage, it will be exempt from the Regulations and therefore not protected. This is not acceptable. If the hedgerow does become domestic curtilage, then a full compensation scheme would be required for new hedgerows to be created elsewhere.
- I assume that the northern boundary hedgerow would not form domestic curtilage, as it is still fronting the road and the new access road will run along most of its length inside the application site. However, this needs to be confirmed. A boundary plan showing the extent of domestic curtilage should be provided.

The loss of priority grassland habitat should also be minimised as much as possible in the first instance, and then compensation provided if necessary. If there will be a residual loss of habitat, then a compensation scheme will be required - to be agreed before a positive determination of the application.

A possible way forward would be for the adjacent orchard habitat to be restored with species rich grassland and hedgerows, which may fulfil the requirements of the compensation scheme for all habitats. However, further information is required in order to ensure no net loss of biodiversity, and the provision of net gain if possible, in accordance with paragraphs 170 – 175 of the NPPF and policy EH3 of the Local Plan.

- 1.6 Parish Council
- Hailey PC has no objection to this planning application provided that the style is commensurate with the style of the village i.e a ribbon not a cul de sac.
- Hailey PC would also ask if a Section 106 contribution towards their new village hall was possible (estimated cost £800,000)?

## 2 REPRESENTATIONS

One letter of objection has been received raising the following comments:

- Highways
- Landscape
- Neighbourliness
- Policy / Principle
- New Yatt is a small hamlet with no facilities and no public transport. Three houses have been built recently in the village that have taken years to sell, with one still remaining unsold after 2 years. This indicates no desperate need for houses locally. The road through the village is being used more and more as a rat run to avoid Witney, and with the new housing developments up the road at North Leigh this will become even more so. Combined with the Industrial Estate with its associated traffic, poor little New Yatt is losing its identity as a little backwater, and becoming swamped in cars.
- If the new developments in North Leigh are having difficulty selling their new builds, why allow any more to be built?

## 3 APPLICANT'S CASE

- 3.1 The applicant tabled a covering letter at the point that the application was made (before the results of the Neighbourhood Plan process were known). The conclusion is reported in full below:

- This statement has examined the planning background of the site and the relevant national and local planning policy framework in respect of the outline planning application for residential development off New Yatt Lane, New Yatt.
- The proposed development will be in accordance with the emerging Hailey Neighbourhood Plan which seeks to allocate the proposed site for residential development.

- The above demonstrates that there would not be any conflict with national or local planning policy and the Council is therefore respectfully requested to approve the application.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS3NEW Prudent use of natural resources  
 OS4NEW High quality design  
 OS5NEW Supporting infrastructure  
 H1NEW Amount and distribution of housing  
 H2NEW Delivery of new homes  
 T1NEW Sustainable transport  
 T3NEW Public transport, walking and cycling  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 WIT6NE Witney sub-area strategy  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 Outline planning permission is sought for the residential development on the land on the north-west edge of the Village of New Yatt to comprise eight units with associated garden, parking and access, and green space. The application site comprises undeveloped agricultural land located on the southern side of the New Yatt Lane, opposite The Hollies. The site is irregular shaped but generally a rectangular parcel of land and enclosed by dense mature hedgerow and mature trees/woodland along its perimeter particularly to the front (north) and rear (south) of the site, with dense copses at its norther western end.
- 5.2 The site is bounded by New Yatt Lane to the north, by the vacant public house to the east, and by agricultural land to the west and to the south.
- 5.3 The applicant has submitted a new site plan showing the blue line boundary to incorporate the copse to the north western part of the site.
- 5.4 New Yatt village forms a linear pattern of development along each side of New Yatt Lane culminating on its southern side at the former public House, with the application site forming a definable limit to the built-up area.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

##### Principle

- 5.6 The West Oxfordshire Local Plan 2011-2031 ("the Local Plan") was adopted on 27 September 2018. It is the LPA's statutory development plan and, in accordance with S38 (6) of the Planning

and Compulsory Planning Act 2004, and national planning guidance, it is the starting point for all decision making. Full statutory weight is afforded to the policies of the Local Plan because the Council can demonstrate a full deliverable 5 year housing land supply ("HLS").

- 5.7 The adopted Local Plan provides for a 5 year supply using a staged delivery and the "Liverpool" calculation (this approach is endorsed within the wording of policy H2 within the Plan) and a 20% buffer requirement. Using this method the LPA's most recent HLS figures, published November 2018, indicate a 6.7 year HLS.
- 5.8 Moreover, on 12 September 2018 a Written Ministerial Statement ("WMS") was issued dealing with Housing Land Supply in Oxfordshire) that effectively reduced the requirement to demonstrate housing supply from 5 years to 3 years until such time as the Joint Statutory Spatial Plan for Oxfordshire is adopted, which is intended to be the year 2021.
- 5.9 The Council is not therefore obliged to support housing development that would not comply with the relevant parts of the Local Plan.
- 5.10 New Yatt lies within the Witney Sub-Area, the anticipated housing land supply in this sub-area as set out in the Local Plan (Table 9.2b) is set at over 4,700 new homes, the majority of which are expected to come forward through existing commitments and allocations with only 276 units from windfall.
- 5.11 Policy WIT6 sets out the overall strategy for the sub-area and states that outside of Witney, 'New development in the rest of the sub-area will be limited to meeting local community and business needs and will be steered towards the larger villages.'
- 5.12 New Yatt is not one of the larger villages but is classified in the Plan as a small village settlement where typically there are limited services and facilities and/or other development constraints. While New Yatt does possess some small industrial/employment units (in the adjoining parish of North Leigh), there is no school, shop or post office, the local pub has been shut for many years and the bus service is restricted. The village lies about 1 mile from the centre of North Leigh and 2½ miles from the centre of Witney - higher order settlements with a wider range of services and facilities - but access from New Yatt is along unlit rural lanes, without a pavement, meaning that there is be a high-reliance on the use of the private car by most residents.
- 5.13 Policy OS2 of the Local Plan - Locating Development in the Right Places - sets out the overall spatial strategy for the District including the distribution of new development over the plan period to 2031, focusing the majority of new homes, jobs and supporting services in the main service centres, with development in villages such as New Yatt being limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.
- 5.14 Policy OS1 and Policy OS2 refer to the presumption in favour of sustainable development and the latter includes a series of general principles which all development is expected to accord with. Of particular relevance for consideration of this specific proposal are the following general principles. Development should:
  - Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
  - As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
  - Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
  - Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
  - Conserve and enhance the natural, historic and built environment; and
  - Be supported by all necessary infrastructure, including that which is needed to enable access to superfast broadband.
- 5.15 Since New Yatt is a small settlement with very limited services and facilities residents rely on Witney and other higher order settlements for their day to day needs. With limited access to public services, unlit connections and distances that make walking unlikely, residents are reliant upon the motorised travel. The proposed development would add significantly to the settlement, and, set against the paucity of services and facilities and ability to achieve safe and convenient access to those nearby, the cumulative impact of development would be to exacerbate reliance on motorised travel to meet every day needs. The proposal would not constitute sustainable development.
- 5.16 Furthermore, the site serves as a visual and functional limit to the built up area. The extension of the village beyond this limit would be too transformative and would urbanise the rurality of the local environment in which the development would sit, which would impact negatively the wider landscape. The proposed development would not therefore form a logical complement to the existing scale and pattern of development and impact negatively the character of the area.
- 5.17 Site access would require loss of established hedgerow and mature wooded boundary, and it is unclear as to the treatment of the hedgerow with some possibly incorporated into residential curtilage. The loss of the existing meadow would detract from the character and appearance of the area. The proposed development would not serve to protect or enhance the local landscape. The site in its current state makes a considerable contribution to the appearance and context of the settlement, particularly to denote the edge of the built up area and the transition to countryside.
- 5.18 The proposed development would not conform to Policies OS1 and OS2.
- 5.19 Policy H2 sets out the main policy considerations for the delivery of new homes in smaller villages like New Yatt, and under this policy, new homes will only be permitted where they comply with the general principles set out in Policy OS2 and in a limited number of specific circumstances, including 'where there is an essential operational need or other specific local need that cannot be met in any other way...' and 'on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.'
- 5.20 A specific local need for this development in this location has not been put forward. The only criterion therefore that the proposal could fulfil is the fact that the site was a proposed allocation in the Hailey Neighbourhood Plan.
- 5.21 The submission draft of the Hailey Neighbourhood Plan was submitted to West Oxfordshire District Council (WODC) in August 2018, and following a 6-week consultation which closed on

20th December 2018, an Examination of the Neighbourhood Plan was undertaken by way of written representation. The Examiner published his report on 25th March 2019, and found the proposed allocation (application site) not to be in general conformity with the plan, having not considered the development of the site to be "... a proportionate and appropriate scale to its context having regard to the potential cumulative impacts of development on the locality". Furthermore, it was concluded that the development of the site would not form a logical complement to the existing scale and pattern of development and or/ character of the area.

- 5.22 The NPPF makes clear full weight cannot be given to the Neighbourhood Plan until it is 'made' and provides that weight placed on emerging plans should be informed by the stages of preparation. Given the Examiner has now published his report the decision to not allocate in the Submission Draft of the Hailey Neighbourhood Plan should be given appropriate material weight.

