

Appendix A

Good Afternoon,

Over 60 years ago, when Sturt Close was designed, this site was deliberately left vacant. Plans were then approved, in 1955, for a 'permanent playing ground'. The clear intention was a lasting and enduring play area, not one from which children can now be excluded, or built over when it suits.

Cottsway claim it is not an open space. And yet, the 1955 application approved it as an open space. As far as we know this has not been revoked.

The land registry title drawn up when Cottsway acquired the land describes it as amenity land. Our understanding is that amenity land should be retained as such.

It has been suggested that this is private land. But, Fields in Trust consider that any recreational land accessible to the public, be it public or private, qualifies for protection.

Efforts to suggest the site is no longer used or needed are weak. In reality,

- In 2004, when Sturt Close became a Home Zone, several people raised concerns about the play area. Parents wanted a safe play area, but a home zone is a road safety measure, not replacement play area.
- Cottsway imply the play equipment was removed in 2005 through lack of use. They omit that it was at their request, and that Charlbury Town Council regretted the move.
- Cottsway's claim that from 2005 to 2012 the site had knee high grass and weeds is totally unsupported. It merely implies they let slide their obligation to maintain the area.
- A recent site visit thought the area not well used as there is no well-trodden grass. This was a Friday in school term time, in September when grass grows quickly.

With respect, more reliable evidence that locals still value the play area is seen in the recent objections and petition. Lack of formal play equipment has not made it obsolete. Children still benefit from, and enjoy it, for ball games or just running around.

The key change seems not re-designation of the land, or lack of demand for play space, but that since acquiring it Cottsway have encouraged its demise with a view to building on it.

Replacing the current 4600m² area with just 100m² may meet minimum requirements for the new development, but leaves current residents with no play space. It would not fulfil either TLC5, or Paragraph 74 of the NPPF.

We appreciate that West Oxfordshire needs more social housing, and the government pressure on councils. But this scheme conflicts with your 2016 Housing Market Assessment, and with government guidelines that children aged 5 to 18 need space such as this for regular outdoor recreation.

In view of all the above we do not see how the site can, or should be built on. We beg you all to heed our case.

At the very least, please consider a less intensive development, and larger play area.

(Peter Bennett; 16/02306/FUL, Land Rear Of 15 And 16 Woodstock Road Charlbury)

Appendix B

Woodstock Road, Charlbury committee presentation

This application was deferred from the last committee pending further investigation over the status of the land.

We have carried out an extensive search of the Council's policy documents:

- The site is not designated as play/ open space within the existing or emerging Local Plan;
- The site is not included in the Council's schedule of play areas published in 2013;
- The Council do not have any Supplementary Planning Documents or Guidance which provide guidance on play/open space in Charlbury; and
- The site is not included in any of the evidence base for the emerging Local Plan.

We have assessed the proposal against the relevant local plan policies and the guidance in the NPPF which seek to retain open space, play areas and playing fields. The play equipment was removed from the site in March 2005. The site has therefore not been used as a play area for some considerable time. The site has never been used as a playing field. At best it could be described as informal open space. Cottsway have been happy for the neighbours to use the land, however as mentioned by members at the last committee meeting the land is private therefore the Applicant could preclude access to the site should they wish. As confirmed by your officers there is no requirement for this site to remain for public use. The fact that the proposal includes an equipped Local Area of Play therefore more than addresses the requirements in the local plan and NPPF and will provide enhanced facilities over the existing.

We are concerned with paragraph 5.19 in the agenda which states that if members are minded to disagree with the officer's recommendation, alternative options could be to require that a larger play area is provided on site which will result in the loss of affordable homes, or a contribution to enhance alternative play facilities. For the reasons outlined previously the fact that the proposal includes a Local Area of Play more than addresses the requirements in the local plan and NPPF, and therefore such a request could not be justified in planning terms.

We would like to take this opportunity to summarise the proposal.

- Cottsway are a housing association partner, helping the Council provide much needed affordable housing in rural communities. The Council's housing officer has confirmed that there are 78 households who qualified for the dwellings were they available today, and of these 8 have a local connection to Charlbury, this is a significant benefit of the scheme which should be afforded significant weight.
- The committee agenda acknowledges that the Council cannot demonstrate a 5 year supply of housing, this proposal will increase the supply of housing within the District.
- The proposal will provide a new high quality play area for existing and future residents.
- The proposal is well designed, respects local character and protects neighbour amenity.
- The proposal includes a detailed ecology mitigation strategy; and
- There is sufficient access and parking facilities.

