

Friday, 2 September 2022

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## LOWLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Lowlands Area Planning Sub-Committee which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Monday, 12 September 2022 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Lowlands Area Planning Sub-Committee

Councillors: Richard Langridge (Chair), Michael Brooker (Vice-Chair), Joy Aitman, Colin Dingwall, Harry Eaglestone, Ted Fenton, Andy Goodwin, Nick Leverton, Councillor Charlie Maynard, Lysette Nicholls, Elizabeth Poskitt, Andrew Prosser and Alaric Smith.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

## AGENDA

1. **Minutes of Previous Meeting (Pages 5 - 8)**  
To approve the minutes of the meeting held on 15 August 2022.
2. **Apologies for Absence**  
To receive any apologies for absence.
3. **Declarations of Interest**  
To receive any declarations from Members of the Committee on any items to be considered at the meeting.
4. **Applications for Development (Pages 9 - 60)**  
Purpose:  
To consider applications for development, details of which are set out in the attached schedule.  
Recommendation:  
That the applications be determined in accordance with the recommendations of the Business Manager – Development Management.

Page No.	Application No.	Address	Planning Officer
11 - 19	21/01213/FUL	Plough Inn Black Bourton Road, Clanfield	Elloise Street
20 - 32	22/01069/FUL	29 Mercury Close, Bampton	Esther Hill
33 - 43	22/01593/FUL	Kilkenny Lane Country Park Elmhurst Way, Carterton	Elloise Street
44 - 58	22/01674/FUL	Oakwood Place Lew Road, Curbridge	David Ditchett

5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 61 - 76)**  
Purpose:  
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.  
Recommendation:  
That the reports be noted.
6. **Progress on Enforcement Cases (Pages 77 - 84)**  
Purpose:  
To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations.  
Recommendation:  
That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.

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## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Lowlands Area Planning Sub-Committee**  
Held in the Council Chamber at 2.00 pm on **Monday, 15 August 2022**

### PRESENT

Councillors: Councillor Richard Langridge (Chair), , Councillor Joy Aitman, Councillor Colin Dingwall, Councillor Ted Fenton, Councillor Nick Leverton, Councillor Charlie Maynard, Councillor Lysette Nicholls, Councillor Elizabeth Poskitt and Councillor Andrew Prosser

Officers: Emile Baldauf-Clark, David Ditchett (Senior Planner) and Esther Hill (Planner)  
Andrew Brown (Democratic Services Business Manager), Anne Learmonth and Michelle Ouzman (Strategic Support Officers).

#### **79 Minutes of Previous Meeting**

The minutes of the meeting held on Monday 18 July were approved and signed by the Chairman as a correct record, subject to amendments agreed by the committee from

- I. Proposers and seconders for the election of Chair and Vice-Chair to be minuted;  
Election of Chair Councillor Langridge, Proposed by Councillor Fenton, Seconded by Councillor Poskitt.  
Election of Vice-Chair Councillor Brooker, Proposed by Councillor Langridge, Seconded by Councillor Fenton.

#### **80 Apologies for Absence**

Apologies for absence were received from Councillors: Brooker, Eaglestone, Goodwin and Alaric Smith. Councillor Collins substituted for Councillor Brooker and Councillor Levy substituted for Councillor Goodwin.

#### **81 Declarations of Interest**

Declarations of Interest were received as follows:

- I. Councillor Fenton knew the applicants for the following applications on Item 5  
Delegated decisions;  
Page 102, 29. 22/01293/HHD, Shillbrook Barn, Landells, Bampton; 30. 22/01294/LBC, Shillbrook Barn, Landells, Bampton ;  
Page 108, 64. 22/01502/CLP, 26 Acre End Street, Eynsham; 65, 22/01512/HHD, Dunlaoghaire, Primrose Lane, Weald; 66, 22/01521/HHD, Acre End Street, Eynsham; Page 109, 72, 22/01580/HHD, Ty Nant Kenns Farm, Alvescot Road.

#### **82 Applications for Development**

The Chair announced that the first application 21/02473/FUL Land South of Ramsden had been withdrawn.

22/00744/OUT Land South of Main Road, Curbridge.

The Senior Planning Officer, David Ditchett introduced the outline application for the provision of up to 25 dwellings (including affordable housing and self-build housing) and associated works with all matters reserved except site access. The Senior Planning Officer then gave a policy update as follows;

*Land East Of Barns Lane, Barns Lane, Burford - 21/02343/OUT- up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3) along with associated communal facilities, parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure.*

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Appeal ref: 3293656 (dismissed); Decision date: 10 August 2022

Para 34 states 'I therefore find that the housing land supply position.....is closest to the appellant's submitted position of 3.68 years. The Council cannot, therefore, currently demonstrate a 5-year supply of housing land'.

While the Council disputes the amount of the shortfall, this appeal decision is a significant material consideration and the Council accepts that the LPA cannot demonstrate a 5-year supply of housing land. As such, the 'tilted balance' as set out in para 11(d) of the NPPF now applies. This requires that the development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, subject to consideration of restrictive footnote 7 policies.

NPPF paragraph 11 shown to Members.

The presumption in favour of sustainable development.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) All plans should promote a sustainable pattern of development that seeks to; meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects:
- b) Strategic policies should as a minimum, provide for objectively assessed needs for housing and other uses as well as any needs that cannot be met within neighbouring areas unless;
  - i. The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Senior Planning Officer explained that for the purposes of the application a departmental view had been taken prior attending the committee with regards to the lack of 5 year housing land supply and the tilted balance that now applied. The Senior Planning Officer explained the benefits and adverse impacts of the proposed development. The adverse impacts would significantly and demonstrably outweighed the benefits, the proposal was not considered to be sustainable development therefore the planning officers recommended refusal.

The Chair introduced the first speaker, Councillor Woodruff who spoke in support of the application. A copy of the submission is attached to the original copy of these minutes.

Mr Jake Collinge spoke in support of the application, a copy of the submission is attached to the original copy of these minutes.

The Senior Planning Officer continued with his presentation and advised the applicants had pre-application advice, there was full assessment and the recommendation was refusal in light of tilted balance that now applies. The tilted balance overrode policy H2. There was no planning history of the site as it's default planning use was agricultural and was not a sustainable development.

The Chair invited questions from Councillors, Councillor Dingwall felt that objections from Officers could be overcome and proposed application for approval. There was no seconder for this proposal.

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Councillor Fenton commented on the appeal reasons against last decision for the application on the adjacent site,, and cited page 51 paragraph 5.12 and 41 of Officer report stating the “proposal would cause significant harm to the character and appearance of the area”.

Councillor Fenton further cited page 59 in regards to reduction in biodiversity, and proposed the recommendation for refusal. Councillor Fenton felt that S106 will not improve the village due to its size. Councillor Maynard seconded the proposal.

There was a discussion where Councillors highlighted the objections from the Parish Council, residents and other agencies with particular concerns of village sustainability and loss of green space.

Councillor Dingwall highlighted the informative at the end of point 6 of the report under reasons for refusal and felt that as permission for development had been given to other developments in the village, this had already started to affect the loss of green land.

Councillor Fenton felt that the informative invited more applications and asked if as part of his proposal the informative could be removed.

The Chair asked the Senior Planning Officer if the Informative could be removed. The Senior Planning Officer confirmed that the informative could be removed.

The Chair confirmed the recommendation of refusal proposed by Councillor Fenton and seconded by Councillor Maynard. The application was put to the vote in line with the Officer’s recommendations with the removal of the informative and was carried. Councillor Dingwall asked for his vote to in support of the application to be noted. The Chair also voted.

**Resolved** as per the Officer’s recommendation within the report with the informative removed.

#### 22/00793/S73 Land to the Rear of 65 High Street, Standlake.

The Senior Planning Officer, David Ditchett introduced the application for variation of condition 2 of planning permission 17/00629/FUL to allow revisions to the design, layout and appearance of plots 9 and 10. The Planning Officer showed slides so Committee Members could see the previously approved plans as chalet style houses and the revised plans as two storey houses for both plots.

The Chair invited questions from the Councillors. Councillor Maynard highlighted the amount of forthcoming planning applications in the village and ‘in-fill’ behind the High Street so stated he would not be supporting the recommendations for approval. Councillor Levy agreed that applications would change the character of the village, but felt that in this case the changes would not have too much of an affect as some plots have already been approved on the site. Councillor Levy proposed approval as per Officer’s recommendations. Councillor Prosser seconded the proposal.

Councillor Poskitt asked how the house numbers 2 and 10 related in height and could not find any reference to house number 9 until she looked at the application. The Senior Planning Officer confirmed the original application was a hybrid application in 2017 part in outline and part in full. Plots 9 and 10 were approved previously in 2017 in final form so that would be why Councillor Poskitt could not find reference to plot 9. The Senior Planning Officer confirmed that the proposed plot 10 will be slightly higher than plot 2. Plot 9 will be slightly higher than plot 8 and explained there were varying ridge lines all the way through the development as plots approved at different stages.

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Councillor Fenton asked why Plot 5 was not included in this application as it has been included in Delegated Decisions, point 22 as approved. The Senior Planning Officer confirmed that the Parish Council had not objected to the application therefore it was approved.

The application was put to the vote for approval and was carried. Councillor Maynard asked for his vote against report recommendations to be noted.

**Resolved** approved as per the Officer's recommendations.

22/01069/FUL 29 Mercury Close, Bampton.

The Planning Officer, Ester Hill introduced the erection of an attached dwelling with off street parking and associated ancillary works. Alterations to the existing dwelling including two storey and single storey extensions.

The Chair invited questions from the Committee. Councillor Fenton had concerns regarding the floor space not meeting minimum space standards, and proposed a site visit due to Mercury Close being over a small area. Councillor Poskitt seconded the proposal.

Councillor Leverton asked for a point of clarification on why the application was being considered if the size did not meet national standards. The Planning Officer explained that whilst national standards were nationally recognised the national standards had not been adopted by the Local Plan to date.

The proposal of site visit was put to the vote and was carried.

**Resolved** for site visit, agreed for Thursday 8 September at 10am.

22/01644/HHD 2 Windmill Heights, North Leigh.

Planning Officer Emile Baldauf-Clark introduced the application for a rear single storey extension, with removal of the existing conservatory. The application was before the Committee for administrative reasons due to the applicant knowing a member of staff at WODC.

Councillor Dingwall proposed approval as per Officers recommendations. Councillor Leverton seconded.

The application was put to the vote for approval and was carried.

**Resolved** approved as per the Officer's recommendations.

**83 Applications Determined under Delegated Powers and Appeal Decisions**

The report giving details of applications determined under delegated powers was received and noted.

**84 Appeals List**

The report giving details of appeals was received and noted. The Senior Planning Officer outlined the Appeals Decision Report it was noted that the first appeal case was allowed and the second was dismissed.

The Meeting closed at 3.13 pm

CHAIR

## **WEST OXFORDSHIRE DISTRICT COUNCIL**

### **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 12th September 2022**

#### **REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT**



**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.

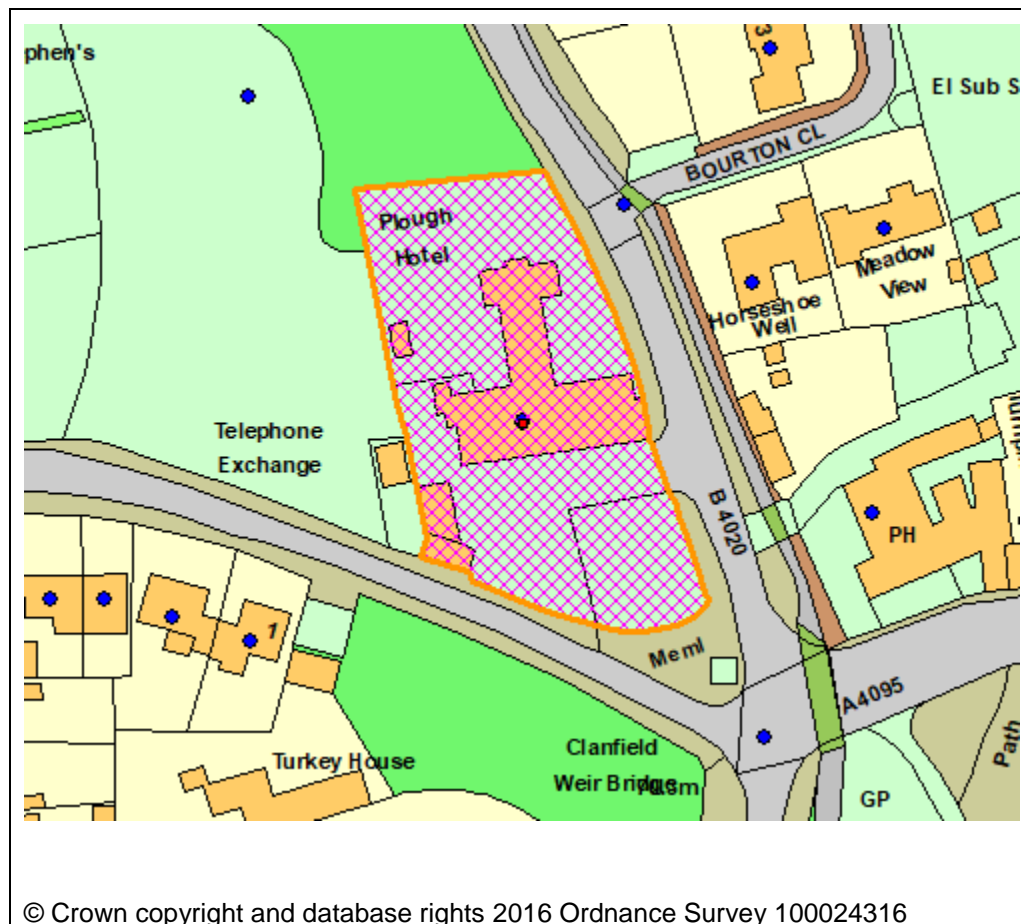
Please note that:

- I. 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>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
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44 - 58	22/01674/FUL	Oakwood Place Lew Road	David Ditchett

Application Number	21/01213/FUL
Site Address	Plough Inn Black Bourton Road Clanfield Bampton Oxfordshire OX18 2RB
Date	31st August 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Clanfield Parish Council
Grid Reference	428458 E 202072 N
Committee Date	12th September 2022

### Location Map



### Application Details:

Erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure (part retrospective).