### Ecology

- 5.23 The original application proposal and that submitted as a New Yatt housing allocation in the Submission Draft of the Hailey Neighbourhood Plan included the adjoining copse on the north-western edge of ten site/ village. The Copse is now removed from the redline boundary.
- 5.24 The existing copse/orchard and hedgerows contribute to the character of the area, the context and setting of the site and the soft/rural approach to the village. The development would intrude into the rural setting of New Yatt and, even with the retention of the existing trees and hedgerows on the site, would be out of character.
- 5.25 The Planning Statement accompanying the application states that the woodland will be retained and the illustrative layout shows the woodland and hedgerows all being kept, other than where access is to be created. However it is not clear how this will be achieved.
- 5.26 In addition, some of the plots, especially the plot closest to the copse/orchard, are close to the existing hedgerows and mature trees. This proximity will impact on the residents. Overshadowing and bough and leaf drop may well lead to pressure for tree removal. Factoring in likely climate change, there may be benefits of cooling through shading but higher winds could lead to tree instability. Developing within and in close proximity to a well-established woodland and hedgerows needs special care.
- 5.27 The site forms part of an identified Woodland Habitat Network. Not only does this woodland have value in its own right, it provides a wide range of ecosystem services, including providing a soft setting to the village, providing a valuable habitat and forming part of a wider woodland/GI network.
- 5.28 EH3 relates to biodiversity. All development is expected to protect and enhance biodiversity, including: protecting and mitigating for impacts on priority habitats, protected species and priority species; avoiding loss, deterioration or harm to locally important wildlife, UK priority habitats and species; and ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs). The NPPF and Policy EH3 require development to show how a net gain in biodiversity will be achieved and, ideally, to show this in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator. The planning application does not address this.



- 5.29 The site lies within the Wychwood and Lower Evenlode CTA.
- 5.30 An ecological report accompanies the planning application. This report highlights the biodiversity value of the site, identifying, for example: species-rich, important hedgerows under the Hedgerow Regulations 1997; all hedgerows being habitat of 'principal importance'; the grassland being semi-improved, MG5 grassland Lowland Meadow of 'principal importance' under the NERC Act 2006; the adjoining copse/former orchard as having ecological value; bird species of principal importance; and a high likelihood of bats, hedgehogs and reptiles. One of the conclusions of the report is that a significant impact of the development would be the loss of a significant area of semi-improved grassland. The report, in section 5.2, sets out a number of potential mitigation and enhancement measures.
- 5.31 The rural nature of this site and the value of the habitats and potential species mean that careful consideration will need to be given to the ecology and natural capital of the site and its wider context. If development were to go ahead the issues to be addressed should include retaining and enhancing ecological networks, providing sensitive lighting of the site, retaining and protecting existing trees, woodland and hedgerows, providing new planting of indigenous species with a high proportion of berry bearing plants, ensuring suitable connections within and through the site for hedgehogs and provision of bat roosting and bird nesting opportunities (NB these need to be located in appropriate locations), together with the measures identified in the ecologist's report.

#### Siting, Design and Form

- 5.32 The application is in outline with all matters other than the principle and the means of access reserved for future determination. The access plan details that a section of the frontage hedge will need to be removed to create the access and future maintenance will be required to ensure that adequate vision splays are provided and retained. This is likely to result in a much more "managed" appearance in contrast to its existing rural character. The houses are detailed strung out along the road in a linear fashion that broadly mimics the linear character of the settlement. In contrast however they are set behind a service road and all of the parking is located in front of rather than between the dwellings such that the public elements of the development would be highly car/ road dominated which again given the transitional nature of the site at the edge of the settlement would not sit comfortably with the prevailing rural character. A number of the units and elements of the highway infrastructure are also within or too close to existing boundary hedges and trees such that their long term survival would be severely compromised. The scheme as presented is in light of these concerns not considered a suitable basis upon which to build out the site.

#### Highways

- 5.33 OCC has raised no objections to the ability to create a safe access. Notwithstanding that this may have additional hedge loss implications in light of the comments received there is considered to be no basis upon which to base a highways objection.

#### Conclusion

- 5.34 This application site would not form an appropriate location for development given the sensitivities of the site itself, including its biodiversity value and its contribution to the area's character, and the very limited range of services and facilities in the village combine to make the

proposal unsustainable development. Development of the would be contrary to policies OS1, OS2, OS3, OS4, H1, H2, T1 and T4, EH2, EH3 and WIT6.

5.35 Furthermore, proposed development was considered by the Examiner in his examination of the Submission Hailey Neighbourhood Plan who concluded that development of the site would not be in conformity with the Adopted Local Plan and recommended the site be deleted from the Neighbouring Plan. This too must be given material weight.

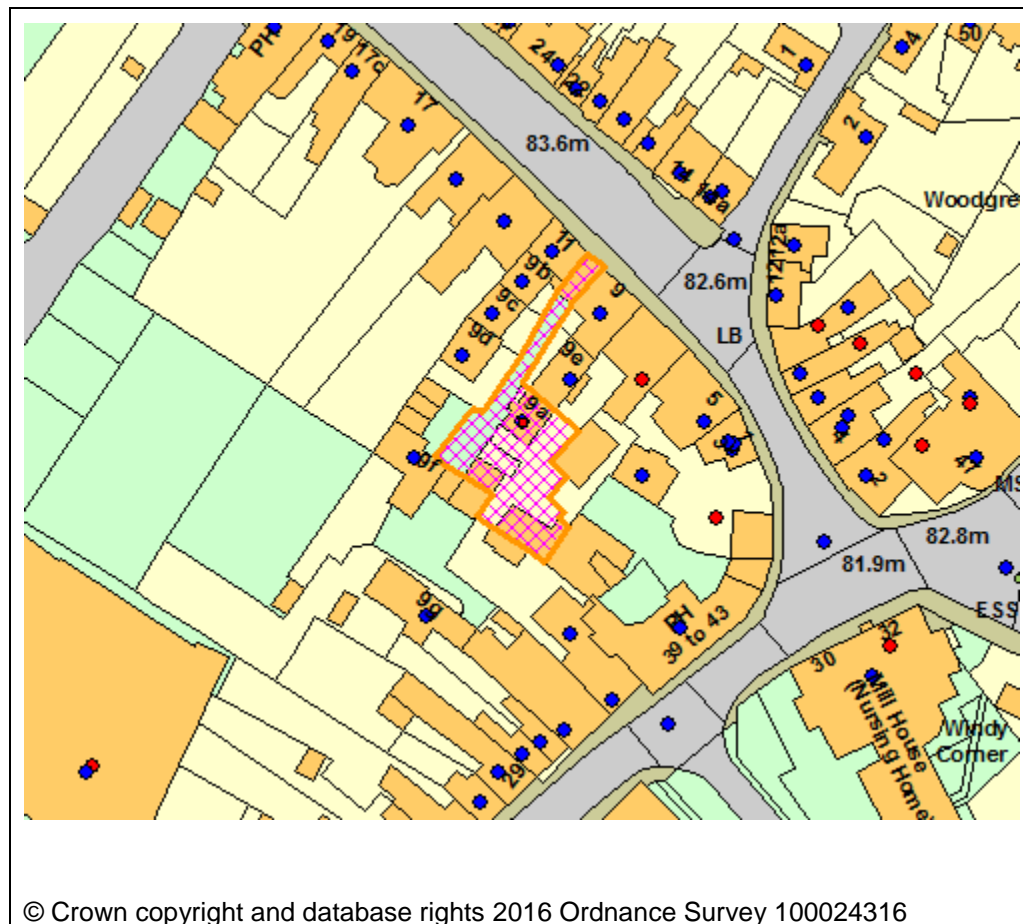
5.36 As such, the recommendation is that planning permission be refused.

## **6 REASON FOR REFUSAL**

I The proposed development would not represent sustainable development given the very limited range of services and facilities within New Yatt, combined with the sensitivities of the site itself, including its biodiversity value and its contribution to the landscape character of the area and village setting. The applicant has failed to demonstrate justification for this development proposal as either essential operational or other specific local need that cannot be met in any other way, and, neither has the site been allocated for housing development within the Adopted Local Plan or an adopted (made) neighbourhood plan. The proposed development would therefore, be contrary to policies OS1, OS2, OS3, OS4, H1, H2, T1 and T3, EH2, EH3 and WIT6 of the Adopted West Oxfordshire Local Plan 2018, and the provisions of the National Planning Policy Framework 2019.

Application Number	19/01030/HHD
Site Address	9A West End Witney Oxfordshire OX28 1NG
Date	26th June 2019
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435862 E 210372 N
Committee Date	8th July 2019

### Location Map



### Application Details:

Erection of rear conservatory.

### Applicant Details:

Mr David Gouldin, 9A West End, Witney, Oxfordshire, OX28 1NG

## **I CONSULTATIONS**

- 1.1 Town Council No objection.

