

Summary of submission by Dr Philip Biggin

Dr Biggin indicated that development of the site would offer no discernable benefit to the village and that there was a serious danger that development would impact upon the character of the settlement. He agreed with the previous assessment in the SHLAA that development of the site would impact strongly upon the rural approach to the village and that severe detrimental impact would result from the loss of an area of open space that makes an important contribution to the character of the area..

Freeland was designated as a village rather than a service centre for Local Plan purposes and a development of this nature was neither suitable nor sustainable in such a location.

Dr Biggin expressed concern at the potential level of traffic generation from the proposed development which would place further strain on the already busy A4095 and constitute a danger to residents of the new homes due to the opening of the development onto this busy main road.

A large development would place substantial strain on existing village services and local amenities. It was unlikely that children living in the development would be able to secure places in the local school as it was already full and the local doctor's surgery was also at capacity. Residents would find difficulty in accessing services in other areas as existing public transport was under threat. Whilst there may be longer term ambitions to expand local facilities, this remained aspirational at present.

Dr Biggin indicated that there was overwhelming local opposition to development of this site and, in Conclusion, suggested that there would be no benefit to the village from the proposed development; that the location was unsustainable; that it was unlikely that residents of the village would benefit from the affordable housing element of the scheme which would place undue strain on the already over-burdened local infrastructure.

Talk by Peter C. Newell (Chairman, Freeland Parish Council)
at planning meeting for 15/02135/OUT,
Land between Wychwood House and Malvern Villas, Witney Road.

This application seeks to build houses on a greenfield site (Site 269) which many in Freeland regard as important for maintaining the rural character of the Village of Freeland.

(1) First, I would remind the Committee that several attempts have been made to develop this site over the past 30 years:

(In 1988 (W88/1255) 69 units - refused.

In 1992 (W91/1576) 25 units with part business use - refused.

and in 2002 (W2002/0574) 2 detached dwellings - refused.)

All have been refused.

Moreover, the site was considered in the recent SHLAA for development and “CONSIDERED NOT SUITABLE” because there would be “**Significant detrimental impact on the rural approach to Freeland from the West**”.

Obviously, after the recent site visit Committee Members will have formed their own opinions, but I would ask you all **to think very hard before making a decision that ignores the SHLAA conclusions and we lose forever a greenfield site that is highly valued by many in the local community.**

(2) Secondly, the Outline application indicates that the site ***will be only partially developed*** for housing with the remaining space made as amenity area with trees and open spaces.

That is an important aspect of the proposals that may sway Committee members into thinking that the plans are a good compromise, with the open aspect of the area retained.

However, I would refer you to the ***actual experience*** we have in Freeland over such developer's plans:

In 2006 a similar plan was approved for dwellings in the Village complete with a similar attractive landscaped communal area.

But did the communal area get set up as agreed” NO, IT DIDN'T! *The site was divided into two parts, the part for housing was sold to a developer and built on as agreed but the part that was to be a communal area was fenced off and left as rough ground unusable by the residents nearby. An application has now been made for housing on the piece of land! That application, strangely, is on the Agenda for later this afternoon!* (Willoughby Fields)
(And, I note, recommended for approval).

So, from *that* experience in Freeland (and a somewhat similar, earlier, experience in the Village) can we have any confidence that the attractive scheme for the amenity area in the current proposal would indeed be laid out and kept as shown?

Or will it too be left as rough ground and then covered with housing (a little infilling?), in a short while?

Submission to WODC Uplands Planning Subcommittee

Freeland residents supporting small scale developments providing 1-3 bed homes

Emma Cox, Ian Gilders, Margaret Hewitt, Beth Hewitt, Sally Hole, Julie Hole, Philip Huxley, Amy Jackson (Chair), Gerry Marais, Andrew Sharp

Date: 5th October 2015

I would like to thank the chairman for the opportunity to speak at this meeting. My name is Philip Huxley and I have lived in Freeland since 1993. As before, I am here representing a group Freeland residents who believe that we need to increase the number of smaller homes in the village in order to ensure that Freeland remains diverse and economically viable. In the submission that follows I will address a number of objections to the proposed development that have been raised by the parish council and others.

Scale: The development increases the number of households in the village by less than 5% and will therefore not materially alter the character of the village.