**Applicant Details:**

Ms Georgie Pearman  
Plough Inn  
Black Bourton Road  
Clanfield  
Bampton  
Oxfordshire  
OX18 2RB

**I CONSULTATIONS**

Conservation Officer

Generally all okay now

Parish Council

**CLANFIELD PARISH COUNCIL - OBJECTION/COMMENTS**  
CONCERNING Planning Application 21/01213/FUL Erection of  
timber shed and bin enclosure - Amended Plans.

Clanfield Parish Council wishes to **OBJECT** to this application and  
submits the following comments in justification of their position:

**Comment re Design and Layout/ Neighbourliness**

The Design and Access Statement states 'the proposal is sympathetic  
to the existing building and surroundings and provides an opportunity  
to improve the local amenity'. This is simply untrue.

The area under consideration for further development/ retrospective  
planning is visible at the front of the Grade 2 listed Double Red Duke,  
and during winter months when the trees lose leaf, it will also be  
directly visible and in close proximity to the Grade 1 listed 12th  
Century Church. The area should be tidied and made presentable to a  
standard befitting that of Grade 1 and 2 listed buildings, and in respect  
to the village on the whole which is clearly cared for and maintained  
with passion at a community level through the hard work of local  
volunteers - it should not be relandscaped to house more literal  
rubbish (which will no doubt continue to spill over in to the adjacent  
land). Should this application be approved, in the very least there  
should be sympathetically designed screening along the western  
boundary of the DRD (between itself and the church grounds),  
comprising materials suitable to the historic nature of both buildings  
with consideration to the immediate biodiversity (perhaps hazel  
hurdles or similar), and the current collapsing plank fence should be  
removed.

In specific regard to the proposed 'shed', the application states 'the  
shed has nominal impact on the heritage area'. In it's current  
proposed form this is not true, especially in regard to the proposed  
roofing material being of blue slate. Blue slate is not a locally common  
roofing material and it certainly does not gel with the original cardinal  
slate roof of the Grade 2 listed Elizabethan Double Red Duke - if this

application should be passed it should stipulate that roofing materials should endeavor to match that of the original building, and should not be slate/ felt or any other material.

#### Comment re Highways

The application form submitted indicates that this development has increased car parking capacity from 10 spaces to 12. This is not true, in fact car parking capacity was significantly reduced when West Oxfordshire Planning Department approved the change of use and conversion of outbuildings to guest bedrooms. This has led to a distressing and unsafe situation on the roads around the Double Red Duke (The Plough) - as WODC, The Police, District Councillors, County Councillors, and MP Courts have themselves been notified of directly as well as witnessed during the various meetings they have attended with the Parish Council.

The hotel now has 19 bedrooms and provides no car parking spaces for its staff, and an unsuitably low number for its guests. As a result, both staff and clients use the village roads to park, in most cases park with little consideration for residents or the safety of other road users. It is of the Parish Councils view that this development should be refused as the space would be better used as additional parking capacity as that is required more urgently.

In conclusion, please refuse this application in its current form

## **2 REPRESENTATIONS**

2.1 There have been 8 comments of objection from 3rd party consultees to which their comments have been summarised as per below:

- Development degrades the Grade II listed building
- Incongruous addition
- Insufficient parking and would block access which could be used for additional parking
- Current timber fencing is very rough and does not go
- Concerns with inaccurate car parking provision
- Development can be seen from Grade I listed church
- Rear of the site could be used for parking

## **3 APPLICANT'S CASE**

3.1 The Design and Access Statement is concluded as follows with the full statement on the Council's website:

The proposal has considered its surroundings and believe the impact on the heritage area is nominal.

The proposal is sympathetic to the existing building and its surroundings and will provide an opportunity to improve the local amenity.

The proposal will also restore an important historical building and provide a sustainable business and employment for the local area.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH11 Listed Buildings

EH9 Historic environment

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background information**

5.1 The application seeks full planning permission for the erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure (part retrospective) at Double Red Duke, Black Bourton Road, Clanfield, Bampton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the Parish Council have objected to the proposed works.

5.3 The application site relates to a Grade II Listed building currently being used as a public house and guest accommodation within the residential area of Clanfield.

5.4 The main considerations of this application are the impact of the proposed development on the listed building along with the visual amenity and the impact on the proposed development on the residential amenity.

##### **5.5 Relevant planning history**

- 20/01003/FUL - Erection of single storey rear extensions. - Approved
- 20/01004/LBC - Erection of single storey rear extensions. - Approved
- 20/01809/FUL - Replace existing outbuildings with 6 bedroomed unit for use ancillary to the public house. Associated landscaping works. (Amended Plans) - Approved
- 20/01810/LBC - Replace existing outbuildings with 6 bedroom unit for use ancillary to the public house. (Amended Plans) - Approved
- 20/02937/S73 - Variation of condition 3 (materials) and removal of condition 4 (window, door and cladding details) of planning permission 20/01003/FUL and Listed Building consent 20/01004/LBC - Approved
- 20/03005/ADV - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) - Refused
- 20/03006/LBC - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) - Refused

- 21/00698/FUL - Paving to front area, with landscaping and lighting to carpark and pathways - Approved
- 21/01305/LBC - Exterior alterations to include paving to front area, with landscaping and lighting to carpark and pathways and the addition of a new gate access - Approved
- 21/02568/S73 - Variation of condition 2 of planning permission 20/01809/FUL to allow use of attic space over bedroom 1 to accommodate separate bath and shower room, new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). - Approved
- 21/02569/LBC - Variation of condition 2 of listed building consent 20/01810/LBC to allow use of attic space over bedroom 1 to accommodate separate bath and shower room, new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). - Approved
- 22/01332/FUL - Construction of external bar. (Retrospective). - Refused

There have been two recent appeals on this site as detailed below:

- APP/D3125/Z/21/3274959 - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) - 20/03005/ADV
- APP/D3125/Y/21/3274941 - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) - 20/03006/LBC
- 

The two appeal decisions are linked to each other and the inspector made a split decision on the application in which the hanging sign was refused advertisement consent and listed building consent but the menu case and name sign were allowed.

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
- Design
- Impact on the listed building
- Impact on visual amenity of the street scene
- Residential Amenity

## **Principle**

5.7 Local Plan Policy E1 states within existing employment sites "Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."

5.8 It is important to consider that whilst the established use of this business is a public house and guest accommodation and this would normally fall within Local Plan Policy E4 Sustainable Tourism this proposal is for elements in which the general public would not use but benefit from the screening and is for the use of the employees.

5.9 Your Officers consider that the erection of timber shed to be used as an office, Indian sandstone pathway and vertical boarded bin store enclosure does fall within the bounds of the policy in which it would improve the effectiveness of employment due to having a specific office for employees as well as a formal area for the bins for effective disposal of any waste from the restaurant.

5.10 The principle of the public house has already been set in previous applications and with this being a supplementary scheme to the wider development. Your officers have considered that the development is compliant with the principle of existing employment use. There will however need to be further assessment with regards to the impact on the listed building, and the design and siting along with residential and visual amenity.

### **Design & Siting**

5.11 Proposed is the erection of a timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure. It is important to understand that this is a part retrospective application in which the Indian sandstone pathway and the office are already in place. The bin store enclosure is also in place with waney edged boarding and the office has also not been finished as it is due to be covered with vertical cladding.

5.12 The bin store enclosure, the office and Indian sandstone is located to the west of the host building of the Double Red Duke. The bin enclosure accommodates enough space for 13 bins and is to the north of the converted building which is being used for bedrooms. The bin enclosure is to be constructed from untreated (90mm x 40mm) vertical Siberian Larch profiled batten cladding to match the existing annexe and is to be 1.8m the whole length until reaching the office. The bin store is to have one concealed set of double doors.

5.13 The office is sited on the existing concrete slab which previously sited 2 redundant gas tanks. It is 2.4m in width and 3.5m in length and is also to be covered with the vertical Siberian larch profiled batten cladding and is to be 2m in height and is to have blue slate for the roof. The shed is to have a set of double doors concealed in the cladding and two small windows facing North into the existing open space of the Double Red Duke.

5.14 The area from the new annexe to the shed which approximates 15m by 4m has been landscaped with Indian sandstone.

5.15 Officers have considered that the bin enclosure is sited in the most logical positing within the site due to being opposite the kitchen. The office could be sited within the main building, however your Officers consider that whilst this location is not the preference, the applicants have designed the scheme in a way in which it is disguised well and is to continue on with the vertical larch cladding and not stand out and be incongruous. While the scheme as a whole would be better suited to be constructed from natural materials rather than the vertical cladding. Officers have deemed that the vertical cladding is a logical addition due to the cladding on the outbuilding. Paragraph 11(c) of the NPPF is clear that the LPA should be 'approving development proposals that accord with an up-to-date development plan without delay'. As the proposed scheme is considered to accord with the development plan, while improvements could be made, the LPA could not insist upon it.

5.16 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development

should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

### **Impact on the visual amenity of the streetscene**

5.17 The office building is not visible from the streetscene and therefore does not give rise to any adverse impacts in regards to visual amenity. The vertical cladding for the enclosed bin store and the Indian sandstone landscaping is visible from the streetscene, however your officers consider the impacts to the visual amenity to be minimal and acceptable and in keeping with the wider streetscene. It is important to consider that the bin enclosure is adjoining the recently completed annexe in which is covered with vertical Siberian Larch profiled batten cladding, therefore with the current bin enclosure being covered with waney edge boarding your officers have considered that the newly proposed vertical cladding is a logical complement and addition compared to the unapproved waney edge boarding.

### **Impact on the Listed Building**

5.18 It is important to consider that the proposed development is adjacent to the Grade II listed building of the Double Red Duke, formerly known as the Plough. Officers are required to take account of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Policy EH11 also states "Proposals for additions or alterations to, or change of use of, a Listed Building or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to: conserve or enhance the special architectural or historic interest of the buildings fabric, detailed features, appearance or character and setting as well as respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context. It is also important for your Officers to take regard to the section 7 of the West Oxfordshire Design Guide which also emphasises that the character, fabric and history of the building should be understood as fully as possible.

5.19 With regard to the impact on the listed building, the erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure is not considered to obscure the historical architecture of the existing listed building. The location of the bin store and office is located to the west of the main listed building in which the most historical element is to the front elevation and the element adjacent to the bin store and office is of a C20 nature and is opposite a previously approved waney edge cladding. In light of this, your Officers have considered that due to the siting of the bin store that this would not be obscuring any special or historical feature of the listed building. Officers note that whilst the vertical larch cladding would not be the main material of choice. At this moment as this is a part retrospective application currently in place is a waney edged horizontal cladding. Therefore your Officers have considered that as the bin store is adjacent to the recently converted annexe with vertical larch cladding that to keep consistency with the buildings it was appropriate to continue the vertical larch throughout. The proposed development would respect and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policy EH11 of the Local Plan.