## **2 REPRESENTATIONS**

- 2.1 One letter of objection has been received from Sarah Plowman at 7 West End, Witney as follows. A full version of the letter plus photos submitted are available on the Council's website.
- 2.2 We are fully in support of our neighbours' desire to increase their enjoyment of their garden. However we feel that the height of this building means that their enjoyment will be at our expense.
- 2.3 Our concern is about significant loss of both direct sunlight and imposing aspect. The proposed height, coupled with its suggested rear wall backing directly into our garden will be totally overbearing in its impact on our home and garden.
- 2.4 We have a very small garden, which faces south west. It is already surrounded with high buildings on its boundary lines on all sides except this one side, which is the direction that we receive direct sunlight from, meaning that the proposed conservatory will significantly impact any feeling of openness and light our garden has.
- 2.5 Throughout the year, we would lose a great deal of light, both direct and indirect, from the proposed conservatory, particularly in the afternoon and early evening when our five children come home from school and want to play in our garden (which is our only outside space and is just coming to the completion of its renovation). In the winter months, we enjoy watching the sun set from the ground floor back windows. This will completely lose its appeal with the proposed raised skyline, resulting in the loss of so much light.
- 2.6 The proposed building will be incredibly overbearing for us, and introduce what we believe is a completely unacceptable level of enclosure for us in both the house and garden.
- 2.7 We note that the plans have a proposed gutter overhanging into our land (drawn in faintly). Our garden already has overhanging gutters from three different neighbouring properties, which can only be accessed for cleaning and maintenance through our house. These gutters aren't visible from their houses so we also need to keep an eye on their upkeep. Whilst we are more than happy to be neighbourly, adding a fourth neighbour's guttering needing access through our home seems excessive.
- 2.8 We believe that the scheme would result in an unacceptable sense of enclosure and loss of outlook to our property and understand that this would be contrary to policies OS4 and H6 of the West Oxfordshire local plan 2011-2031.
- 2.9 We believe that a possible solution would be to have the conservatory floor level dropped to match the ground level of 9A and the majority of the garden, removing the need for the steps up to enter the conservatory currently on the plan. This could then result in a significantly less imposing roof height. Leaving the existing rear boundary wall as it is and building the back of any conservatory at least 50cm away from this boundary line. This resolves two problems: a) the roof is moved away from our boundary reducing its imposing nature and b) it allows room for their gutter maintenance without any need for access or maintenance involving our property.

### **3 APPLICANT'S CASE**

- 3.1 A design and access statement has been submitted. A full version of the document is available on the Council's website. It is concluded as follows:

The addition of the particular designed roof structure gives height to the conservatory area which is lacking throughout the dwelling and will give relief to the occupants in their use of the space but will also ensure that is only a 900mm lift to the building above the existing north east boundary wall again to avoid blocking light to ensure no adverse impact on the amenity area to no. 7.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

H6NEW Existing housing

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

### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the erection of a conservatory at 9A West End; an un-listed, end terraced, traditional stone dwelling situated within a narrow mews. The site falls within the Witney and Cogges Conservation Area and sits within close proximity to a number of listed buildings.

- 5.2 A previous application on the site for a conservatory (Ref: 18/00201/HHD) was refused for the following reason:

The proposed extension by reason of its position, scale and design would result in a significant overbearing and overshadowing impact to the rear garden and habitable room windows of No. 7 West End and would therefore be contrary to Policy H2 and BE2 of the approved West Oxfordshire Local Plan 2011 and OS4 and H6 of the Emerging Local Plan and the relevant paragraphs of the 2012 NPPF.

- 5.3 This was then dismissed at appeal. The inspector concluded as follows:

Consequently, whilst I have found that the loss of sunlight and therefore overshadowing would not be significant, I conclude that the scheme would result in an unacceptable sense of enclosure and loss of outlook for the occupiers of No 7, thereby harming their living conditions. This would be contrary to policies OS4 and H6 of the West Oxfordshire Local Plan 2011-2031, which together seek to safeguard living conditions and ensure satisfactory environments for people living in the area.

- 5.4 Previously refused application 18/00201/HHD proposed a pitched roof conservatory which would sit 2.4m above the shared boundary wall. The plans, the subject of this application, propose a similar conservatory with a reduced height which would sit 0.9m above the shared boundary wall and has a different roof form to the refused scheme.

- 5.5 This application has been brought before sub-committee Members for consideration at the request of the local Ward Member.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle;  
Siting, design and form;  
Impact on heritage assets;  
Residential amenities.

Principle

- 5.7 The principle of providing an extension to the dwelling is acceptable subject to consideration of the below matters.

Siting, Design and Form

- 5.8 By virtue of its scale, design, form and location, the proposed conservatory is considered to be a modest addition which would appear subservient and secondary to the host dwelling. The proposed use of traditional materials, and its simple form, are considered to be in-keeping with the character and appearance of the host dwelling. As such, the application is considered to comply with policies OS2, OS4 and H6 of the adopted West Oxfordshire Local Plan 2031.

Impact on Heritage Assets

- 5.9 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. In this regard the proposed conservatory is not considered to have a detrimental impact the character and appearance of the Conservation Area, given the nature of what is proposed and its location; the conservatory would be located to the rear of the property and would not be visible from the street scene. As such, the character of the Conservation Area would be preserved.
- 5.10 As the site is within close proximity to a number of listed buildings, in accordance with Section 66 (l) of the Planning (Listed Buildings and Conservation Areas) Act as amended, the local planning authority shall have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. In this case, whilst the rear elevation of 9E is adjacent to the rear corner of the proposed conservatory, the 'tucked away' position of the conservatory and its single storey nature would be such that it would not significantly impact upon views from public vantage points. Therefore, Officers are of the opinion that the setting of the nearby listed buildings would be preserved.

### Residential Amenities

- 5.11 In comparison with the previously refused scheme where the proposed conservatory would sit 2.4m above the existing boundary wall, the conservatory the subject of this application would protrude 0.9m above the shared wall with the roof plain sloping away from the garden of No. 7.
- 5.12 Officers note the issues raised in the objection letter submitted by Sarah Plowman at 7 West End. However, it is your officer's opinion that the overall height and roof form of the conservatory has been reduced to a level which, on balance, is no longer overbearing, nor does it give an overwhelming sense of enclosure.
- 5.13 Due to the location and orientation of the buildings, with the garden of No. 7 facing south west and already being enclosed by buildings either side, the sunlight only reaches the neighbours garden for a limited period of time every day. By virtue of the scale and design of the conservatory, your officers consider that the development would not significantly reduce the amount of sunlight into the garden in comparison to the existing situation. Further, given the scale of the conservatory and its distance from the rear elevation of No. 7, your officers do not consider that there will be any adverse overshadowing of the neighbours habitable rooms. Officers also note that the Inspector did not consider that the larger scheme would result in a harmful loss of light or overshadowing to the detriment of No. 7 either.

### Conclusion

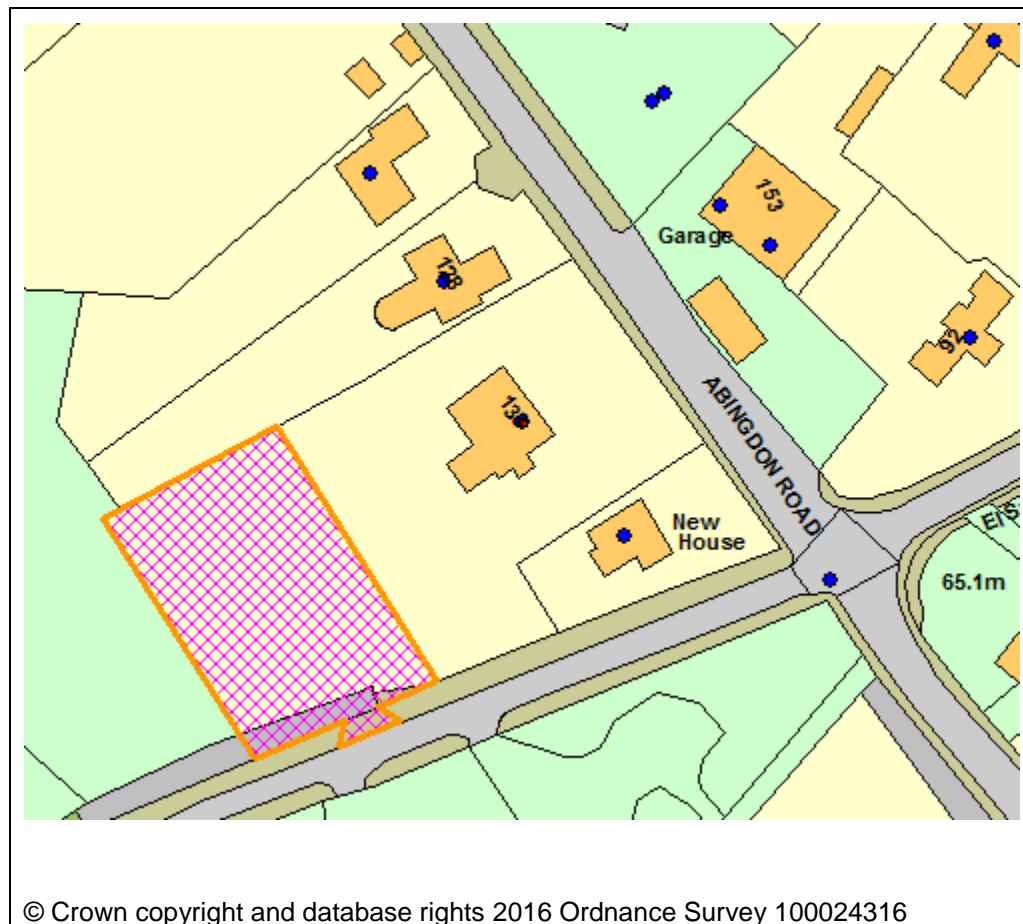
- 5.14 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, EH9, EH10, EH11 and H6 of the adopted West Oxfordshire Local Plan 2031 and any relevant paragraphs of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the Conservation Area and setting of the nearby Listed Buildings.