Amenity and the SHLAA recommendation: The field does not provide walking or visual amenity to the vast majority of Freeland residents and has no outstanding landscape value. The June 2014 SHLAA recommendation followed a largely desk based assessment and did not include mitigation measures. Furthermore, the SHLAA conclusion was based on a hypothetical 87 dwellings whereas this proposal envisages 29 dwellings. In conclusion, the SHLAA recommendation is not based on local knowledge, envisaged a larger development with no mitigation measures and in our view is not typical of other much more soundly based SHLAA recommendations.

Impact on Freeland primary school: We don't have a crystal ball and cannot predict future demographic trends but evidence available to us indicates that Freeland primary has the capacity to accommodate a modest increase in the number of applicants from Freeland. Over the last three years the school has accommodated all village children and in addition taken 7 (2015), 11 (2014) and 6 (2013) children from outside Freeland. These numbers comprise 32%, 50% and 27% of the foundation year. If these numbers are carried forward in future years approximately 35% of children on the school roll will live outside Freeland. More worryingly for Freeland residents, expansion in the number of school places at Long Hanborough (which has been prioritised for expansion by OCC and the Eynsham School Partnership) could render Freeland primary undersubscribed if the village cannot increase the number of starter homes suitable for families with young children.

Parish Council Objections: The parish council have suggested that the development will not deliver the promised number of market and affordable homes. We believe that this concern is based on a misunderstanding of the planning process. This application is for outline planning approval only. Full planning approval will only be granted following submission of detailed plans under a Reserved Matters application which will specify the number of market and affordable homes. As a group we are strongly in favour of all relevant parties (the parish council, the district council and planning officers) acting in concert to ensure that the full planning application maximises housing benefit to Freeland residents; and we are confident that all three groups are well qualified to exercise this important function.

Housing Impact: Finally, we would like to point out to committee members that although future residents of new homes in west Oxfordshire cannot readily be identified - they are not standing in front of us with a placard - they are real people with real housing needs. A decision to grant this application therefore combines expediency (in the words of the parish council) with a principled decision benefiting the wider community – especially younger members of the community who represent all our futures.

Appendix D

Submission by Councillor Toby Morris

I have received a large amount of representation regarding this proposal covering a large number of concerns, some are valid concerns however unfortunately not planning matters, others questioning the standard of submissions and also representation in favour of some development.

The questions and comments I would like you all to consider when forming your decision are;

Should we effectively agree the principle of development and on what basis?

As you all know the application site was included in the SHLAA as site 269 and was deemed unacceptable and the area is not included within the emerging local plan. I see no material change in the locality that should change that opinion, therefore I feel we need to know why it is now an acceptable site. How has the site overcome the reasons it was ruled out? and I don't necessarily think 'we've just reassessed the site' is enough.

Bearing in mind the emerging local plan 5.33 states 'Windfall' developments are essentially speculative developments on sites that are not known to the Council and have therefore not been assessed through the SHLAA'. As the site has been assessed through the SHLAA I don't believe we can consider the site as windfall.

Therefore should this site only be able to come forward as an exception site and if not why not?

The area does in my view add to the spacious rural character of the A4095, however I do have to concede that there is development on 3 sides.

Will any future reserved matters items guarantee the amenity for current residents?

Although outline for access we have been given 'indicative' plans and of course when these are published, many take this as what will be developed. The plan published shows a balancing pond very close to neighbouring properties in an area that already floods.

Has the existence of a European endangered species received adequate attention in the process and have we fulfilled all obligations in a diligent and professional way?

As noted in a representation from a resident who also specialises in this area he asserts there are serious errors, misinterpretations and omissions under terms listed in the Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990 and the information submitted falls short of the recommended guidelines and protocols required by Natural England. Have the legislative protocols as required by European and UK law been met? And does the application do to meet the biodiversity policy objectives of Section 11 of the National Planning Policy Framework?

General comments are;

If people live in the village then they will want their children to live in the village. The indicative plans show a settlement within the parish of Freeland rather than a development within the village which adds to the community. I think what is proposed is very detached and should members be minded to support the development then I do think we must insist on measures try and make the development part of the village. For one I think a footpath linking the development to the village is essential.

I trust you will take on board my comments and those of the local residents who have made representation to us.

Appendix E

Planning Application 15/02786/HHD

This proposed out building is very large for the site, overbearing and unsightly.

The planning portal guidelines for out buildings states that: a building less than 2 metres from a boundary must be less than 2.5 metres high, and have a two pitched roof.

On the drawing I gave you, you can see that the building will be on an existing raised hardstanding area, making the overall average height 4 metres, half a metre from my boundary.

It also has a flat roof, making the walls of the building excessively high.