### **Residential amenity**

5.20 Given the nature of the erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure your officers are of the opinion that the proposed would not

give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy. The timber shed for the Office is sited a suitable distance away from any bedrooms for the guest house and also away from any neighbouring properties in which there are no concerns with overlooking or loss of privacy. The bin enclosure has also been considered to be an appropriate height at around 1.8m which is standard fence height and does not give rise to any loss of light to neighbouring properties.

5.21 Additionally, no objections have been received from neighbours with no neighbouring amenity concerns of the proposed additions.

### **Other Matters**

5.22 Your Officers would like to note that the waney edged boarding shown on elevations A and elevations C have already been approved within application 20/02937/S73 and are therefore not a consideration during this application.

5.23 Clanfield Parish Council have objected to the proposed scheme for two reasons, one being the design and layout/neighbourliness and the other with regards to highways. The Parish have detailed their concerns with regards to the development not being sympathetic to the existing buildings and surroundings and that the proposed can be seen from the front of the Double Red Duke and from the Grade I listed church. Officers have already expressed their views within the section regarding the impact on the listed building. Whilst your Officers sympathise with their concerns it has been considered that as the siting of the bin store is in a location in which is to minimise the impact on the listed building whilst still serving a purpose. The parish also detailed concerns with the views from the Grade I listed church and the potential of a screening fence, however your officers visited on site and deemed even during the winter months that there will be minimal views of the proposed scheme. Their concerns with regards to rubbish spilling onto adjacent land is not a planning matter during this application and would be subject to further enforcement action as there are current enforcement cases still open.

5.24 The Parish also have concerns with the proposed shed detail with regards to the roofing material as they believe the blue slate is not a locally common roofing material, however your Officers note that the newly converted outbuildings have also been roofed with the blue slate and therefore is going to have consistency between the two buildings and whilst not the material of preference is still appropriate in this location.

5.25 Your Officers understand the Parish concerns with regards to the parking provision and that they state that proposed development has increased car parking capacity, however this has not been submitted during any element of this planning application. Regardless of this, your Officers understand their concerns but the wider scheme of development has already been approved and in place with the parking provision as is. Officers sympathise with the highway concerns however not a main consideration for this application is nor can be deemed an appropriate reason to warrant a refusal for the application. It is also important to consider their comment that the space would be better used as additional parking capacity. However when onsite your case officer has understood that there would not be sufficient space to park cars in this location if the bin store and office was removed and the access to the space would not be appropriate for vehicles.

5.26 Due to this application being a part-retrospective application Officers have deemed a condition for the waney edged boarded elements to be removed within 6 months of the decision date and the vertical larch cladding to be completed by 12 months to meet the 6 tests for conditions.

## **Conclusion**

5.27 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, EH9, EH11 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS**

1. 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.

2. The unauthorised waney edged boarding on the eastern elevation of the bin store shall be removed in its entirety within 6 months of the decision date of this notice.

REASON: To safeguard the character and appearance of the area and to regularise the unauthorised works in a timely manner.

3. A sample of the vertical larch cladding to be used on elevations A, B and C shown on plan number 120-G21 Rev F shall be submitted to the Local Planning Authority for approval within 12 months of the date of the decision. The development shall be constructed in the approved materials and retained as such thereafter.

REASON: To safeguard the character and appearance of the area.

4. The materials as approved by condition 3 shall be fully installed on elevations A, B and C shown on plan 120-G27 Rev F (office and bin store elevations) within 18 months of the date of this decision.

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, to safeguard the character and appearance of the area and to regularise the unauthorised works in a timely manner.

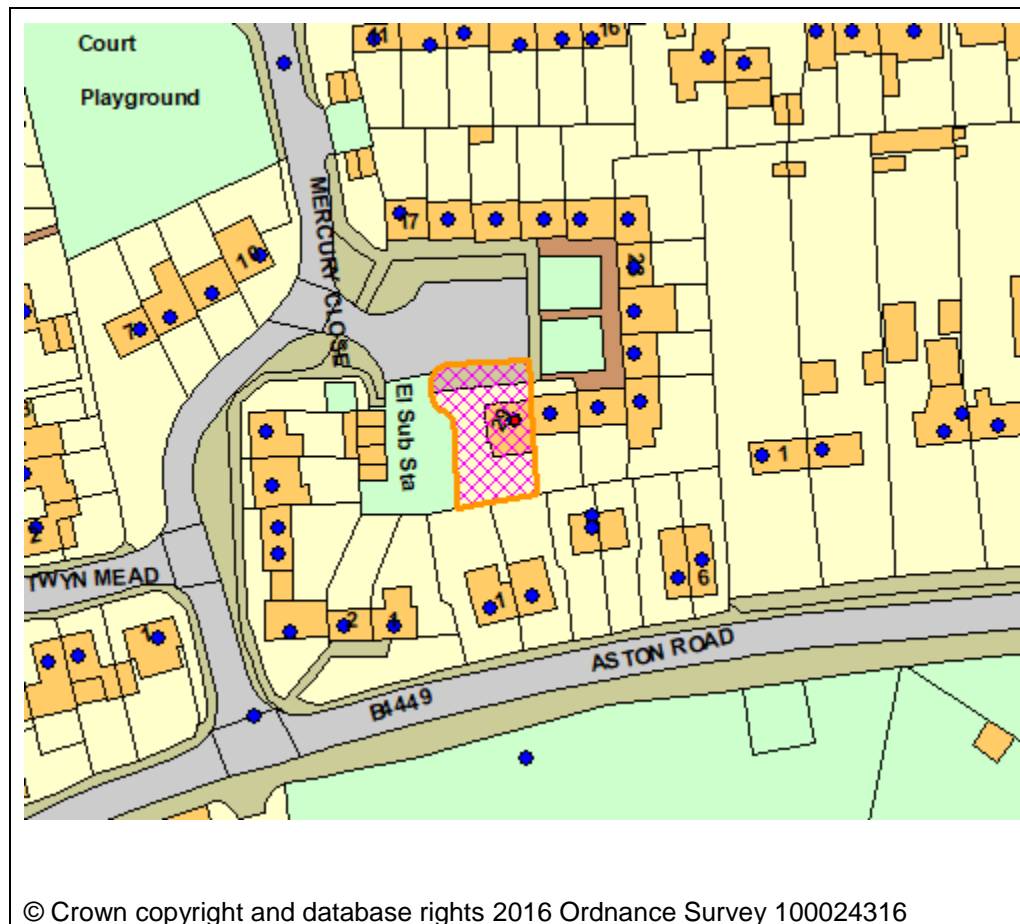
**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 31st August 2022

Application Number	22/01069/FUL
Site Address	29 Mercury Close Bampton Oxfordshire OX18 2AH
Date	31st August 2022
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432038 E 203308 N
Committee Date	12th September 2022

### Location Map



### Application Details:

Erection of an attached dwelling with off street parking and associated ancillary works. Alterations to the existing dwelling including two storey and single storey extensions.

### Applicant Details:

Mr Nick Shepherd

29 Mercury Close  
Bampton  
Oxfordshire  
OX18 2AH

## I CONSULTATIONS

Parish Council	<p>13.06.2022- OBJECTION (vote with zero in favour) We don't believe there is sufficient parking for the 2 properties and this will adversely affect residents.</p>
Parish Council	<p>15.07.2022- OBJECTION We are aware of the covenants on this property and in addition the parking is already problematic. Even with the additional two parking spaces there are still concerns for the Parish Council. In light of the considerable number of newbuilds in Bampton, the Parish Council cannot see any appreciable benefit to the village.</p>
OCC Highways	<p>No Comment Received.</p>
OCC Highways	<p>25.07.2022- The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network Recommendation: Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the amended plans</p>
WODC Drainage Engineers	<p>If full planning permission is granted, could you please request the following condition:-</p> <p>That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.</p>

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

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1) CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020,
- Pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

OCC Highways

13.06.2022-The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

15.06.2022

My recommendation refers to option 1.

Option 2 shows a proposed parking space marked '29 MC parking 1' on the highway and a footway realignment. The proposal would require a 'stopping up' order. The 'no objection' recommendation does not refer to option 2

Conservation Officer

No Comment Received.

WODC Env Health - Lowlands

Mr ERS Pollution Consultation No objection in principle.

Newt Officer

No Comment Received.

## **2 REPRESENTATIONS**

2.1 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:

- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
- Design will not be in keeping with neighbouring dwellings
- Highway related issues, given existing traffic, access and parking problems.
- Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
- Land Ownership inaccuracies
- Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
- Boundary line inaccuracies regarding parking spaces.
- Loss of the trees and its impact on global warming. Details of replacement trees should be provided.

## **3 APPLICANT'S CASE**

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website. The statement has been summarised below:

The applicant seeks planning permission for an attached dwelling, next to 29 Mercury Close, Bampton. The proposed scheme takes into account the form, scale, mass and overall design of other dwellings nearby, and is designed to be sympathetic to the established pattern. The proposed dwelling is intended to blend with and to complement the established housing character in this part of Bampton. Local planning policies see proposals for new dwellings in Bampton as highly sustainable, any issues relate not therefore to the principle, but to the details of this scheme.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH7 Flood risk

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

### **Background Information and Proposed Development**

5.1 This application seeks planning permission for the erection of an attached dwelling with off street parking, associated ancillary works and alterations to the existing dwelling including two storey and single storey extensions at 29 Mercury Close, Bampton.

5.2 The application site relates to an end of terrace property, which forms part of the horseshoe shaped Mercury Close, situated within a residential area of Bampton. The site does not fall within any areas of special designated control and therefore the main considerations of this application are its principle and the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.3 Members will recall that this application was deferred at the August committee to enable a formal Members' site visit.

#### **5.4 Relevant Planning History**

*15/03504/HHD- Erection of single storey and two storey extensions.- Approved.*

The above approval included two storey and single storey extensions, including a new porch, all are of which are comparable in design to that of the proposed dwelling and extensions. Some form of residential development in this location has therefore already been considered to be acceptable.

5.5 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Parish Council.

5.6 Amended drawings have been received as part of this application following your officers concerns with design. The description of development has also been amended. Following the description and design changes, the application was re advertised and consultees were re consulted.

### **Proposed Development**

5.7 The scheme proposes a new attached two bedroom dwelling, associated ancillary works and alterations and a two storey, single storey and porch extension to 29 Mercury Close, Bampton.

5.8 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

- Scale Siting and Design
- Residential Amenity
- Highways
- Drainage
- Ecology

## **Officers Assessment**

### **Principle**

5.9 The application site sits within Bampton which is identified under West Oxfordshire Local Plan Policy OS2 as a Rural Service Centre where new dwellings can be permitted where they are of a proportionate and appropriate scale to its context, having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.

5.10 Policy H2 of the WODC Local Plan 2031 states that new dwellings will be permitted within the rural service centres on undeveloped and previously developed land within the built up area, provided the loss of any existing use would not conflict with other plan policies and that the proposal is in accordance with the other policies in the plan, in particular the general principles in Policy OS2.

5.11 The proposed development is for an extension and subdivision to create an additional dwelling and as such Local Plan Policy H6 is also relevant. Policy H6 states that alterations, extensions or sub-division of existing dwellings should respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.

5.12 On this basis, the proposal is supported by Local Plan Policies OS2, H2 and H6 provided the proposal complies with the general principles set out in Policy OS2. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies, guidance and legislation in the relevant sections below:

### **Scale, Siting and Design**

5.13 The proposed two bedroom dwelling is to be attached to the western elevation of no.29, it is of a dual pitched roof design with a cross gable element that extends out to the rear. The proposed dwelling has an open plan ground floor layout with an entrance hall and WC, the first floor has a double bedroom, a single bedroom and a bathroom. In terms of proposed openings, the proposed dwelling has a front door, two ground floor windows and two first floor windows on its northern elevation, sliding patio doors, a ground floor window and two first floor windows on its southern elevation and two ground floor windows and a first floor window on its western elevation. The proposed materials are to match that of the existing dwelling no. 29 Mercury Close and they are therefore considered to be acceptable. The proposed dwelling is to be set back from the front elevation of no. 29 Mercury close, to allow for an additional parking space serving no.29 and a pedestrian access serving the proposed dwelling.

5.14 Your officers consider that the design and scale of the proposed dwelling would be appropriate and in keeping with the character of the area and is therefore acceptable in terms of design and scale.