Application Number	19/00868/RES
Site Address	138 Abingdon Road Standlake Witney Oxfordshire OX29 7RN
Date	26th June 2019
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439242 E 202793 N
Committee Date	8th July 2019

### Location Map



### Application Details:

Approval of reserved matters, layout, scale, landscaping and appearance for two detached four bedroom houses

### Applicant Details:

Mr And Mrs Ling, 138 Abingdon Road, Standlake, Witney, Oxfordshire, OX29 7RN



## **I CONSULTATIONS**

- I.1 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the discharge of conditions.
- I.2 Conservation Officer No Comment Received.
- I.3 WODC Drainage Engineers Besides the Design and Access Statement referring to the use of SUDS and rainwater butts, no information on the surface water drainage proposal is included in this application. I therefore have no comments to make in this case and await submission of the full design.
- I.4 Thames Water No Comment Received.
- I.5 Biodiversity Officer No Comment Received.
- I.6 Parish Council Standlake PC objects to the scale and layout of this proposal in that two 4 bedroom houses on this plot do not offer enough parking for the likely number of vehicles. It must take into consideration the fact that there is no offsite parking either on Shifford Lane itself (single tack lane used by vehicles accessing both the Mulberry Bush School, two other properties and the electricity substation further down the lane) or on the A415 (which is itself on a busy, dangerous junction with the High Street) at the entrance to the lane. This concern extends to the likely construction traffic accessing the site, and it should be a condition of planning that the layout of the site be made sufficient to accommodate this traffic on site while under construction. The proposed entrance is virtually opposite the main entrance to the Mulberry Bush school which is the home to a number of extremely vulnerable children and the contractors should be obliged to liaise with the school so that there is no conflict with traffic movements.
- Frankly, the PC is of the firm opinion that this application should never have been approved in the first place for these and many other reasons, but that's water under the bridge I'm afraid.

## **2 REPRESENTATIONS**

- 2.1 Two general letters have been received as follows:-

Mr and Mrs Smith of Longwood House, Shifford Lane, Standlake

- 2.2 Shifford Lane is narrow and two vehicles have to pass each other with care. Large vehicles such as refuse collection lorries and those going to the SEB substation at the far end of the lane have even more difficulty. If this application is allowed could it please be conditioned so that all construction traffic is parked on site?

Mr N Jones of 126 Abingdon Road, Standlake

- 2.3 I therefore withdraw my previous objection provided that: The existing fence line is corrected before any development takes place. What is misleading on this plan is the green infill which appears to suggest the extent of the proposed garden area.

### **3 APPLICANT'S CASE**

- 3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

- Our design philosophy extends to providing a sympathetically designed development which positively integrates into the existing surroundings. By using the land to its full potential, the proposal will also make a worthwhile contribution to the number and mix of local housing.
- The design process has guided the scheme to a conclusion which integrates successfully with the surrounding built form. The site is in a sustainable location with good access to local services, employment opportunities, public transport routes and amenities.
- The impact upon the amenities of the occupiers of neighbouring residential dwellings is not harmful in terms of loss of outlook, light and privacy by way of the siting, scale and design of the proposed properties.
- In light of the above it is considered that the scheme is viable and accords with relevant policies and standards set both locally and nationally. Therefore, we consider that this reserved matters application should be supported.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T2NEW Highway improvement schemes

T4NEW Parking provision

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

### **5 PLANNING ASSESSMENT**

- 5.1 This proposal is a reserved matters submission pursuant to application I6/00783/OUT. The application deals with the layout, scale, appearance and landscaping of the two dwellings granted outline consent under the previous application together with the associated works.
- 5.2 The application site is located within the village of Standlake. The access into the site via Shifford Lane, which serves the Mulberry School as well as a few other properties, has already been approved as part of the outline application. The site currently forms part of the private garden space serving no. 138 Abingdon Road with open paddock and fields forming the natural boundary between the built up limits and the countryside. The site does not fall within any special designated areas of control.

- 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:

Layout, scale and appearance  
Landscaping  
Residential amenities  
Highways  
Drainage  
Biodiversity

Layout, scale and appearance

- 5.4 The proposed layout broadly follows the indicative layout plan submitted with the outline application. However, some changes have been made to address officers concerns about the positioning of two garages to the front of the dwellings. These garages have now been re-positioned and are set further away from the dwellings in order to provide sufficient spacing between the built form. Further, the two dwellings have been positioned in a more centralised spot so that there is a sense of space retained between the side of the properties and the boundaries.
- 5.5 The plans, the subject of this application, show a slightly reduced scheme to the indicative plans submitted with the outline application. The overall massing of the development has been reduced by designing the dwellings so that the eaves height sits at 1.5 storeys high rather than the full 2 storeys shown in the indicative plans. The scale of the two dwellings is considered to be in keeping with the local vernacular and will appear slightly subordinate in scale and massing to the surrounding development.
- 5.6 The design of the development is a mix of the traditional and contemporary. Your officers consider that the use of traditional stone, plain roof tiles and oak frames is wholly appropriate and would be in keeping with the local vernacular. The contemporary elements of the development have been introduced through the proposed glazing. Officers do have some concerns over some of the glazing; in particular the roof lights and the glazed gable features on the rear elevations. It is considered that these elements can be refined in order to create a more simple and coherent elevation whilst still incorporating the contemporary glazing. Therefore, your officers have included a condition, notwithstanding the details submitted within this application, that all joinery details are to be submitted to and approved in writing before the commencement of above ground works.
- 5.7 In light of the above, the application is considered to be reflective of local vernacular and compliant with policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031.

Landscaping

- 5.8 This application proposes the removal of three fruit trees on the site which will be replaced elsewhere with structured tree planting. Overall the landscaping scheme is considered to be appropriate and sympathetic to the local surroundings.

### Residential Amenities

- 5.9 Your officers are satisfied that the separation distance between the dwellings is such that it will not adversely impact on neighbour amenity. There is a first floor window in the side elevation of each dwelling facing each other which both serve toilets. As such, a condition is included to ensure that the windows are obscurely glazed and fixed shut. Further, a condition has been included to ensure that the proposed rooflights serving the master bedroom in each dwelling will not result in any adverse overlooking. There are no windows in the side elevation of plot 2 so officers are satisfied that there will be no direct overlooking into the garden or rear windows of No. 138 Abingdon Road. Further, the separation distance between plot 2 and No. 138 is considered to be sufficient so that the development is not overbearing. Your officers are of the opinion that an acceptable level of outdoor amenity space has been provided to serve both of the new dwellings.

### Highways

- 5.10 The access has already been approved as part of the outline application. The County Highways Officer has raised no objections to the details relating to parking and garaging submitted as part of this reserved matters application.

### Drainage

- 5.11 A surface water drainage condition and informative is included on the outline planning consent which is required to be discharged fully before development commences on site.

### Biodiversity

- 5.12 The consultation response from your Biodiversity Officer is still outstanding. As such officers will update Members in respect of this matter at the committee meeting.

### Conclusion

- 5.13 Subject to the outstanding consultation responses, your officers are satisfied that the application is acceptable and compliant with policies OS2, OS4, H2, T2 and T4 of the adopted West Oxfordshire Local Plan 2031 and any relevant paragraphs of the NPPF.

## **6 CONDITIONS**

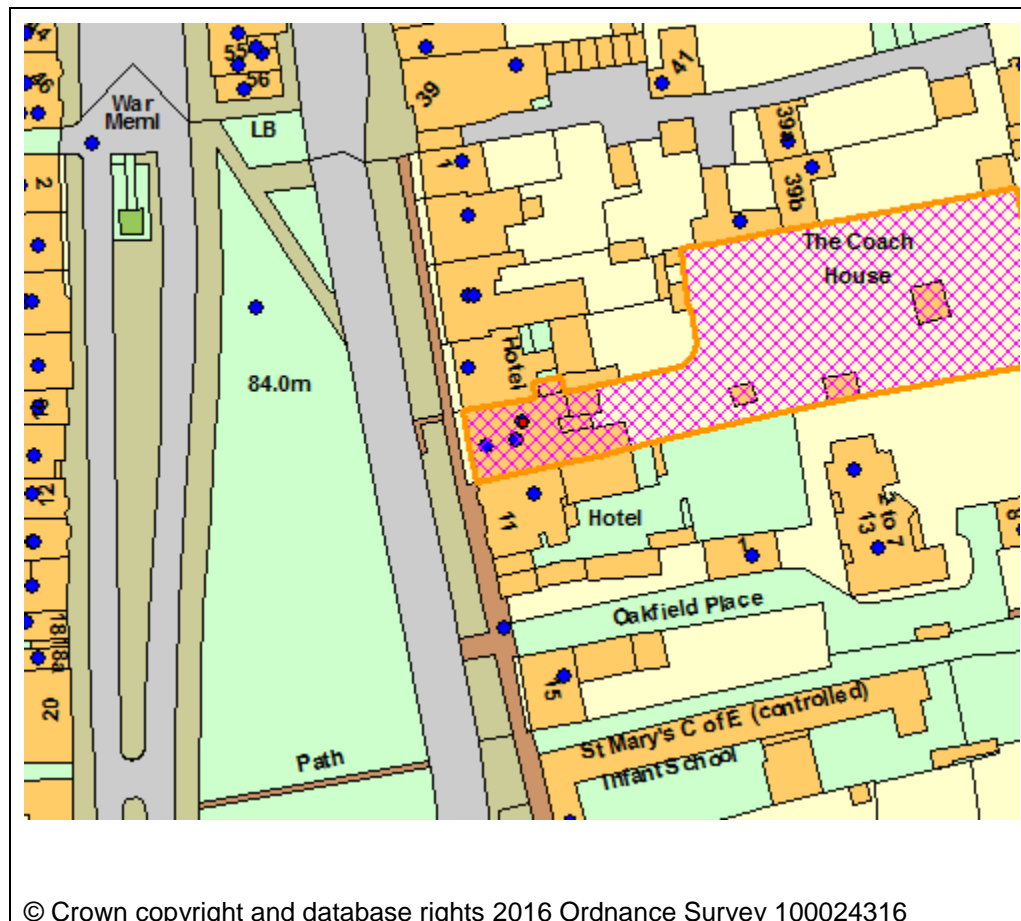
- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference XXXXXX , or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.

- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding any indication given on the plans hereby permitted, the roof lights in the east facing elevation of Plot 1 and west facing elevation of Plot 2 shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.  
REASON: To safeguard privacy in the adjacent property.
- 5 Before first occupation of the buildings hereby permitted the window(s) in the east facing elevation of Plot 1 and west facing elevation of Plot 2 shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect the character and appearance of the area and residential amenity.
- 8 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall 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.
- 9 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.  
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

- 10 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.
- 11 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 12 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

Application Number	19/00977/FUL
Site Address	Mulberry House 9 Church Green Witney Oxfordshire OX28 4AZ
Date	26th June 2019
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435655 E 209475 N
Committee Date	8th July 2019

### Location Map



### Application Details:

Conversion of ground floor training rooms to two residential flats, associated internal and external alterations, provision of outdoor amenity space and bin and cycle storage.

### Applicant Details:

Mr Danny Morris, C/O Agent.

## **I CONSULTATIONS**

- 1.1 Town Council                      Witney Town Council objects to this application on the grounds of loss of business space and is concerned that the residential parking requirement as proposed may exceed existing provision.
- 1.2 OCC Highways                      No objection.

## **2 REPRESENTATIONS**

None received at the time of writing.

## **3 APPLICANT'S CASE**

- 3.1 A planning, design and access statement has been submitted to support the application. A full version of this is available on the Council's website. It has been summarised and concluded as follows:
- This planning statement is submitted in support of full planning and listed building consent applications for the 'change of use of ground floor training rooms to two residential flats, associated internal and external alterations to listed building, provision of outdoor amenity space and bin and cycle storage'.
  - The principle of the change of use of part of the ground floor of Mulberry House to residential use is supported by policies of the adopted Local Plan and NPPF. There will be no overall loss of office units, as the existing rooms are used for training purposes in association with the offices, and the offices to the front of the building will be retained. The change of use was supported in principle at the pre-application stage.
  - The proposed development will cause no harm to the identified heritage assets and therefore is in accordance with local plan policies and national guidance relating to the conservation of heritage assets.
  - The proposal for the change of use will not have a detrimental impact upon the amenity of neighbouring uses and will provide sufficient internal and external amenity space and facilities for the future occupants of the two flats.
  - The proposed pedestrian access arrangements are acceptable and the change of use to two one-bedroom flats will cause no detrimental impacts on highway safety or unacceptable impacts on the road network.
  - There are no technical issues which would mean that planning permission should not be granted.
  - Overall, it is demonstrated that the proposal is in accordance with the policies of the Development Plan and has addressed the principles and guidance of the NPPF.



## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E1NEW Land for employment

WIT5NE Witney town centre strategy

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

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

## 5 PLANNING ASSESSMENT

5.1 This application seeks consent for the conversion of ground floor training rooms to provide two 1-bed residential flats with associated internal and external works, and provision of outdoor amenity space, bin and cycle storage at Mulberry House; a 17th century Grade II Listed building in the Church Green area of Witney which falls within the Conservation Area. Mulberry House currently contains a mixture of uses with office space at the front of the ground floor and training rooms to the rear, and residential flats on the first and second floors. The office space on the ground floor is proposed to remain unchanged as part of this application.

5.2 The last occupation of the ground floor offices and training rooms was by the applicants business 'Amadeus Software' which moved to the Old School Building to the rear of the Witney Methodist Church in the summer of 2018 leaving the office and training space in Mulberry House unoccupied.

5.3 A listed building consent application is also being considered under ref. 19/00978/LBC.

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

Principle

Siting, Design and Form

Heritage Assets

Highways

Residential Amenities

Principle

5.5 In terms of the principle of development, Policy H2 of the adopted Local Plan 2031 permits the provision of new dwellings on previously developed land within the built up area of Witney provided that the loss of any existing use would not conflict with any other plan policies and complies with the general principles set out in Policy OS2. Policy E1 of the adopted Local Plan 2031 is generally protective of existing employment sites unless the site is considered inappropriate on amenity, environmental or highways safety grounds for employment uses, amongst other circumstances. Due to the retention of the offices at the front of the property, whilst the floor space is reduced, an employment use will still exist on the site. Further, Policy WIT5 clearly states that the intensification of the Church Green area through commercial and

retail uses should be resisted. Your officers consider that residential uses in this area are more appropriate and that the deintensification of the building would enhance the high quality and character of this part of the Conservation Area and also would result in a less intensive use of the highway and on-street parking in the vicinity; these are matters which will be considered in detail below. Further, the development would be providing two much needed and in demand 1-bed properties which your officers consider to be a benefit. In light of the above, your officers consider that the principle of the development is, on balance, acceptable.

#### Siting, Design and Form

- 5.6 The majority of the changes relate to the proposed internal conversion works. The external front elevation will remain unchanged and there are some modest changes proposed to the rear elevation including the part demolition of an existing extension and changes to some of the ground floor fenestration. Your officers are of the opinion that, by virtue of their modest nature and location, the changes are appropriate.
- 5.7 No elevational details have been submitted in respect of the proposed bin and bike store. Therefore, your officers have requested these details and will update Members in relation to this matter at the meeting.

#### Heritage Assets

- 5.8 As the site is a listed building, your officers are required to take account of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case, the proposed works are not considered to significantly harm any of the historic fabric and will preserve the significance and character of the listed building.
- 5.9 Further, since the application site is within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard, your officers consider that the deintensification of the use of the building will enhance the character of this part of the Conservation Area. Further, by virtue of the location and nature of the development the appearance of the Conservation Area will be preserved.
- 5.10 Your officers will update Member's in respect of the impact of the bin and bike store on the heritage assets at the meeting.

#### Highways

- 5.11 In terms of highways safety and impact on the local road network, given the town centre location of the site, it is considered that the two dwellings can be 'car-free'. Further, there will be reduction in car movements generated from the property overall from its consented office and training use. Bike storage areas are also proposed to encourage the use of cycling as a mode

of transport. The County Highways Officer has raised no objection to the application. As such the application is considered to be acceptable in these terms.

#### Residential Amenities

- 5.12 In term of residential amenity, the two neighbouring properties either side of Mulberry House, The Witney Hotel and The Fleece Hotel, both have hospitality uses. There are some residential properties to the rear of the site. As there are minimal external changes on the site, officers do not consider that the development would adversely impact on the amenity of the neighbouring properties in terms of the built form. Further, your officers are of the opinion that the enclosure of part of the garden to create private amenity space to serve the flats will not result in an adverse level of noise or disturbance than that which already exists under the current use.
- 5.13 The level of amenity space provided to serve the new flats is considered to be sufficient. Due to the small scale, low level office use at the front of the building, your officers do not consider that this will have a detrimental impact on the amenity of the future occupants of the proposed flats.

#### Conclusion

- 5.14 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, H2, E1, WIT5, EH9, EH10 and EH11 of the adopted West Oxfordshire Local Plan 2031.

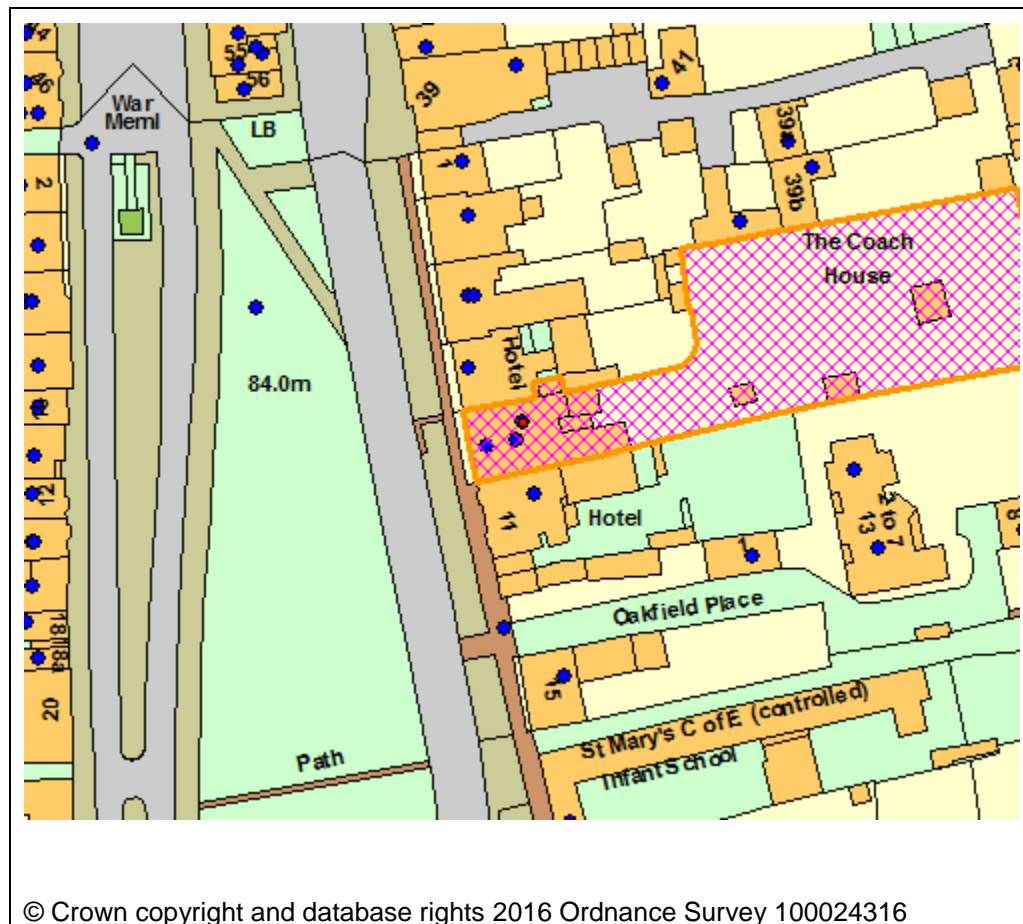
## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the Conservation Area and Listed Building.
- 4 The premises shall be used for the uses specified in the application and for no other purpose.  
REASON: In the interests of residential amenity.
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.