With no drainage, in a south west storm, the water will spill from the roof down my drive, making it slippery and icy in frosty weather.

All this does make it detrimental to the amenities of my property at 32A.

You may as well tear up these Portal guidelines.

The report says that the building will be obscured from the front by existing trees and by a hedge from the adjoining property. Is this some kind of joke?

There is only one tree and some low bushes.

The first picture shows the public view in front of the applicant's property. There is no screening.

The second picture shows the view in front of the proposed building. This is a Birch tree giving little screening. In winter it will shed it leaves, giving no screening.

The third picture shows the view from the north side outside number 32. There is no hedge or tree. This building will overwhelm the garden of number 32.

Two weeks ago the applicant cut down one conifer adjacent to the site. This Birch tree could also be cut down.

If he wants to build this monstrous building, there is plenty of room to put it on the other side of the driveway, away from the neighbours and further up from the public road.

This very large, overbearing eyesore is not in keeping with an area of outstanding landscape value. It will also be unsightly and overbearing on neighbours.

Please reject it.

Dr Ivor Lloyd.

Reference 1 Upper Brook Hill, Woodstock Oxon.

Below are the Speaker Notes to which Heloise O'Hagan will be speaking at the Uplands Meeting on 5th October 2015. This Speaker will be speaking on behalf of Objectors Andrew Macaulay, Jane Davies, Sarah Williams, Richard Lewis, Ann-Marie Lewis and Paul O'Hagan.

1. We are all agreed that the house as constructed does not comply with the planning permission granted
2. I think that this has been accepted by the Applicant and he has not sought to argue that the building is within the permitted tolerances
3. However it is not clear whether the cause of this application is either honest mistake or deliberate choice
4. If the cause of the construction outside of the permitted tolerances is honest mistake then presumably the Applicant can have recourse against those making the mistake
5. However if the cause of the application is deliberate choice then the Applicant must, with respect, bear the consequences of that choice
6. Having considered the root cause of this application I would invite the committee to consider the following 3 points

A) Categorically, section 73 of the 1990 Act does NOT protect the Applicant given the margin of error which is presented by this building. Considering drawing 127A and Appendix A which were presented interdependently during your meeting in October 2012, you granted The Applicant permission to build his home on the unequivocal understanding it would be no higher than the previous dwelling. The measured survey shows us all that the previous dwelling was 95.60m high and the new building is 96.17m high. The difference is therefore 57cm. The Applicant is threatened by this measurement to the extent that he refused to carry out your Chairman's founded request to show this measurement on the building for the site visit. We have to ask why?

Whereas guttering and insulation (the Applicant's stated reason for the extra height), were well planned for at the outset, we can almost understand the 255mm reference made by the Applicant BUT..... THIS COMMITTEE made their decision to pass the initial plans on the measurements I have just referenced and we ask you to keep this at the fore when you vote.

The Architect implies that the mistake was a known mistake which arose during the build phase and it was not therefore a mistake highlighted retrospectively by the Objectors survey. We therefore ask why the Applicant didn't come to the Planning Dept. proactively when the Architects mistake was made to discuss a resolution.

Why did he wait for the neighbours to raise it?

B) Like you, we were also PROMISED in 2012, that the new building would be no higher than the previous one. We were also promised the overlooking windows would be frosted. You have

seen the information pack we sent. The harm caused....you have seen first hand on the recent site visit.

We are passionate that the Applicant said one thing to secure your ratification in 2012 yet has done something entirely different during the build phase....to our detriment. We are here today asking you to help us bring this situation back to lawful and proper ground.

We are asking you to determine if you are comfortable to allow your own rules to be completely irrelevant for this particular Applicant. Will you allow this Applicant to promise you one thing in 2012 to enable you to pass his plans, but to then - for what ever reason - build the property some 600mm higher than you were led to believe he would, without any consequences when the additional height causes well documented and now seen harm to the immediate neighbours.

C) If you think the neighbours need permanent privacy from intimate activities which take place in the bedrooms and bathrooms of 1 UBH, then this application HAS to be declined in order that a fresh one can be submitted to allow windows 7, 8 and 13 to be frosted to full height and conditioned as a prerequisite to being inhabited. Any averaged sized inhabitant of this dwelling will be able to see over windows that are frosted to a height of only 1500mm. We are not asking you to protect the inhabitants of 1 UBH from its neighbours but also its neighbours from the inhabitants of 1 UBH. In very recent communications the Applicant still demonstrates he has NO interest in frosting these windows as it "will not be elegant". Elegance MUST NOT take precedence over common decency and privacy from intimate activities which take place in full view of families and also children who enjoy their properties within 1 meter of these intimate activities

That the previous dwelling had clear windows is irrelevant. They were:-

- a) Not for bedrooms and bathrooms
- b) They were 5 times further away from the neighbours boundaries than the new windows and
- c) This space between previous buildings allowed for evergreen planting between the homes.