5.15 A number of alterations are proposed to the existing dwelling no. 29 Mercury Close, including the demolition of an existing rear extension, the subdivision of its residential curtilage, a two storey and single storey rear extension and a new entrance porch. The proposed two storey extension is to be sited on the western side of the host dwellings rear elevation, it is of a cross gable roof design extending

out to the rear and has a first floor window and sliding doors at ground floor level on its southern elevation. The proposed single storey extension is to be sited on the eastern side of the rear elevation and is of a mono pitched roof design with two roof lights and sliding doors on its southern elevation. A new entrance porch is also proposed on the northern elevation of the Host dwelling, it is of a mono pitched roof design, with two windows on its northern elevation and the front door on its western elevation. The proposed materials are to match that of the host dwelling.

5.16 Given the scale of the proposed single storey extension and porch and that the proposed two storey extension is set down below the ridge height of the host dwelling, your officers consider that they will appear as secondary and subservient additions to the dwelling. Therefore, your officers consider that the proposed extensions and alterations to no. 29 Mercury Close are acceptable in terms of scale and design.

5.17 Laylandi trees which boarder the front of the property are to be removed and replaced with a box hedge. Given that the existing trees forward of the footpath are to be retained and that new hedging is proposed, your officers consider that the removal of the Laylandi trees would be acceptable in terms of impact on visual amenity.

5.18 The proposed dwelling and porch would be visible on the street scene. However, your officers consider that given the proposed materials, the size of the proposed porch and design of the proposed dwelling, that the development would be in keeping with the character of the locality and therefore would not give rise to any adverse impacts in regards to visual amenity.

### **Residential Amenity**

5.19 Given the siting of the proposed rear extensions to no. 29 Mercury Close, that the rear extension closest to the adjoining neighbour is single storey, the distance it extends beyond the rear elevation, existing boundary treatments, the separation distance between the proposed two storey extension and neighbouring properties to the south and that the existing dwelling already has first floor windows on its southern elevation, so there is already a degree of mutual overlooking, your officers do not consider that the proposed extensions would give rise to levels of harm in term of neighbouring amenity issues, such as, overlooking, loss of privacy, loss of light or overbearing, that would warrant the refusal of this application. Given the scale and siting of the proposed porch, it is not considered to give rise to neighbouring amenity issues.

5.20 Given the siting of the proposed dwelling and the separation distance to the neighbouring properties, your officers do not consider that the proposal would give rise to loss of light, or overbearing issues. Given that the adjoining and adjacent properties all have first floor rear windows, there is already a degree of mutual overlooking which is not uncommon within built up residential areas. The distance between the proposed dwelling and those down Aston Road is considered acceptable so not to increase the level of overlooking or loss of privacy to an unacceptable level. The proposed dwelling is not considered to give rise to neighbouring amenity issues for 29 Mercury Close and it is still considered to have sufficient outdoor amenity space. Your officers have suggested that a condition removing certain permitted development rights is applied to the consent to ensure that any further extensions can be assessed, in order to safeguard neighbouring amenity.

5.21 It is noted that the proposed parking arrangements would result in the adjoining neighbour parking in front of the window serving the kitchen of the proposed dwelling. Your officers consider that this would result in some harm in terms of noise and disturbance and poor outlook. However, the entrance to the proposed dwelling and a hedge, are proposed between to the neighbours parking space and the kitchen window on the front elevation of the proposed dwelling, which will mitigate some of the harm in

terms of outlook and disturbance. Your officers therefore consider that the proximity of the proposed parking space to the kitchen window would give rise to a modest level of harm in terms of residential amenity, to the future occupants of the proposed dwelling.

5.22 It is also noted that the proposed two bedroom dwelling is below the minimum space standards as set out in the 'technical housing standards - nationally described space standard'. The technical housing standards state that the area of a two bedroom, 3 person, two storey dwelling should be at least 70m<sup>2</sup>, the proposed dwelling is approximately 58m<sup>2</sup>. In addition, the single bedroom has an area of approximately 6m<sup>2</sup>, the national space standard is 7.5m.

5.23 The national space standard is a material consideration when assessing the proposal but the standard has not been adopted within our Local Plan. However, policy OS2 states that development be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants and policy OS4 states that development should not harm the use or enjoyment of buildings including living conditions in residential properties.

5.24 Your officers note that the scale of the proposed dwelling would provide living spaces below the standards set out within the 'technical housing standards' and consider that this would result in some harm to the living conditions of the future occupier. However, the proposed dwelling is located within a sustainable location and as such will have access to the many services and facilities that are on offer in the area, including a park just 60m away. The proposed development also includes the provision for outdoor amenity space which is considered to be sufficient for the size of the proposed development. Your officers consider that the scale of the proposed dwelling would give rise to modest harm to the amenity of the future occupiers and would not amount to a significant and demonstrable harm that outweighs the benefits of this proposal.

### **Highways**

5.25 Third party representatives have raised concerns regarding parking issues within the area. The proposed development will result in three car parking spaces being provided, two for no.29 Mercury Close and one for the new dwelling. OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. Your officers have carefully considered the concerns raised by local residents and the Parish Council however, the proposed dwelling is to be situated within a sustainable location with transport links, OCC have not objected to the proposal and that there are no on street parking restrictions within the vicinity. Therefore, your officers consider that the proposed dwelling and parking arrangements are acceptable and would comply with policy T4 of the adopted West Oxfordshire Local Plan 2031.

### **Drainage**

5.26 Your WODC Drainage Officer has been consulted on this application and has raised no objection subject to the full drainage details being submitted as part of a prior to commencement condition. The applicants have agreed to this condition being applied to the consent, therefore the development is considered to comply with policy EH7 of the adopted West Oxfordshire Local Plan.

### **Ecology**

5.27 The site as it stands is a mix of hardstanding, lawn, trees and hedging. The proposed development includes the removal of Laylandi trees, which are to be replaced with hedging. Your officers have including a condition stating that a bat box, three swift bricks and hedgehog gaps in boundary fencing/hedging need to be provided. The applicant has also proposed planting native shrubs and trees to boundaries, and a wildflower section at the rear of the garden. Given the proposed measures, your

officers consider that the proposed development would comply with policy EH3 of the adopted West Oxfordshire Local Plan 2031.

### **Other Matters**

5.28 Bampton Parish Council have objected to this proposal raising concerns with the proposed development given existing parking issues within the locality and the covenants restricting development on the land.

5.29 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:

- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
- Design will not be in keeping with neighbouring dwellings
- Highway related issues, given existing traffic, access and parking problems.
- Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
- Land Ownership inaccuracies
- Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
- Boundary line inaccuracies regarding parking spaces.
- Loss of the trees and its impact on global warming. Details of replacement trees should be provided.

5.30 The concerns raised by Bampton Parish Council and the third party representatives have been carefully considered when assessing this application. Following the submission of revised drawings, given the scale of the proposed dwelling and proposed alterations to no. 29 and that the proposed materials are to be in keeping with those used within the immediate locality, your officers do not consider that the proposed development would harm the visual amenity or visual character of the area. Your officer's note that there are not any enclosed porches within the close however, there are within the immediate locality and given its sale and design your officers do not consider that it would harm the character of the area. Whilst your officers have concluded in the assessment above that the development would not give rise to highway safety and convenience issues, given the nature of the site immediately adjacent to the residential parking area, your officers have suggested a Construction Management Plan be submitted to safeguard the living conditions of the neighbouring residents. In terms of the issues raised regarding the restrictive covenants on the land and land ownership issues, these are classed as civil issues and cannot be considered when assessing a planning application. However, your officers have included an informative stating that planning permission does not override any civil or legal issues. Your officers note that trees play an important role when combatting the climate emergency. However, given the number of trees which are to be removed and that replacement hedges and additional planting are proposed as part of the scheme, the removal of trees are considered to be acceptable. An informative encouraging sustainable development and a condition requesting details of proposed boundary treatments have been applied.

### **Planning Balance**

5.31 Your officers have found that the proposed development would result in modest harm to the residential amenity of the future occupiers of the proposed dwelling, because the size of the living spaces fall below standard and because of the proximity of the adjoining neighbours car parking space, to the proposed kitchen window.

5.32 However, the proposed dwelling is within a sustainable location with services, facilities including a park just 60m away and transport links on offer, this attracts moderate weight in its favour. The design proposed would be reasonably in keeping with the surrounding properties, and would be unlikely to cause harm to existing living conditions to nearby residents. There is a need nationally for smaller dwellings which may appeal to single occupiers and first time buyers. Moderate weight should also be applied to the fact that the proposed dwelling would contribute to our housing supply. Having carefully considered this proposal your officers are of the opinion that, on balance, the benefits of the development outweigh the modest harm found.

### **Conclusion**

5.33 In light of the above assessment, the application is recommended for approval as your officers, on balance, consider it complies with the provisions of Policies OS4, OS2, H2, EH2, T4, EH7 and H6 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the 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. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur. This condition has been agreed by the applicant.

5. The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.

- Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
- At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the western elevation wall of the new building;
- At least 3 no. swift bricks to be integrated / built-in to the western elevation wall of the new building at 1 metre intervals and in accordance with Swift Conservation advice <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> ; and
- hedgehog gaps/holes to be created through any new boundary fencing or walls

Reason: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. 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 to the dwelling hereby approved other than that expressly authorised by this permission.

REASON: Control is needed to avoid any future harm to the living condition of the future and neighbouring residents.

7. 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.

8. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- I The parking of vehicles for site operatives and visitors
- II The loading and unloading of plant and materials
- III The storage of plant and materials used in constructing the development
- IV The erection and maintenance of security hoarding including decorative displays
- V Wheel washing facilities
- VI Measures to control the emission of dust and dirt during construction
- VII A scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts. This condition has been agreed with the applicant.

## INFORMATIVES :-

### **Notes to applicant**

#### **I NOTE TO APPLICANT:**

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
  - Non-statutory technical standards for sustainable drainage systems (March 2015)
- 2 Please note that the granting of planning permission does not override any covenants on the land or civil rights of the adjoining/adjacent properties.
- 3 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of

protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

- 4 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
  - Wall, ceiling, roof, and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy and water efficient appliances and fittings
  - Water recycling measures
  - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

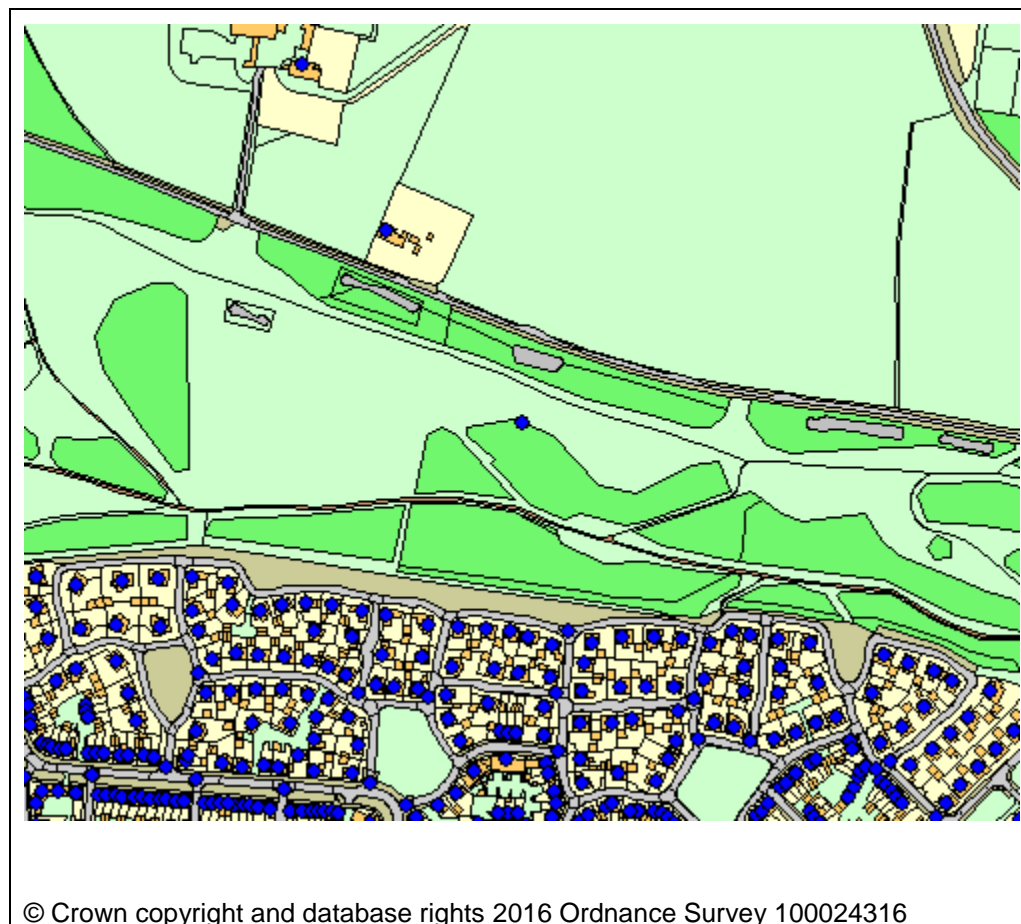
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 31st August 2022

Application Number	22/01593/FUL
Site Address	Kilkenny Lane Country Park Elmhurst Way Carterton Oxfordshire
Date	31st August 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	428452 E    208466 N
Committee Date	12th September 2022

### Location Map



**Application Details:**  
Extension of car park.

**Applicant Details:**

Mr Chris French  
Kilkenny Country Park Car Park  
Elmhurst Way  
Carterton  
Ooxn  
OX18 1EY

## **I CONSULTATIONS**

Parish Council

### **Comment received 12.07.22**

Thank you for inviting Brize Norton Parish Council to comment on the above planning application. However, before doing so, the PC would respectfully bring to your attention that Kilkenny Lane Country Park including the proposed car park area, the length of Elmhurst Way which runs parallel to the country park and the allotments on the south side of the road are all within the Parish boundary of Brize Norton. For your reference, we have attached a map of the Parish Boundary which also acts as the designated area for our emerging Neighbourhood Plan. Brize Norton Parish Council formally requests that your records and all references to Kilkenny Lane Country Park are updated to reflect its correct location. These include your consultation letter dated 22/06/2022 and the associated Planning Statement.