- 6 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area and the listed building.
- 8 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.  
REASON: To safeguard the character and appearance of the listed building and conservation area, and improve opportunities for biodiversity.

Application Number	19/00978/LBC
Site Address	Mulberry House 9 Church Green Witney Oxfordshire OX28 4AZ
Date	26th June 2019
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435655 E 209475 N
Committee Date	8th July 2019

**Location Map**



**Application Details:**

Conversion of ground floor training rooms to two residential flats, associated internal and external alterations, provision of outdoor amenity space and bin and cycle storage.

**Applicant Details:**

Mr Danny Morris, C/O Agent.

## **I CONSULTATIONS**

- 1.1 Conservation Officer No Comment Received.
- 1.2 Town Council Witney Town Council objects to this application on the grounds of loss of business space and is concerned that the residential parking requirement as proposed may exceed existing provision.

## **2 REPRESENTATIONS**

None received at the time of writing.

## **3 APPLICANT'S CASE**

- 3.1 A heritage statement has been submitted with the application. A full version of this is available on the Council's website. The document has been summarised and concluded as follows:
- The change of use of the rear ground floor of Mulberry House to a residential use will ensure the continued use of the heritage asset and ensure its future conservation in accordance with the local and national heritage policy and guidance.
  - It is considered that the change of use of the rear ground floor of Mulberry House, and associated internal and external alterations would have a neutral impact on the significance of the heritage asset, preserving the special historic and architectural character of the listed building and its contribution to the character and appearance of the Conservation Area, as well as the setting of adjacent heritage assets.
  - In conclusion, it has been found that the impact of the proposed scheme will cause no harm to the significance of the designated heritage assets. As such, it is considered to comply with all relevant planning policy relating to the protection and conservation of the historic environment, and there is no reason why the scheme should not be considered favourably by the Local Planning Authority.

## **4 PLANNING POLICIES**

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the conversion of ground floor training rooms to provide two 1-bed residential flats with associated internal and external works, and provision of outdoor amenity space, bin and cycle storage at Mulberry House; a 17th century Grade II Listed building in the Church Green area of Witney which falls within the Conservation Area. Mulberry House currently contains a mixture of uses with office space at the front of the ground floor and training rooms to the rear, and residential flats on the first and second floors. The office space on the ground floor is proposed to remain unchanged as part of this application.

- 5.2 A full application is also being considered under ref. 19/00977/FUL.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Impact on the Listed Building

Impact on the Listed Building

- 5.4 Your officers are required to take account of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case, the proposed works are not considered to significantly harm any of the historic fabric and will preserve the significance and character of the listed building.
- 5.5 Your officers will update Member's in respect of the impact of the bin and bike store on the setting of the Listed Building at the meeting.

Conclusion

- 5.6 In light of the above, the application is considered to be acceptable and compliant with policies EH9, EH10 and EH11 of the adopted West Oxfordshire Local Plan 2031.

## **6 CONDITIONS**

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.  
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the listed building.
- 4 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building.
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.

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



Application Types Key

<u>Suffix</u>		<u>Suffix</u>	
ADV	Advertisement Consent	LBC	Listed Building Consent
CC3REG	County Council Regulation 3	LBD	Listed Building Consent - Demolition
CC4REG	County Council Regulation 4	OUT	Outline Application
CM	County Matters	RES	Reserved Matters Application
FUL	Full Application	S73	Removal or Variation of Condition/s
HHD	Householder Application	POB	Discharge of Planning Obligation/s
CLP	Certificate of Lawfulness Proposed	CLE	Certificate of Lawfulness Existing
CLASSM	Change of Use – Agriculture to Commercial	CND	Discharge of Conditions
HAZ	Hazardous Substances Application	PDET28	Agricultural Prior Approval
PN42	Householder Application under Permitted Development legislation.	PN56	Change of Use Agriculture to Dwelling
PNT	Telecoms Prior Approval	POROW	Creation or Diversion of Right of Way
NMA	Non Material Amendment	TCA	Works to Trees in a Conservation Area
WDN	Withdrawn	TPO	Works to Trees subject of a Tree Preservation Order
		FDO	Finally Disposed Of

<u>Decision Code</u>	<u>Description</u>	<u>Decision Code</u>	<u>Description</u>
APP	Approve	RNO	Raise no objection
REF	Refuse	ROB	Raise Objection
PIREQ	Prior Approval Required	P2NRQ	Prior Approval Not Required
P3APP	Prior Approval Approved	P3REF	Prior Approval Refused
P4APP	Prior Approval Approved	P4REF	Prior Approval Refused

**West Oxfordshire District Council – DELEGATED ITEMS**  
**Week Ending 3rd June 2019**

	Application Number.	Ward.	Decision.
1.	<b>19/00105/RES</b>	Brize Norton and Shilton	APP
	Reserved Matters application for Phase 1B comprising of 144 dwelling and associated landscaping, highway, drainage and infrastructure at Land East of Monahan Way, Carterton. <b>Land East Of Monahan Way Carterton</b> Mr Andrew Winstone		
2.	<b>19/00115/OUT</b>	Bampton and Clanfield	REF
	Outline application for four dwellings with access. <b>Clover Court Bushey Drive Clanfield</b> Mr Rob Stewart		

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|-----|--|--------------------------|-----|
| 3.  | <b>19/00209/FUL</b><br>Affecting a Conservation Area   | Eynsham and Cassington   | APP |
|     | Conversion of garage/study to self contained annexe, erection of detached garage with office above and alterations to access.<br><b>Tanyard Tanners Lane Eynsham</b><br>Mr & Mrs C Leonard |                          |     |
| 4.  | <b>19/00349/HHD</b>  | Alvescot and Filkins     | APP |
|     | Alterations and erection of single storey extensions. Amended.<br><b>Mulberry Cottage Radcot Road Grafton</b><br>Mrs Nicola Shimwell   |                          |     |
| 5.  | <b>19/00350/LBC</b>  | Alvescot and Filkins     | APP |
|     | Alterations and erection of single storey extension. Amended<br><b>Mulberry Cottage Radcot Road Grafton</b><br>Mrs Nicola Shimwell   |                          |     |
| 6.  | <b>19/00480/FUL</b><br>Affecting a Conservation Area   | Ascott and Shipton       | APP |
|     | Erection of stables. (Retrospective).<br><b>Shipton Stables Burford Road Shipton Under Wychwood</b><br>Ms S Dore   |                          |     |
| 7.  | <b>19/00577/HHD</b>  | Brize Norton and Shilton | APP |
|     | Erection of a two storey rear and first floor side extension. Construction of an outbuilding.<br><b>Kielder 48 Station Road Brize Norton</b><br>Mr D Bond                                  |                          |     |
| 8.  | <b>19/00586/HHD</b>  | Bampton and Clanfield    | APP |
|     | Alterations to dwelling and garden room.<br><b>Prospect House Main Street Clanfield</b><br>Ms Anne Keetley   |                          |     |
| 9.  | <b>19/00587/LBC</b>  | Bampton and Clanfield    | APP |
|     | Alterations to dwelling and garden room.<br><b>Prospect House Main Street Clanfield</b><br>Ms Anne Keetley   |                          |     |
| 10. | <b>19/00598/HHD</b>  | North Leigh              | APP |
|     | Removal of garage and front porch, erection of single storey side and rear extension with pitched roof.<br><b>20 Perrott Close North Leigh Witney</b><br>Mr And Mrs M Fletcher             |                          |     |

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|-----|---|-----------------------|-----|
| 11. | <b>19/00829/FUL</b>   | Carterton North East  | APP |
|     | Change of use of premises from office to beauty salon.<br><b>9 The Clock House Burford Road Carterton</b><br>Miss Marianne Davidson   |                       |     |
| 12. | <b>19/00847/HHD</b>   | Witney South          | APP |
|     | Affecting a Conservation Area<br><br>Alterations to include removal garage and erection of gates, replace single storey glazed roof with tiles, insertion of 2 rear rooflights and new folding doors to rear. (Amended).<br><b>74 Corn Street Witney Oxfordshire</b><br>Mr And Mrs G Cooper |                       |     |
| 13. | <b>19/00848/LBC</b>   | Witney South          | APP |
|     | Affecting a Conservation Area<br><br>Internal and external alterations to repair and renovate dwelling.<br><b>74 Corn Street Witney Oxfordshire</b><br>Mr And Mrs G Cooper  |                       |     |
| 14. | <b>19/00648/S73</b>   | Witney South          | APP |
|     | Affecting a Conservation Area<br><br>Variation of condition 2 of planning permission 18/01600/FUL to allow the use of natural T1 grade slate, Catnic vertical seam cladding in anthracite and off-white render. (Amended).<br><b>8 - 10 Market Square Witney Oxfordshire</b><br>Keble Homes |                       |     |
| 15. | <b>19/00681/FUL</b>   | Witney South          | REF |
|     | Affecting a Conservation Area<br><br>Change of use from hotel (Class C1) to dwellinghouse (Class C3)<br><b>Witney Hotel 7 Church Green Witney</b><br>Winstone and Dunstan   |                       |     |
| 16. | <b>19/00689/LBC</b>   | Bampton and Clanfield | APP |
|     | Internal and external alterations to erect single storey rear extension. (Revised Plans received 5.6.19)<br><b>Widford Cottage Main Street Clanfield</b><br>Mrs Rachel Bisiker  |                       |     |
| 17. | <b>19/00896/HHD</b>   | Bampton and Clanfield | APP |
|     | Erection of single storey rear extension. (Revised Plans received 5.6.19)<br><b>Widford Cottage Main Street Clanfield</b><br>Mrs Rachel Bisiker   |                       |     |