There is no room for this in the new design

These windows MUST be frosted....all of them and to full height.

In conclusion I would therefore ask you to note:-

1. We are the innocent party here. We have relied upon due process to ensure that the relevant permits and consents are complied with. We are not asking for a revision to previous planning decisions just that those decisions are enforced
2. Having reached a decision with the first application it would be entirely inconsistent to change the basis of that decision. As neighbours of the property we are entitled to rely upon the council to protect us and enforce the orders previously made.

Thank you for the opportunity of being able to address you. Please let me know if I can assist the committee any further.

WODC Planning meeting 5/9/15

I appreciate the chance to talk and will keep it very brief.

The application is to ratify the extra height of the parapet and roof of the first floor bedrooms, which is the smaller part of the building.

The bulk of the house is on the ground floor so as to minimise the upper floor.

Extra works were needed to achieve the clean design and minimise the need for drainage pipes on a design that was somewhat complex, and we also had to increase insulation and timber layers. This resulted in a design that is 25.5 centimeters higher than the approved plans, as noted in the planners report which says it is ".....approximately 255 mm taller than approved plans. (approx. 10 inches)

There has been no gain in usable space inside the house but a loss of 5 cms.

I regret that this happened but it is the only difference in the design, with all floors, windows and levels where they should be.

The planned drawings and "as built" revised that we have submitted look virtually identical but for the slight increase in height.

There are many comments on the planning website but the design was passed by this committee 3 years ago.

I respect that some people do not like the design, but that surely was for 3 years ago.

I should draw attention to the before and after pictures that were submitted, which show a before photo, taken AFTER the bungalow was demolished, and then a picture of the new house, from a different angle.

It's very dramatic but not a fair before and after.

I end with the comments from the officers report;

Due to the topography of the immediate area Upper Brook Hill is significantly lower than the 6 neighbouring dwellings even when taking into account the height increase. Given the separation distance the increased height of the building would not result in the loss of light to the windows of any of these neighbouring properties.

5.18 It is not considered that the additional height increase would be unacceptable and for this reason the scheme is considered to be compliant with Local Plan Policies BE2 and H2.

Talk by Peter C. Newell (Chairman, Freeland Parish Council)
at planning meeting for 15/0722/FUL,
Land East of Willoughby Fields.

(1) **The original application in 2006 for the Willoughby Fields site showed a block of twelve flats with a communal garden area at the rear.**

*Those original plans (which were approved), clearly indicate that the **existing garages used for paint spraying** would be retained only “until completion of the building work” and the area around them laid out as a communal garden.*

Instead, the applicant ignored the approved plans: *he divided the site into two parts and sold the main part to a developer for building the flats. The area agreed as a communal garden was fenced off and left as rough ground, with the existing garages still present but not used. The applicant is now back with a proposal for housing to be built on the part originally approved as the communal gardens!*

(2) *When I recently enquired why the original plans were not adhered to, I was told by Hannah Wiseman that “**sites are unfortunately not monitored for compliance as a matter of course**” and while there is a **fixed time limit for starting** a project, “**there is no time limit when it should be completed**” - so apparently a developer can always argue that the development was simply not yet complete.*

But in fact, it would seem that, in this case, the owner of the site, in selling the site in two parts, never had any intention of laying out the community garden area as agreed. Indeed in a letter to the planning office in July of this year (shown on the planning website) the applicant now states that **he doesn't recall any mention to him at the time about any landscaping scheme.**

Such an extraordinary statement about lack of knowledge of an application for development of his own land (even if true) cannot, surely, be deemed now to nullify the landscaping scheme as was originally approved?

(3) **If this new application for building on the intended communal garden is approved, it will reveal ~~to everyone~~ that applicants may make attractive proposals - complete with areas of communal amenity land (such as we heard about earlier this afternoon) - safe in the knowledge that no-one will **actually** make them develop the amenity parts, which can just be fenced off and/or left as rough ground and later put in for further development.**

That would be an unfortunate message indeed for the Committee to send out!

I strongly urge you to turn down this application, which is in blatant breach of the planning system.