Parish Councillors have reviewed the documentation associated with Planning Application 22/01593/FUL for the proposed Kilkenny Lane Country Park car park extension and comment as follows:

We are pleased that the car park has been planned in such a way to avoid impacting the of area higher ecological value as detailed in Rachel Crookes email. However, we note that the new car parking spaces, where not on original tarmac, are formed by using compacted stone. The PC would strongly recommend the use of 'Grasscrete' as this offers a much higher degree of permeability. For your reference, this treatment is being used for the new car park which will serve the allotments in Brize Meadow.

We also recommend that as a minimum, car parking spaces 1 and 2 should be provided with EV charging points. This would support the WODC objectives to provide EV charging points in all Council owned car parks and align with Policy T1, Sustainable Transport. There is a toilet block adjacent to these parking spaces which has a 240volt supply into it.

### **Comments Received 22.08.22**

Following on from our previous response regarding the above planning application, and as this application hasn't gone before the Planning Committee yet, if possible, Brize Norton Parish Council would like to make an additional comment as follows:

The Parish Council has received comments about some of the proposed parking spaces (8) encroaching onto grassland of higher ecological value. Having revisited site, we note that the grassland to the west of the toilet block, which is of a lower ecological value, has not been taken into account as a parking area.

The Parish Council would like to suggest that if the car park was to be redesigned, taking into account the land to the west of the toilet block, potentially all of the 51 parking spaces which includes the eight which are currently on the higher value land, could be constructed on either the original tarmac area or grassland of a lower ecological value.

Our original comments regarding the use of a material of higher permeability for new parking areas and EV charging points (which would be easier now as these could be mounted on the rear of the toilet block) still form part of our response.

#### District Ecologist

Whilst the efforts to limit impacts on ecology are appreciated, the application to extend the car park will still impact on areas of high quality grassland, based on evidence provided by the applicants. I recommend that a calculation using the Biodiversity Net Gain metric 3.1 is carried out to quantify the mitigation therefore required in line with government guidance. There may be scope to enhance other areas within the country park in order to achieve 10% net gain in line with the requirements of the Environment Act 2021.

There may also be impacts on habitat and features suitable for protected species. The disturbed context makes the presence of species such as great crested newt and reptiles less likely. Nonetheless there is a risk during construction in particular exists and is not addressed in the application. A Construction and Environmental Management Plan is recommended to be provided as a condition to the application, to include measures such as:

- engage a suitably experienced ecologist to advise on the works
- cover any excavations overnight to prevent wildlife entering and becoming trapped
- search the area prior to works to check for protected species. If, for example, a badger sett is found then works must stop and a license from Natural England may be required.
- for works affecting scrub or trees, either avoid the nesting season (March to August incl.) or have an ecologist check the area for nesting birds prior to works. If a nest is found then a 5m buffer for works would typically be required until the chicks have fledged.

This document could also be the means by which measures to enhance habitat to enable Biodiversity Net Gain to be achieved can be identified for subsequent inclusion within management recommendations for the Country Park as a whole. Additional ecological enhancement opportunities such as the creation of brash / rubble piles suitable for use by reptiles, amphibians and other wildlife can also be included.

WODC Landscape And Forestry Officer

I've asked Rachel Crooks if she knows much about the proposal because she commented on some pre-app stuff re biodiversity and there are a couple of objections relating to this aspect on the website. At first sight, it just looks like a straightforward extension to a fairly non-descript car park but WODC, as land managers and applicants, might want to consider a layout that is more sensitive to the biodiversity aspects as well as public amenity and the sustainability issues raised. There looks to be scope to achieve this, if there is an appetite to look at this by our Estates Team.

Adjacent Parish Council

No Comment Received.

WODC Drainage Engineers

The application submission includes a drainage strategy document produced by IDS which is dated June 2022. Subject to the drainage works being constructed as per the details included in that document I have no objections to make and there will not be a need for a drainage condition.

OCC Highways

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

## 2 REPRESENTATIONS

There have been 2 comments of support from 3rd party consultees to which their comments have been summarised as per below:

- Extra car parking is needed, the extra parking will stop as many cars parking on the roads
- Highway safety will be improved and no habitats will be destroyed

There has been 1 general comments from 3rd party consultees to which their comments have been summarised as per below:

- Agree in principle with the increased parking
- Would like consideration of wild flowers to be taken.

There have been 2 comments of objection from 3rd party consultees to which their comments have been summarised as per below:

- Wild Orchids should be preserved over a car park
- Concerns with the loss of grassland and the climate emergency.

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

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website. The statement has been summarised below:

The proposals have been developed in response to inadequate size of the existing small car park area to accommodate the number of vehicles attending the site during peak periods.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background information**

5.1 The application seeks full planning permission for the extension of a car park at Kilkenny Lane Country Park, Elmhurst Way, Carterton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is on behalf of Publica and the application was called in by a Councillor to be determined by the committee should it be approved.

5.3 The application site relates the Kilkenny Lane Country Park which is located within the boundary of Brize Norton Parish but falls to the north of Shilton Park.

5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.5 Relevant planning history:

- VV97/0843 - Residential & employment development, including shopping, primary school & community facilities access roads, footpaths & cycleways; open space including playing field & country park, new a40 carterton link road. - Approved with conditions
- 08/1020/P/FP - Construction of car park to serve carterton country park with associated access and landscaping. - Approved with conditions

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
- Design
- Residential Amenity
- Drainage
- Impact on Highways
- Landscaping
- Ecological impact

## **Principle**

5.7 Local Plan Policy E5 (Local services and community facilities) states: "The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities".

5.8 Kilkenny Lane Country Park is a well-regarded local community facility which is managed by West Oxfordshire District Council. The Country Park is set within 21 hectares of land with 2.5km of footpaths and childrens play areas along with many other uses. The current car parking facilities are proving to be inadequate to meet the demand at peak times. There has been instances of cars parking on the highway on the bend and restricting visibility for other highway users. Your Officers have considered that the justification for the additional car parking provision has been sufficient and is looking to improve the community facility with the increased amount of spaces to improve highway safety and encourage further people to visit and therefore the proposed complies with Local Plan Policy E5.

5.9 As such the development is supported in principle subject to further assessment in regards to the design, residential amenity, drainage, impact on highways, landscaping and ecological impact.

## **Siting and Design**

5.10 Proposed is an extension to the existing car park within the western corner of the Kilkenny Lane Country park.

5.11 The current parking spaces on site are 12 with the view to increase these to 52 giving an increase of 40 spaces within the site which would include 4 disabled spaces and 8 cycle parking spaces. The extended car parking is to reach north and bear round to the east of the site. The distance from the top corner of the existing parking provision to the top corner of the proposed is approximately 35m. The distance from the southern corner of the existing parking provision to the bottom south eastern corner

is approximately 22m. The area in which is to be affected and within the red edged line is 0.78ha however the approximate area to be covered in parking spaces is 0.48ha.

5.12 The proposed materials to be used on the car park is a mix of existing tarmac surface to be retained/overlaid and is to be extended further round. The car parking bays are going to be constructed with compacted stone and concrete cone edging and timber knee rail around the perimeter of the parking spaces. Officers consider that the materials being used are appropriate in this location, the tarmac is already in place and will purely be extended and the compact stone is a low maintenance option which still is appropriate to be used for parking spaces and does not overly impact the natural area. Of note is that a parking area exists in the area already. While it is proposed to significantly increase in size, it is an established development in this area. Indeed, the proposed development is of a size that is more commensurate with the scale of Kilkenny Lane Country Park.

5.13 Your Officers consider that the proposed development will integrate successfully into the site and its surroundings and consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

### **Residential amenity**

5.14 Given the nature of the alterations to extend car parks, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. The site is currently an existing car park with the principle already in place. Additionally, the car park is 58m away from the nearest residential home to the west and 115m to the east and therefore has been considered that it would not give rise to any issues such as being overbearing nor causing overlooking or loss of light. Whilst due to the nature of the development there is going to be some increase in vehicles to the area and resultant noise, vibration and fumes from the vehicles. Officers have considered that the neighbouring properties are a sufficient distance away to not give rise to disturbing the properties.

### **Highways**

5.15 Local Plan Policy T4 (Parking Provision) states: Proposals for new off street public car parking areas will be supported in accessible locations where they would help to ensure the continued vitality and viability of town centres, where they would support visitor and tourist facilities and attractions or where the local environment is being seriously damaged by on-street parking and alternative parking provision is essential.

5.16 Evidence within the design and access statement along with 3rd party consultees have stated that there are issues with parking at this location with at peak times, cars are parking on the bend of Elmhurst Way. Additionally the case officer conducted their site visit in July and viewed these parking difficulties first-hand.

5.17 OCC Highways have been consulted on the application as there is a total increase of 40 parking spaces and therefore your Officers deemed it appropriate to gain their comments as it is likely that there would be an increased volume of cars. OCC Highways have raised no objections in regards to highways safety and convenience.

5.18 Your Officers have considered that whilst there is larger increase in spaces the site as described is a local community facility and is still relatively modest when considering the site as a whole.

5.19 On this basis, the scheme is considered acceptable and complies with policy T2, T3, T4 of the West Oxfordshire Local Plan and 104 E) of the NPPF 2021.

### **Drainage**

5.20 Local Plan Policy EH7 (Flood Risk) states: "Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk (taking account of the impacts of climate change)"

5.21 Your Officers have considered that the sequential test for flood risk is not required in this instance as the site is within flood zone 1 and is less than 1ha and therefore a flood risk assessment would normally not be required for this type of development but your Officers were provided with a drainage strategy.

5.22 Your Officers deemed it appropriate to consult with the drainage engineers due to the increase in impermeable land with the increase in car parking spaces. WODC Drainage Engineers have reviewed the submitted drainage strategy and had no objections to the scheme and a condition will be added to ensure the approved drainage scheme is constructed before the first use of the extended car park. Your Officers have considered on this basis that the scheme is acceptable and complies with Policy EH7 of the West Oxfordshire Local Plan and the NPPF 2021.

### **Trees and Ecology**

5.23 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.24 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.25 The proposed development will result in the loss of some grassland to facilitate the additional spaces. There has been previous pre application advice given for the scheme in which the previous WODC Ecologist advised where there is an area of high quality grassland and two orchid species present and advised the area to the east was preferable where possible. The applicant has fully recognised the area of grassland that is of a higher ecological value in which the encroached area is as minimal as possible whilst still facilitating the required spaces. There have been some suggestions and discussions with regards to moving the car park round to the east avoiding the area all together.

5.26 Your Officers have also recognised that the parking plan shows where existing shrubs and trees are to be retained around the area.

5.27 Due to the nature of the development and this area not highlighting any rare or notable plants nor any special species which are protected in anyway Officers considered at this stage it was unreasonable to ask for a preliminary ecological assessment of the site. Since then there has been further information from 3rd party consultees stating there is evidence of the rare Pyramidal Orchid. Your Officers consulted with the council's ecologist along with the estates biodiversity officer who stated their concerns with the loss of habitat along with the suggestion of a Construction and Environmental management plan.