18. **19/00709/HHD** Carterton North West APP  
 Alterations to include raising of roof height and insertion of front and rear dormer windows to create first floor accommodation with Juliette balcony to rear elevation.  
**74 Shilton Road Carterton Oxfordshire**  
 Mr And Mrs Lee And Joanne Brierley
19. **19/00731/FUL** Carterton North East APP  
 Erection of bin store and trolley store. (Amended).  
**Brize Norton Service Station Norton Way Brize Norton**  
 Mr Nick Fraser
20. **19/00737/FUL** Hailey, Minster Lovell & Leafield APP  
 Change of use of agricultural land to camping site, including the construction of a welfare building (retrospective) and the erection of 4 tents and 2 fire protection cabinets.  
**Turley Farm Turley Lane Hailey**  
 Mr Ben Brown
21. **19/00793/HHD** North Leigh APP  
 Erection of single storey front extension and porch.  
**Windrush The Green East End**  
 Mr Peacock
22. **19/00822/HHD** Witney West APP  
 Erection of single storey rear extension.  
**185 Thorney Leys Witney Oxfordshire**  
 Mr And Mrs Allsworth
23. **19/00825/HHD** Witney East APP  
 Insertion of replacement window and new door.  
**40 Manor Road Witney Oxfordshire**  
 Mr Paul Keating
24. **19/00834/HHD** Witney North APP  
 Erection of single storey rear extension and new front porch. New windows to first floor front and rear elevations.  
**7 Westfield Road Witney Oxfordshire**  
 Mr And Mrs Donald
25. **19/00863/CND** Witney Central APP  
 Discharge of condition 12 (Ecology) of permission I6/04120/FUL  
**9 Springfield Park Witney Oxfordshire**  
 Mr Stephen Phillips

26. **19/01124/FUL** Bampton and Clanfield APP  
 Change of use of farm building to visitor centre associated with adjoining distillery.  
**Elmwood Farm Burford Road Black Bourton**  
 Mr Edward Stewart-Wood
27. **19/00877/HHD** Bampton and Clanfield APP  
 Affecting a Conservation Area  
 Demolition of existing garage and erection of new garage building and garden store. New porch to main front door.  
**Highmoor House Primrose Lane Weald**  
 Mr And Mrs Jenkins
28. **19/01168/LBC** Eynsham and Cassington APP  
 Alterations to include erection of two porches and change window in kitchen to french door.  
**The Manor House South Leigh Witney**  
 Mr Martin Spurrier
29. **19/00889/HHD** Witney East APP  
 Affecting a Conservation Area  
 Erection of two storey rear extension.  
**122 Newland Witney Oxfordshire**  
 Mr Nick Allen
30. **19/00906/LBC** Witney South APP  
 Affecting a Conservation Area  
 Erection of replacement sign.  
**5 High Street Witney Oxfordshire**  
 Mr Rob Smith
31. **19/00922/LBC** Brize Norton and Shilton APP  
 Replace existing windows and external doors. (Amended).  
**The Cottage Stonelands Brize Norton**  
 Mr Supriya Bhol
32. **19/01215/S73** Bampton and Clanfield APP  
 Non compliance with condition 3 of planning permission 18/01853/HHD to allow reconstructed stone.  
**Southlawn Bampton Road Clanfield**  
 Mr A Pocock
33. **19/00974/HHD** Hailey, Minster Lovell & Leafield APP  
 Construction of detached building comprising of a double garage, store room and log store.  
**Monks Barn Downhill Lane Hailey**  
 Mr Mark Firmin

34. **19/00994/OUT** Standlake, Aston & Stanton Harcourt APP  
Demolition of existing engineering workshop and erection of a pair of 3 bedroom semi-detached houses.  
**61 High Street Standlake Witney**  
Mr And Mr Keith And Martin Johnson
35. **19/01011/HHD** Bampton and Clanfield APP  
Affecting a Conservation Area  
Construction of a detached oak framed gazebo enclosed in part to provide storage shed.  
**Bovington 11 High Street Bampton**  
Mr Rory Heaslip
36. **19/01020/HHD** Witney Central APP  
Alterations to rear elevation to create hipped roof and insertion of two dormer windows.  
**44A Burford Road Witney Oxfordshire**  
Mr And Mrs Upson
37. **19/01185/HHD** Hailey, Minster Lovell & Leafield APP  
Affecting a Conservation Area  
Extension to storage building  
**Barnfield House Delly End Hailey**  
Mr Chris Ayres
38. **19/01221/HHD** Carterton North West APP  
Conversion of existing garage and erection of single storey front extension to create annexe and new garage.  
**51 Shilton Road Carterton Oxfordshire**  
Mr Eden Clements
39. **19/01032/HHD** Standlake, Aston & Stanton Harcourt APP  
Amendments to 18/01472/HHD to reflect minor variations to roof height, window size and position. Relocation of oil tank.  
**4 Chimney Farm Cottages Chimney Bampton**  
Mr & Mrs Rowland
40. **19/01033/LBC** Standlake, Aston & Stanton Harcourt APP  
Amendments to 18/01473/LBC to reflect minor variations to roof height, window size and position.  
**4 Chimney Farm Cottages Chimney Bampton**  
Mr & Mrs Rowland

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|-----|--|----------------------|-----|
| 41. | <b>19/01059/HHD</b><br>Affecting a Conservation Area   | Witney Central       | APP |
|     | Erection of single storey rear extension.<br><b>34 Waine Rush View Witney Oxfordshire</b><br>Mr A Hammond  |                      |     |
| 42. | <b>19/01243/HHD</b>  | Witney East          | APP |
|     | Erection of rear conservatory.<br><b>33 Cherry Tree Way Witney Oxfordshire</b><br>Mr And Mrs Coomber   |                      |     |
| 43. | <b>19/01064/HHD</b>  | Witney West          | APP |
|     | Erection of single storey side extension.<br><b>73 Cotswold Meadow Witney Oxfordshire</b><br>Mr And Mrs N Churchill  |                      |     |
| 44. | <b>19/01071/HHD</b>  | Carterton South      | APP |
|     | Erection of single storey rear extension.<br><b>46 Oakfield Road Carterton Oxfordshire</b><br>Miss Fran Hicks  |                      |     |
| 45. | <b>19/01078/FUL</b>  | Carterton South      | APP |
|     | Removal of existing telecommunications mast and associated apparatus and installation of new 20 metre mast including 6 no. antennas, 3 no. 600 millimetre dish antennas and 1 no. 300 millimetre dish antenna and associated apparatus, 6 no. equipment cabinets at ground level and associated ancillary works.<br><b>Telecommunication Mast North Of Unit 1 Garden Trading Carterton Industrial Estate Carterton</b><br>MBNL Ltd |                      |     |
| 46. | <b>19/01088/HHD</b>  | Carterton North West | APP |
|     | Erection of single storey rear extension.<br><b>20 Richens Drive Carterton Oxfordshire</b><br>Mr & Mrs ROBERT FERGESON   |                      |     |
| 47. | <b>19/01122/HHD</b>  | Witney Central       | APP |
|     | Alterations and erection of two storey extension.<br><b>8 Tower Hill Witney Oxfordshire</b><br>Mr & Ms Chris & Conchi Sercombe & Mate  |                      |     |
| 48. | <b>19/01148/HHD</b>  | Carterton North West | APP |
|     | Erection of single storey rear extension.<br><b>5 Poultney Place Carterton Oxfordshire</b><br>Mr And Mrs Steve Giddins   |                      |     |

49. **19/01155/LBC** Bampton and Clanfield APP  
Affecting a Conservation Area
- Insurance reconstruction works to fire damaged former cowshed and adjoining buildings.  
**Old Farm House Weald Street Weald**  
Mrs K Cowan
50. **19/01159/HHD** Standlake, Aston & Stanton Harcourt APP  
Affecting a Conservation Area
- Proposed single storey rear extension and new front porch.  
**Breton Cottage North Street Aston**  
Mr & Mrs Barrett
51. **19/01176/ADV** Eynsham and Cassington APP  
Affecting a Conservation Area
- New signage (part-retrospective)  
**Red Lion Hotel The Square Eynsham**  
Hawthorn Leisure
52. **19/01178/LBC** Eynsham and Cassington APP  
Affecting a Conservation Area
- New signage scheme  
**Red Lion Hotel The Square Eynsham**  
Hawthorn Leisure
53. **19/01199/HHD** Standlake, Aston & Stanton Harcourt APP  
Affecting a Conservation Area
- Alterations and erection of single and two storey rear extensions.  
**18 Waites Close Aston Bampton**  
Mr Steele and Mrs Green
54. **19/01225/HHD** Alvescot and Filkins APP  
Affecting a Conservation Area
- Reinstate and enlargement of existing access to include new wall and gates.  
**Old Rectory Farmhouse Lower End Alvescot**  
Mr & Mrs Charles & Fiona Morrison
55. **19/01240/HHD** Witney East APP  
Conversion of loft to create second floor accommodation including one rear dormer window and one rear rooflight.  
**11 Ashdale Avenue Witney Oxfordshire**  
Mr And Mrs A Bresnan