We therefore hope that you are able to recommend approval in line with your officers recommendation.

Appendix C

18 Maple Way, Ascott committee presentation

This application was deferred from the last committee pending a site visit to assess the impact on 16 and 18 Maple Way.

Amended plans were submitted at the request of the Council to amend Plot 1 to show the rear bedroom window removed and a rooflight to replace the bathroom window.

The windows on plot 2 are 16 metres from the rear windows on 18 Maple Way and 23 metres from the rear windows on 16 Maple Way, and any views would be at an oblique angle, as such there would be no harm through overlooking.

There are 6 windows which face towards the garden areas of 16 and 18 Maple Way, 3 are bathroom windows and one is a secondary window to a bedroom so could be obscure glazed. As such there would only be 2 clear glazed bedrooms windows, however there is a separation distance of at least 6 metres to the nearest side garden boundary which increases to 18 metres at the furthest side garden boundary. Given these separation distances and screening from an existing Willow tree for 16 Maple Way, there would be no unacceptable overlooking or overbearing impact. Furthermore as reported by your officers in the committee report bedroom windows are not considered to be habitable rooms for the purposes of overlooking, neither is this part of the garden the principle private amenity area.

Given the orientation of the proposed new dwellings there would no unacceptable impact through loss of light either.

The two parking spaces in the garden of 15 Dawls Close will be for their exclusive use, sufficient garden space will remain.

To summarise the relationship between the proposal and the neighbouring properties is acceptable, and is a common relationship that you would expect to see in modern development.

We would like to take this opportunity to summarise the proposal:

- It will provide much needed affordable housing as confirmed by the Council's housing officer, this is a significant benefit of the scheme which should be afforded significant weight;
- The committee agenda acknowledges that the Council cannot demonstrate a 5 year supply of housing, this proposal will increase the supply of housing within the District;
- The proposal is well designed, respects local character and protects neighbour amenity;
- There is sufficient parking facilities, of the garages to be demolished only two are used by residents of Maple Way. The proposal provides 2 parking spaces per unit; and
- The proposal will not result in increased flood risk.

We therefore hope that you are able to recommend approval in line with your officers recommendation.

Fardon Planning Committee 05-12-2016

As you have just heard, this application is to move the means of access to Fardon House, one of two new dwellings which were granted permission by this committee in 2014. This minor change, moving the access just a few metres to the east, has been necessary to avoid a clash with a BT pole as well as to make access easier in the slightly wider part of the lane.

I feel it important to put my hand up at this point and apologise for having gone about this process incorrectly. Having realised that the BT pole was in the way of our proposed access, I first looked into getting it moved, but the cost of doing so looked to be prohibitive. It also made us consider in more detail exactly how cars would manoeuvre in and out of the site, and we concluded that moving the access further east would in fact greatly improve the ease of access.

My mistake, for which I apologise, was in not seeking planning approval for this minor change in advance of implementing it. We sought and received highways approval, but didn't realise planning approval would also be needed.

I think it is important though to consider that had the original application been submitted with the access in this new location, there is strong evidence that it would still have been approved.

After the original approval, when my clients were in the process of negotiating the sale of the adjacent plot, for Stoneham House, there was some discussion about moving the garages to satisfy a potential purchaser, and we accordingly made an application to do so. This application included moving the Fardon access to the right of its plot. The neighbours opposite objected, and in an e-mail exchange between them and Councillor Haine which is published on the planning website, Councillor Haine made the following point:

"Oxfordshire County Council Highways Department have not objected to the revised access and on that basis we are unable to refuse it with any chance of success."

As it happens, in the end, the Stoneham plot was sold to somebody who was happy with the already approved garage positions, which is why that application was then withdrawn.

Nevertheless, then, as now, the highways department have no objection to the access position, and we trust this, together with your officer's opinion will mean that this application can be approved.

Both I and my clients are truly sorry that neighbours opposite feel aggrieved. However, I trust Councillors will take note of the following officer's comments in the committee report:

"the proposed new access is considered to form a standard relationship with the dwellings opposite. The relationship formed through the removal of the hedge is not considered to be unusual or to result in any adverse overlooking or loss of privacy. As such the application is considered acceptable on its planning merits."

Thank you.