5.28 The development would lead to a reduction in biodiversity value at the site. The Environment Act 2021 has now passed, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. Furthermore, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. The applicant has stated that they are willing to agree to both within the red edged border and outside of the red edged border but within Kilkenny Lane Country Park blue border mitigation to increase biodiversity but an amount has not yet been specified. Your Officers have considered that the impacts can be controlled by mitigation conditions and net gain can be achieved. A soft landscaping scheme for enhancement is appropriate to be submitted as part of a condition which would detail any existing shrubs and trees to be retained. The scheme will also need to detail, where there is loss of grassland or any shrubs that a scheme of enhancement is to be submitted with additional hedges and trees in an appropriate location and this is to be approved by the LPA. Along with this, information on bird boxes have been requested as part of the scheme. Officers have also detailed that where there are any pyramidal orchids to be removed during the development that they will be replaced or relocated. Officers consider that this would be appropriate and reasonable in the location and would provide a scheme with biodiversity net gain.

5.29 Your Officers have considered that while there would be some loss in biodiversity value in the immediate area, this is quite modest. With the conditions attached securing landscaping/planting/relocation of orchids officers are satisfied that net gain can be achieved. Your Officers have considered on this basis that the scheme is considered acceptable and complies with Policy EH3 of the West Oxfordshire Local Plan.

### **Other Matters**

5.30 Brize Norton Parish Council have made the following comments with regards to the scheme. They are pleased and commend that the car park has been planned in a way that it would not impact on the higher ecological value area. They have also commented with the preference of grasscrete being used rather than compacted stone on areas that are not original tarmac. Your Officers have made the suggestion to the applicants, however, officers consider that the use of compacted stone is acceptable. BNPC have also recommended the addition of EV charging points for car parking spaces 1 and 2. Whilst your Officers understand the request especially with many council owned car parks having EV charging facilities. The applicant has detailed there needs to be a commercially viable business case for installing the EV chargers. Following this, at this stage, Your Officers have deemed that it would not be reasonable to place a condition on the application for EV chargers due to the other nearby charging facilities in Carterton but understand that the Council may wish to add them into Kilkenny Lane Country Park at some point in the future. Brize Norton Parish Council have submitted an additional comment after their first which states they have received comments with regards to the location of the parking encroaching onto grassland of higher ecological value. Your Officers have considered that this has been addressed fully and whilst there would be some harm to the grassland, there will be suitable mitigation measures in place and net gain will be achieved

5.31 There could be a possible fall-back position with this scheme being permitted development. The Town and Planning Act (General Permitted Development)(England) Order 2015, Schedule 2 Part 12 Development by local authorities Class A states: permitted development, The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of— (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers; (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points

and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them'. Whilst your Officers have not completed a full and thorough assessment of Part 12 it is possible that the development could have been completed in this way. Nonetheless we have the application before us and therefore we are able to maintain control elements including ecology, highway safety and the materials being used for the scheme.

### **Conclusion**

5.32 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, E5, T2, T4, EH3 and EH7 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021

## **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 the laying of any hard standing, a schedule of materials to be used in the development including the covering of hard standing and the timber post rail shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and retained here thereafter.

REASON: To safeguard the character and appearance of the area.

4. Prior to commencement of any works to the site, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, all pyramidal orchids that are to be removed during development will be replaced or relocated. 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 ensure the safeguarding of the character and landscape of the area during and post development.

5. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed prior to the first use 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.

6. Prior to commencement of development a Construction and Environmental Management Plan shall be submitted to, and approved in writing by, the local planning authority and thereafter implemented and carried out in accordance with the plan.

Details of the plan must include:

- Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
- Engage a suitably experienced ecologist to advise on the works
- Cover any excavations overnight to prevent wildlife entering and becoming trapped
- Search the area prior to works to check for protected species. If, for example, a badger sett is found then works must stop and a license from Natural England may be required.
- For works affecting scrub or trees, either avoid the nesting season (March to August incl.) or have an ecologist check the area for nesting birds prior to works. If a nest is found then a 5m buffer for works would typically be required until the chicks have fledged.

REASON: To ensure that protected and priority species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the NPPF, Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. Prior to the first use of the car park, the surface water drainage scheme shall be constructed in accordance with the drainage details submitted and approved within this application and provisions are to be retained here thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

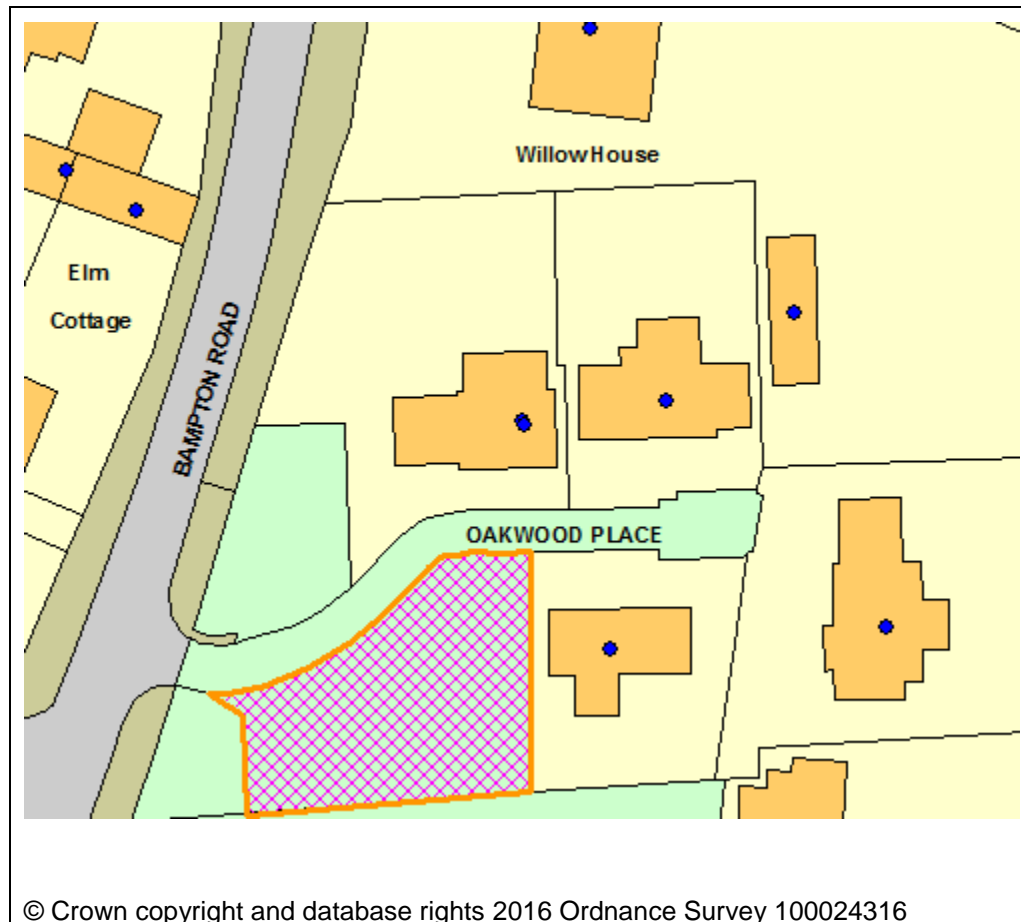
**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 31st August 2022

Application Number	22/01674/FUL
Site Address	Oakwood Place Lew Road Curbridge Witney Oxfordshire
Date	31st August 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Curbridge Parish Council
Grid Reference	432909 E 207916 N
Committee Date	12th September 2022

### Location Map



### Application Details:

Erection of single dwelling and associated ancillary works. Creation of visitor parking spaces.

**Applicant Details:**

Mr Ethan Conlon  
Staddle Stones  
Beech Grove  
Fullbrook  
Burford, Oxfordshire  
OX18 4DE  
UK

**I CONSULTATIONS**

Parish Council

The Parish Council object to this proposed development for the following reasons:

- Parish Council noted District Council planning officer comments from 2016 about overdevelopment on this site.
- The land should be set aside for parking to stop on-road parking.

OCC Highways

The red line application area does not include access to the highway.

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation: Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following condition

- G28 parking as plan

WODC Drainage Engineers

No objection. Condition required

Thames Water

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water

strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://www.thameswater.co.uk/developers/larger-scaledevelopments/planning-your-development/working-near-our-pipes>

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

WODC Env Health - Lowlands    Thank you for the opportunity to consult.

I have no objection in principle.

## **2 REPRESENTATIONS**

2.1 A summary of the representations received are detailed below. Full details can be found on the Council's website.

*1 general comment received relating to:*

1.      Parking during construction; and
2.      Highway safety

*4 third party objections received relating to:*

1.      Highway safety;
2.      Lack of a turning space;
3.      Visitor parking will be used for the new dwelling;
4.      Inadequate parking spaces;
5.      Design;
6.      Loss of light;
7.      Overdevelopment;
8.      Object to creation of visitor spaces as a turning space is preferred;
9.      Loss of semi-rural character;
10.     Delivery drivers and visitors using driveways to turn;
11.     Poor outlook; and
12.     Light pollution

## **3 APPLICANT'S CASE**

3.1      The application proposals represent a carefully designed scheme which, through the use of good design principles, will deliver a high standard of design. The site lies within the built-up area of a designated settlement and, in line with the principles of sustainable development, make effective use of available land and will make a modest contribution towards boosting the supply of housing available in the locality (NPPF paragraph 60 refers).

3.2      There is a clear and demonstrable need for additional housing given the significant affordability issues and historically poor delivery rates across the District, which have resulted in consistent under-supply of new homes. This application represents to a small-scale windfall site which can be quickly developed by an SME developer. In line with policy OS2, the proposals make use of a vacant and under-utilised parcel of land which has no practical alternative use, reducing pressure to release land elsewhere in the District of a higher environmental quality.

3.3 The site is located sustainably, having regard to access available to local facilities and services. The proposal will help to support the vitality and viability of the settlement through modest population increase, and in the short term it will also support construction jobs during the build programme. The result will be a well-designed house that makes use of high-quality materials, reflecting and continuing the established vernacular style and intimate character and appearance of Oakwood Place. The proposal is also considered to be complementary to the wider character of the locality, taking into account existing and approved development nearby.

3.4 The limited scale of this proposal is in full accordance with all relevant detailed policy criteria and will not generate adverse impacts that would otherwise outweigh the benefits of permitting the application. Therefore, in line with NPPF and Local Plan policy, planning permission should be granted accordingly.

## **4 PLANNING POLICIES**

H2NEW Delivery of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## **5. PLANNING ASSESSMENT**

- 5.1 The proposal is for the 'Erection of single dwelling and associated ancillary works. Creation of visitor parking spaces'.
- 5.2 The site is located on the eastern side of Lew Road Curbridge. It comprises of an area of amenity grassland associated with four recently constructed detached dwellings now known as Oakwood Place. The site is separated from the adjacent property to the east (No. 4 Oakwood Place) by a close boarded timber fence. The rest of the site is bounded by wire and timber fencing, some hedgerow and trees (mature Ash tree within the hedgerow and two Oak trees located close to the site entrance).
- 5.3 The Grade II Listed Building 'Duttons Farm Barns' is located 75m to the north of the site.
- 5.4 The site is within flood zone 1.

5.5 A Village Design Statement is being prepared locally to guide development in Curbridge but has not been adopted by the District Council as a Supplementary Planning Document.