56. **19/01409/SCREEN** Eynsham and Cassington APP  
Screening opinion for a proposed solar farm, batteries and associated infrastructure.  
**Twelve Acre Farm Chilbridge Road Eynsham**  
Mr Jordan Martin
57. **19/01455/PN42** Hailey, Minster Lovell & Leafield P2NRQ  
Erection of single storey rear extension (5.6m x 2.35m, height to eaves/2.8m, max height).  
**Southview White Oak Green Hailey**  
Mrs Sonya Byrne
58. **19/01528/CND** Hailey, Minster Lovell & Leafield APP  
Affecting a Conservation Area  
Discharge of condition 4 - roofing materials - of permission 19/00146/HHD  
**Gable Cottage 3 Wilcote Lane Ramsden**  
Mr P Blundell

### **APPEAL DECISION**

APPLICATION NO: 17/03675/LBC

New lean-to garden room conservatory  
- Mill House, Mill Lane, **ALVESCOT**.

**APPEAL DISMISSED**

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**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOWLANDS AREA PLANNING SUB-COMMITTEE**

**MONDAY 8 JULY 2019**

**PROGRESS ON ENFORCEMENT CASES**

**REPORT OF BUSINESS MANAGER – DEVELOPMENT MANAGEMENT**

(Contact: Kim Smith 01993 861676)

**I. PURPOSE**

1.1. To Inform the Members of the Area Planning Sub-Committee of the current situation and progress in respect of enforcement investigations (**Sections A-C**).

1.2. **Section A** – contains cases where the requirements of a formal notice have not been met within the compliance period.

**Section B** – contains cases where formal action has been taken but the compliance period has yet to expire.

**Section C** At present there are contains cases which are high priority but where the expediency of enforcement action has yet to be considered.

**2. RECOMMENDATIONS**

That, the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Sections A – C.

**3. BACKGROUND**

3.1 The cases listed on this update constitute only a small number of the overall enforcement caseload which at the time of writing consists of 285 live cases.

3.2 As the relatively newly appointed team members expand their knowledge base and experience it is anticipated that the backlog of low priority cases will be further reduced allowing the priority cases to be progressed more expeditiously and pro-active monitoring to be actively commenced in due course.

**SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD**

3.3 The cases listed in the following section are those where a notice has been served and the requirements have not been met within the compliance period or there has been an unauthorised display of advertisements. This means that an offence is likely to have been committed and that the Council need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

3.4 The unauthorised display of advertisements is an offence which could result in prosecution proceedings being initiated.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
24 Saxon Road Witney	Construction of a rear extension without planning permission.	Enforcement Notice issued on 31/08/2018 requiring removal/remodelling of the extension within 6 months of the notice taking effect.	The date for compliance with the notice has expired. Next step is to site visit to confirm compliance or otherwise.

### SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

3.5 The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
Land at Mount Pleasant Farm Northmoor	Unauthorised storage use. Unauthorised residential caravan	Two Enforcement Notices issued in respect of the identified breaches.	Both notices are the subject of appeals to the Planning Inspectorate.
10 Corndell Gardens, Witney	Unauthorised change of use of dwelling to party house	Enforcement Notice issued in January 2019 requiring cessation of the use by end of March 2019.	Use ceased in accordance with the terms of the Enforcement Notice.  <b>CASE CLOSED</b>
58 Newland Mill, Witney	Unauthorised change of use of dwelling to party house	Enforcement Notices issued and an application for an injunction was made at the high Court District Registry in Birmingham. The injunction was granted and prevents use of the property for weekend or short term lets or any other material change of use of the property without the grant of planning permission.	Compliance with the terms of the injunction has been monitored and complaints from neighbours have now ceased. The case can now be closed.  <b>CASE CLOSED</b>
The Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site.  Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.	Given the complexity and time required to progress this case a specialist lawyer has been instructed to guide your Officers on this site and a similar site in Uplands.  At the end of 2018 a team of officers visited the site and personally served Planning Contravention Notices on all of the caravans on all of the plots in order to ascertain who is occupying the caravans together with information about their personal circumstances in order to gain an understanding of any human rights issues which will inform the next steps in	Post the poor response to the service of Planning Contravention Notices further legal advice was sought.  In light of the legal advice received Planning Contravention Notices requesting detailed information about the circumstances of the occupants of the individual caravans on each of the plots were issued on 13 June 2019. This information will help inform the next steps in respect of the planning breaches on the land.

		addressing the breaches of planning control on the site.  The information gained from this first round of PCN's was very limited as the response rate was low. Despite some initial contacts by a couple of agents/parties acting for the different plot owners no follow up action was undertaken by those parties.	
109 Abingdon Road, Standlake	Without planning permission a material change of use of land from agriculture to domestic garden	Enforcement Notice issued on 20 May 2019.	Requires cessation of the unauthorised use by 19 August.

**SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY**

<b>Site Address and Ref No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/action to be taken</b>
Land adjacent to Waterworks Cottage, Worsham	Large outbuilding used for storage erected without planning permission	The building has been in situ for some time and is very prominently located away from other buildings. Despite advice from your Officers that the building needs planning permission and cannot be supported on its planning merits the building has not been removed voluntarily.	Enforcement Action to be considered
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	Enforcement Action to be considered
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, portacabin, vehicles	This site is located within the Green Belt and the floodplain.	Despite your Officers having offered the contraveners a potential way forward in seeking to regularise the unauthorised development no action has been taken by them to date.  A recent site visit has confirmed that there appears to be further non-agricultural storage taking place on the site.  In light of the fact that the present occupiers of the site are apparently not willing to engage with your Officers formal enforcement action will need to be considered.
Lower Haddon Farm, Bampton	Unauthorised residential caravan	Unfettered residential uses in the open countryside are unlikely to be acceptable on the planning merits unless there is an operational/ functional need that cannot be met in any other way.	An application for a Lawful Development Certificate has been received under ref 19/1232/CLE which is presently under consideration.

Manor Dairy Farm, Shilton	Unauthorised extension and conversion of barn to dwelling/clubhouse	A barn has been extensively remodelled/rebuilt and has all the features of a dwelling.  The contravener has advised that he would like to use the building as a clubhouse for a model aircraft flying facility.	At the time of writing there is some confusion about precisely what the contravener intends the building to be used for. He has employed a planning agent who is acting on his behalf and your officers understand that he intends submitting a retrospective application for a clubhouse which will be considered on its merits in due course.
Land opposite Crawley Arms PH, Crawley	Siting of residential caravans	There are a number of caravans located on the land opposite the pub which appear to be occupied for residential purposes.	Despite initial contact having been made with the owner of the land no real progress has been made on this breach to date.  Given that unfettered residential uses in the open countryside are unlikely to be supported in housing policy terms you Officers intend progressing this matter as expeditiously as possible over the next few months.
Home Farm, Barnard Gate	Additional gypsy pitch  Unauthorised use of land for the storage of vehicles and caravans	The site is authorised for a maximum of 5 pitches for occupation by gypsy families.	A planning application has been submitted in respect of the additional gypsy pitch which will be considered on its merits in due course.  Given the unsightly nature of the storage use, failure to remove the unauthorised storage on the land voluntarily will mean formal enforcement action being considered.
Land north of 71-81 Park Road, North Leigh	Unauthorised abandoned farm equipment and erection of heras fencing	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	Consider expediency of taking formal action to remedy the breaches if voluntary removal is not achieved within the time frame given.
Shaken Oak Farm, Hailey	Unauthorised storage of vehicles and caravans and erection of a marquee.	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	The contravener has confirmed that the unauthorised development will be removed within the 6 week time frame that has been given.
North Leigh Windmill	Concerns have been raised about the physical state of the listed building and its surroundings.	Officers have had a number of meetings/discussions with the owner in respect of the state of repair of the building following which in recent weeks scaffolding has been erected around the structure.	At the time of writing Officers have not been advised why the scaffolding has been erected and what repair works, if any are proposed .The owner is to be contacted in order to clarify what is proposed prior to considering next steps.
Windmill House, North Leigh	Concerns have been raised about the physical state of the listed building.	Building Control are looking at the health and safety issues in respect of the physical state of the buildings on the land.	Officers will work with the owner in the first instance in order to seek to get any requisite repair work implemented voluntarily.
Bellway Homes, New Yatt Road, North Leigh	Display of unauthorised signage	Officers have contacted the developer advising that the level of signage presently displayed is in breach of the Advertisement Regulations and that the signs should be	Next Steps under consideration.

		reduced in order to comply with what can be displayed as 'Deemed Consent'.	
Reynolds Farm, Cassington	<p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a recently listed building (Grade )</p>	Retrospective applications have been submitted in an attempt to regularise the unauthorised developments.	The retrospective applications will be considered on their merits.

#### **4. ALTERNATIVES/OPTIONS**

There are no alternatives for the report which is provided for information only.

#### **5. FINANCIAL IMPLICATIONS**

There are no financial implications.

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#### **Background Papers:**

None