5.6 There is some planning history associated with the site as follows:

14/0071/P/FP: Erection of four dwellings with associated parking and access, communal outside space and hub to create independent community for people aged 60+. Refused 24.04.2014 (Appeal Dismissed)

*By reason of its scale and location in a village lacking in many basic services and facilities, the development does not comprise infilling in a village where historically only infilling is allowed and would be an uncharacteristic form of unsustainable development that would urbanise the village streetscene and set a precedent for further such applications that in equity would be difficult to resist and which cumulatively would undermine the policies of general restraint upon development in the less sustainable parts of the district. The case advanced in favour of the proposal and other material considerations are not considered sufficient to justify a departure from the development plan or the general advice of the NPPF to resist unsustainable development. The proposal is therefore considered contrary to Policies H2 and BE2 of the adopted West Oxfordshire Local Plan and the advice of the NPPF to secure sustainable development.*

- 15/01257/FUL: Erection of 4 dwellings with private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking; in all, to create an independent community for older people aged 60+. Approved 27.05.2015
- 16/01973/FUL: Erection of five dwellings. Refused 18.08.2016

*By reason of the design, siting and scale of the five dwellings and associated outbuildings the proposals are considered to constitute an overdevelopment of the site which will adversely urbanise the semi - rural character and appearance of the village street scene and further appear at odds with the generally smaller scale linear pattern of development that characterises the southern part of the village. This urbanising impact is likely to be further exacerbated by the pressure to lop and trim back existing mature tree and hedgerow planting which presently surrounds the periphery of the site due to relatively small proposed garden areas serving the detached dwellings. Further, as a result of the harm to the street scene and character of the area, the setting of the nearby listed buildings located to the north known as Dutton's Farm would be harmed, although this harm is judged less than substantial. The proposal is therefore considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011, Policies OS1, OS2, OS4, H2 and EH7 of the emerging Local Plan 2031, and relevant paragraphs of the NPPF. The level of harm identified is not outweighed by the limited benefits of the proposal when assessed against paragraphs 134 and 14 of the NPPF.*

- 16/03298/FUL: Erection of five dwellings with associated works and provision of vehicular and pedestrian accesses. Withdrawn 19.12.2016
- 17/01318/FUL: Construction of four detached dwellings and formation of vehicular access. Approved 14.06.2017
- 20/03101/S73: Variation of conditions 2 and 13 of permission 17/01318/FUL to allow amendments to the internal road realignment and drainage scheme. Approved 05.01.2021

5.7 The following planning history on land located immediately to the south of the site is also applicable:

- 20/01655/FUL: Erection of four new dwellings and associated works (AMENDED PLANS). Refused 28.01.2021 (Appeal withdrawn) reason of the siting, the proposed development will result in an urban form which does not form a logical complement to the existing pattern of this part of Curbridge. The proposed scale of the built form will be highly visible and will urbanise the existing low density character of this part of the village. Furthermore the siting of the dwelling at Plot 3, will result in a loss of residential amenity in terms of loss of privacy and overbearing to the existing properties at Glebe Cottage and Glebe House. In addition it has not been demonstrated that a suitable and effective method of discharging surface water has been explored to prevent flooding on and off the application site. Furthermore a FRA has not been submitted to assess the flooding risk.

The proposal is therefore considered to be contrary to Policies OS2, H2, EH7 and OS4 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

- 21/02175/FUL: Erection of four dwellings, with garaging and parking along with upgrading of the access onto the Lew Road and associated works. Approved 15.10.2021

5.8 The application is before the Lowlands Area Planning Sub-Committee as the officer recommendation is contrary to the views of the Parish Council.

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

Principle of Development;  
Siting, Design and Form;  
Heritage Impacts;  
Highway Safety;  
Drainage and Flood Risk;  
Trees and Ecology;  
Residential Amenities; and  
Conclusion

### **Principle of Development**

5.10 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchical approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (referred to as Salt Cross).

5.11 Curbridge is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.

5.12 Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages.....on undeveloped land within the built up area provided that the

proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.' The site is bounded by built form on all sides, as such, it is considered to be within the built up area and the proposed development can therefore be supported in principle.

5.13 The delivery of a single dwelling would also make a useful contribution in terms of housing land supply, helping to address the fact that in a recently dismissed appeal (ref: 3293656; Decision date: 10 August 2022) the Inspector concluded that the District Council cannot currently demonstrate a 5-year supply of housing land.

### **Siting, Design and Form**

5.14 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.15 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the NPPF.

5.16 Policy OS2 sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a. Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b. Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c. Avoid the coalescence and loss of identity of separate settlements;
- d. As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- e. 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;
- f. Conserve and enhance the natural, historic and built environment; and
- g. Be supported by all the necessary infrastructure.

5.17 It is vital that Local Planning Authorities issue consistent decisions, particularly for similar development proposals on the same site. The background to this site is that Oakwood Place contains four newly constructed homes and a previous scheme for 5 homes (ref 16/01973/FUL) was refused owing, in part, to the urbanisation of the area (along with heritage and tree impacts). At that point, officers took the view that the site could only accommodate four homes. A material change must therefore occur that would warrant the LPA coming to a different conclusion than the previous refusal.

5.18 For this site, there are three major material changes. Firstly, the scheme refused in 2016 was assessed against a different Local Plan; as such, prevailing policies and guidance have changed. Secondly, the approved scheme for four homes are laid out in a different manner to the five refused homes, such that it was not just a matter of removing one of the homes. Thirdly, a further development of four homes was approved on land to the south of the site in 2021 (21/02175/FUL) as such, the landscape has changed in the immediate area and it is not as rural as it was when assessed in 2016. Officers are satisfied that there is scope to come to a different conclusion than was found in 2016.

5.19 The development site is an area of amenity grassland intended to 'soften' the appearance of the four homes in Oakwood Place by creating a buffer between the new built form and the road. While that is noted, a detached dwelling and a semi-detached pair have now been approved (and are under construction) immediately to the south of the site. Those dwellings share a similar relationship to the road to the currently proposed dwelling. As such, the current single dwelling would be read in line with those homes approved to the south and would not result in a harmful urbanisation of the area as the area is now somewhat more urbanised than in 2016.

5.20 Oakwood Place is a high quality scheme of four 2 storey pitched roof detached homes with garages attached the side, mainly with accommodation above. Dormers are set into the eaves and high quality natural materials are utilised. The houses share a cohesive character and appearance; however, each dwelling has been individually designed. That design ethos clearly carries through into the single dwelling. Indeed, the same architect used for this single dwelling (TSH Architects) was also used for the Oakwood Place development.

5.21 To elaborate, the current dwelling is two storey, detached with a pitched roof and 4 out of 5 dormers set into the eaves. An attached garage with accommodation above is proposed. Matching high quality materials (Cotswold stone elevations, reproduction Cotswold slates roof tiles (such as Cardinal), timber/timber look windows) are also proposed. These will be secured by condition. The proposed dwelling is quite similar to, and clearly takes design cues from, the existing homes in Oakwood Place.

5.22 Officers are satisfied that the siting of the dwelling would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the buildings integrate successfully into the site and its surroundings (in particular the existing four homes in Oakwood Place) and would not be harmful to the character and appearance of the area. The proposed development is in accordance with Local Plan Policies OS2 and OS4.

## **Heritage Impacts**

5.23 The grade II listed Building 'Duttons Farm Barns' is located approximately 75m to the north of the site. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.24 Local Plan Policies EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.

5.25 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

5.26 With regard to the impact to the listed building. If approved, 5 homes would be erected in Oakwood Place and officers note that harm was found to the setting of the listed building as a result of a 5 home scheme in 2016. The officer report in 2016 explained that 5 homes would result in overdevelopment of the site which will adversely urbanise the semi - rural character and appearance of the village street scene and appear at odds with the generally smaller scale linear pattern of development that characterises the southern part of the village.

5.27 As set out above, the introduction of further built form to the south of the site has changed the landscape in this location and the semi-rural character has been somewhat eroded. The current scheme would appear more as an infill between built form rather than an encroachment into the landscape. Furthermore, the homes already constructed in Oakwood Place are very high quality and the application details set out that it is the intention to replicate this. Finally, the refused 5 home scheme was different in layout and scale to the four homes (plus the current dwelling) now proposed. Taking all of this into account, officers are satisfied that the proposed development would not cause harm to the setting of the listed building.

5.28 The proposal therefore accords with Local Plan Policies EH9 and EH11, and the NPPF insofar as they apply to the impact of the proposed development on listed buildings; and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Highway Safety**

5.29 Vehicular and pedestrian access to the new property will be via the existing shared access from the highway leading into Oakwood Place. The submitted planning statement explains that the garage benefits from internal dimensions according with the Oxfordshire County Council's parking standards. However, OCC requires internal dimensions of 6m x 3m whereas the garage is below this at 5.5m x 2.7m. The proposed dwelling therefore will benefit from two off-street parking spaces (one on the driveway and one within the garage) but only the driveway accords with the OCC guidance. While that is the case, there are no parking restrictions in the immediate area and the garage may still accommodate a smaller vehicle. Two further visitor parking spaces are also proposed in this application. Officers are satisfied that sufficient parking is present either at the site or in the immediate area to accommodate the parking requirements of the new dwelling.

5.30 Officers note the number of comments referencing the lack of a turning space within Oakwood Place and that this results in delivery drivers using private driveways to turn. While officers are sympathetic to this situation, it is an inconvenience, and not a sufficient reason to refuse the application. In any event, when the visitor spaces are unoccupied, this will result in an area to turn. Furthermore, OCC as the specialist highways officers have not objected to the proposal stating that 'the proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network'.

5.31 A comment was received explaining that during the construction of Oakwood Place, contractors parked on the highway and this resulted in highway safety issues by reducing visibility for those accessing their homes. In light of this explanation and when considering the size of the development site, officers consider securing a construction management plan by condition to be suitable. This will ensure the LPA maintains control over deliveries, parking and operating hours.

5.32 Officers are satisfied, based on the assessment above, that the proposed dwelling will have a safe and suitable access for all users and sufficient parking is proposed to serve the new and existing dwellings. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; and Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

### **Drainage and Flood Risk**

5.33 The site is within flood zone 1 and the LPA drainage team has not raised an objection subject to securing a surface water drainage scheme. While the applicant has submitted details with regard to

drainage in this application, the LPA drainage team do not consider the details to be sufficient and as such drainage details will be secured by condition.

### **Trees and Ecology**

5.34 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.35 The site is grassland with low ecological value, as such the scheme will not result in biodiversity loss. However, the proposed dwelling would be erected relatively close to a mature Ash and two Oak trees. While these are not protected, they are of amenity value and the submitted details explain that these are to be retained. As the Oak and Ash are outside of the red line, conditions cannot be added to the permission securing their protection and retention.

### **Residential Amenities**

5.36 The proposed dwelling would be erected in line with the adjacent dwelling to the east. As such, overbearing and overshadowing impacts are unlikely. However, owing to the siting of the new dwelling and the location of the first floor window serving a bedroom on the west side elevation of 4 Oakwood Place, some loss of light will occur to the occupiers of that bedroom. While that is noted, the window faces west so receives little direct sunlight and a further unobstructed roof light serves the bedroom. As such, the loss of light is not considered to be harmful to the living conditions of the occupier of the bedroom. The loss of outlook from this bedroom is also noted, however, outlook is available from the rooflight as such, this impact, while noted, is not thought to be harmful.

5.37 New rear dormers are proposed that will look onto the development to the south. However, these views are to a front garden and turning head and are mitigated by the ash tree. As such, loss of privacy and overlooking impacts are unlikely.

5.38 Sufficient external amenity space is proposed to serve the dwelling.

5.39 Officers are satisfied, for the reasons outlined, that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light from cars parking), odours or vibration.

### **Conclusion**

5.40 The development is supported in principle. The dwelling would not harm the setting of Duttons Farm Barns. The design, scale and appearance is acceptable and would not result in a harmful urbanisation of the area. Highways, amenity, ecology, trees and drainage impacts are also acceptable.

5.41 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

5.42 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 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. Prior to work commencing on the site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following details:

Development contacts, roles and responsibilities

Public communication strategy, including a complaints procedure.

Hours of operation.

Dust suppression, mitigation and avoidance measures.

Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.

Use of fences and barriers to protect adjacent land, properties, footpaths and highways.

Details of parking and traffic management measures.

Delivery arrangements.

Avoidance of light spill and glare from any floodlighting and security lighting installed.

Wheel washing facilities

REASON: To prevent pollution of the environment and in the interests of amenity and in the interests highway safety.

4. Prior to the carrying out of any construction work above ground level, samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

REASON: To safeguard the character and appearance of the area.

5. Prior to the erection of any external wall of the development hereby approved, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur. This condition is agreed with the applicant.

6. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before the first 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.

7. The dwelling hereby approved shall not 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 be completed in accordance with the approved details and retained as such thereafter. Where hedgerows are proposed, these shall be planted and thereafter maintained in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: To safeguard the character and appearance of the area.

8. The development shall be completed in accordance with the recommendations in the Preliminary Ecological Assessment 2022 (dated 11/05/22) prepared by 4 Acre Ecology Limited. All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.

REASON: To ensure that biodiversity is protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. 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 residential amenities of the existing and proposed occupiers, and to protect the visual appearance and context of the area.

#### INFORMATIVES :-

#### **Notes to applicant**

- I Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed

development.

- 2 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

- 3 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Wall, roof and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy efficient appliances and water recycling measures
  - Sustainably and locally sourced materials

For further guidance please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

- 4 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (1.2 December 2021)
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - CIRIA C753 SuDS Manual 2015

**Contact Officer:** David Ditchett  
**Telephone Number:** 01993 861649  
**Date:** 31st August 2022



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## West Oxfordshire District Council – DELEGATED ITEMS

### 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 17th August 2022

Application Number.	Ward.	Decision.
I. 21/03250/CND	Witney South	APP
Discharge of Conditions 5 (access), 7 (drainage scheme) and 8 (boundary treatment) of permission 21/00667/FUL 147 Burwell Drive Witney Oxfordshire C/o Agent		

- |    |   |  |     |
|----|---|--|-----|
| 2. | <b>22/00087/CND</b>   | Hailey, Minster Lovell and<br>Leafield | APP |
|    | <p>Discharge of conditions 5 (details of access between the land and the highway) and 7 (details of bat roosting and nesting opportunities) of planning permission 21/03323/HHD<br/> <b>I Yorke Cottages New Yatt Road Witney</b><br/>         Mr Daniel Beasley</p>  |  |     |
| 3. | <b>22/00295/FUL</b>   | Ducklington                            | APP |
|    | <p>Earthworks and dropped kerb to form access, to serve car park.<br/> <b>Land North Of New Close Lane Ducklington</b><br/>         Ms Laryissa Davies</p>  |  |     |
| 4. | <b>22/00299/CND</b>   | Ducklington                            | APP |
|    | <p>Discharge of condition 12 (full surface water drainage scheme) of planning permission 21/02175/FUL<br/> <b>Land West Of Glebe Cottage Lew Road Curbridge</b><br/>         Mr T Northey</p>   |  |     |
| 5. | <b>22/00585/CND</b>   | Ducklington                            | APP |
|    | <p>Affecting a Conservation Area</p> <p>Discharge of conditions 4 (details of external windows and doors), Condition 5 (Larger Barn Southern Window Details), 8 (details of boundary treatment), 9 (full surface water drainage scheme), Condition 13 (Bat and Bird Box amendments), 14 (lighting design strategy for biodiversity) of planning permission 21/01007/FUL and condition 4 (details of external windows and doors) of planning permission 21/00582/LBC<br/> <b>9 Church Street Ducklington Witney</b><br/>         Mr Andrew Bevan</p> |  |     |
| 6. | <b>22/00763/CND</b>   | Witney West                            | SPL |
|    | <p>APPROVED:-REFUSED:-<br/> <b>Phase 3B Land At West Witney Downs Road Witney</b><br/>         Miss Fern Lynch</p>  |  |     |
| 7. | <b>22/00821/FUL</b>   | Alvescot and Filkins                   | REF |
|    | <p>Affecting a Conservation Area</p> <p>Conversion of existing forge and adjoining barn/outbuilding to create an independent dwelling together with associated works.<br/> <b>The Old Bull Inn Filkins Lechlade</b><br/>         Ms J Burwood</p>   |  |     |

8. **22/00921/CND** Ducklington APP  
Discharge of conditions 3 (schedule of materials), 5 (scheme for the landscaping), 6 (boundary treatment), 9 (access between the land and the highway) and 10 (full surface water drainage scheme) of planning permission 20/02605/FUL  
**2 Well Lane Curbridge Witney**  
Well Lane Homes Ltd
9. **22/00920/FUL** Standlake, Aston and Stanton APP  
Harcourt  
Demolition of existing, and construction of new clubhouse.  
**Clubhouse Heyford Lakes Stanton Harcourt**  
State Fishing Tackle
10. **22/00885/FUL** Hailey, Minster Lovell and WDN  
Leaffield  
Demolition of existing dwelling and erection of four new dwellings together with associated works including closing of existing vehicular access and formation of new in revised position.  
**112 Brize Norton Road Minster Lovell Witney**  
Jack James Homes Ltd
11. **22/01150/HHD** Witney South APP  
Affecting a Conservation Area  
Demolition of rear (attached) outbuilding and replacement in same materials to same dimensions to allow for conversion into dining/garden room.  
**129A Corn Street Witney Oxfordshire**  
Mr David Osman
12. **22/01207/CND** Brize Norton and Shilton WDN  
Discharge of condition 10 (scheme for biodiversity enhancement) of planning permission 21/01197/FUL  
**Land For Tactical Medical Wing RAF Brize Norton Carterton Road**  
Aquila ATMS Ltd
13. **22/01280/HHD** Carterton South APP  
Alterations to enlarge existing garage and re-position boundary walling to allow access.  
**3 Alderley Close Carterton Oxfordshire**  
Mr Daniel Shead

- |     |   |                                       |     |
|-----|---|---------------------------------------|-----|
| 14. | <b>22/01342/CND</b><br>Affecting a Conservation Area  | Witney South                          | APP |
|     | <p>Discharge of conditions 3 (schedule of materials) 4 (a Construction Traffic Management Plan) 5 (full details of Refuse Collection Vehicle manoeuvring) 6 (full surface water drainage scheme) 9 (details of 20 cycle spaces) and 10 (details of how the enforcement measures to prevent car parking) of planning permission 19/02013/FUL<br/> <b>27 Market Square Witney Oxfordshire</b><br/>           Mr Smith</p> |                                       |     |
| 15. | <b>22/01365/HHD</b>   | Bampton and Clanfield                 | APP |
|     | <p>Installation of air source heat pump on front elevation of outbuilding.<br/> <b>42 Mill Lane Clanfield Bampton</b><br/>           Mr Philip Steep</p>  |                                       |     |
| 16. | <b>22/01415/HHD</b>   | Brize Norton and Shilton              | APP |
|     | <p>Erection of a garden shed in rear garden.<br/> <b>2 Millis Road Brize Norton Carterton</b><br/>           Mr Simon Wooldridge</p>  |                                       |     |
| 17. | <b>22/01443/HHD</b>   | Hailey, Minster Lovell and Leafield   | APP |
|     | <p>Erection of two storey and single storey extensions, replacement open sided entrance porch, detached double garage and detached annexe comprising carer's accommodation and hydrotherapy pool. Replace existing 1.6m high entrance gates with new 1.8m gates.<br/> <b>Hollywell Cottage New Yatt Lane New Yatt</b><br/>           Mr Todd Holden</p>   |                                       |     |
| 18. | <b>22/01475/CLP</b>   | Standlake, Aston and Stanton Harcourt | WDN |
|     | <p>Certificate of Lawfulness (erection of side and rear extensions to existing property together with three ancillary outbuildings on the original plot of 1.04 acres (excluding access drive), addition of hardstanding to existing bungalow and proposed garaging.<br/> <b>Manor Bungalow 41B High Street Standlake</b><br/>           Mrs Zoe Davies</p>   |                                       |     |
| 19. | <b>22/01479/S73</b>   | Witney South                          | APP |
|     | <p>Variation of condition 2 of planning permission 21/03115/FUL to allow the addition of flat roof over jet wash bays.<br/> <b>Witney Service Station Welch Way Witney</b><br/>           Motor Fuel Group Ltd</p>  |                                       |     |

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| 20. | <b>22/01484/HHD</b><br>Affecting a Conservation Area<br><br>Two-storey rear extension and outbuilding<br><b>6 Church Lane Langford Lechlade</b><br>Haire  | Alvescot and Filkins                     | APP |
| 21. | <b>22/01527/HHD</b><br><br>Replacement of existing garden shed with new office/garden room. (Part retrospective).<br><b>43 Valence Crescent Witney Oxfordshire</b><br>Mr Dale Heast   | Witney West                              | APP |
| 22. | <b>22/01558/FUL</b><br><br>Erection of single storey front and first floor extensions together with alterations to existing single storey dwelling to create 2no 1 bed flats.<br><b>2 Marlborough Place Eynsham Witney</b><br>Ms Sylvia Lagden  | Eynsham and Cassington                   | APP |
| 23. | <b>22/01587/FUL</b><br><br>Construction of first floor extension above existing garages to create self contained living accommodation.<br><b>Friesland Shilton Burford</b><br>Mrs Lay   | Brize Norton and Shilton                 | APP |
| 24. | <b>22/01591/HHD</b><br><br>Remove existing rear timber gate and border fencing and replace with new single and double timber gates.<br><b>127 Farmers Close Witney Oxfordshire</b><br>Mr George Brehar  | Witney North                             | APP |
| 25. | <b>22/01595/HHD</b><br><br>Affecting a Conservation Area<br><br>Remove existing conservatory and erect single storey rear extension. Extend existing garages and create first floor bedroom with ensuite and storage space above.<br><b>6 Cote Road Aston Bampton</b><br>Mr And Mrs Berrows | Standlake, Aston and Stanton<br>Harcourt | APP |

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| 26.  | <b>22/01599/FUL</b> | Ducklington            | REF |
| <p>Construction of a detached dwelling and outbuilding comprising two bay car port and shed together with associated works.<br/> <b>Land (E) 435711 (N) 208024 Witney Road Ducklington</b><br/>         Strainge Investments Ltd</p>   |                     |                        |     |
| 27.  | <b>22/01600/HHD</b> | Eynsham and Cassington | APP |
| <p>Affecting a Conservation Area</p> <p>Alterations to include garage conversion with first floor extension above. Changes to existing vehicular access. (amended)<br/> <b>11 Orchard Close Eynsham Witney</b><br/>         Mr And Mrs Gill</p>  |                     |                        |     |
| 28.  | <b>22/01601/HHD</b> | Witney North           | APP |
| <p>Affecting a Conservation Area</p> <p>Alterations to include construction of entrance porch, erection of single storey rear extension and garage conversion with new roof above. Associated external works to create additional off-street parking and widening of dropped kerb.<br/> <b>16 Early Road Witney Oxfordshire</b><br/>         Mr And Mrs Wild</p> |                     |                        |     |
| 29.  | <b>22/01618/HHD</b> | Alvescot and Filkins   | APP |
| <p>Affecting a Conservation Area</p> <p>Formation of 2 new window openings and timber windows (amended description)<br/> <b>Ramblers Cottage The Walk Main Road</b><br/>         Mr Seth Dixon</p>   |                     |                        |     |
| 30.  | <b>22/01630/HHD</b> | Witney South           | APP |
| <p>Affecting a Conservation Area</p> <p>Two storey side extension and alterations to enlarge the existing ground floor, and create a first floor bedroom.<br/> <b>38 Langdale Gate Witney Oxfordshire</b><br/>         Mr Martin Matthews</p>  |                     |                        |     |
| 31.  | <b>22/01642/HHD</b> | Carterton North East   | APP |
| <p>Rear single storey extension<br/> <b>142 Bluebell Way Carterton Oxfordshire</b><br/>         Mr Keith Morris</p>  |                     |                        |     |

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| 32.   | <b>22/01649/FUL</b> | Carterton North West                     | WDN |
| <p>Erection of detached dwelling, with access as approved under application 20/02422/FUL.<br/> <b>Carton Lodge Swinbrook Road Carterton</b><br/>         Mr David Abbots</p>  |                     |  |     |
| 33.   | <b>22/01650/FUL</b> | Witney South                             | REF |
| <p>Affecting a Conservation Area</p> <p>Installation of air conditioning unit<br/> <b>43 - 45 Market Square Witney Oxfordshire</b><br/>         Mr STEPHEN HODGE</p>  |                     |  |     |
| 34.   | <b>22/01667/FUL</b> | Standlake, Aston and Stanton<br>Harcourt | REF |
| <p>Demolition of two redundant farm buildings: Change of use of the site of application from agricultural to residential use: the erection of a one and a half storey detached single dwelling with integral garage: modification to existing access gate.<br/> <b>Former Magdalen Farmyard Abingdon Road Standlake</b><br/>         Mr Andrew Townsend</p> |                     |  |     |
| 35.   | <b>22/01672/HHD</b> | Alvescot and Filkins                     | APP |
| <p>Affecting a Conservation Area</p> <p>Proposed Conversion of Garage and Single Storey pitched roof extension with glazed link extension (amended description)<br/> <b>Ivy Cottage Lower End Alvescot</b><br/>         Mr Jeremy Mawle</p>   |                     |  |     |
| 36.   | <b>22/01691/FUL</b> | Carterton South                          | APP |
| <p>Extension and first floor conversion to bedroom and bathroom in 64C . Alteration to entrance doorway in 64B. Addition of dormer and two rooflights to 64C.<br/> <b>64A Corbett Road Carterton Oxfordshire</b><br/>         Mr Ashley Farmer</p>  |                     |  |     |
| 37.   | <b>22/01692/S73</b> | Brize Norton and Shilton                 | APP |
| <p>Variation of condition 2 of planning permission 22/00058/HHD to change the existing approved scheme from a flat roof garage to a pitched roof garage.<br/> <b>23 Bellenger Way Brize Norton Carterton</b><br/>         Mr Jordan Hellaby</p>   |                     |  |     |

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| 38. | <b>22/01700/HHD</b>   | Standlake, Aston and Stanton<br>Harcourt | APP |
|     | <p>Demolition of existing store and erection of two storey extensions to side and rear of existing dwelling (amendment to previously approved application 22/00864/HHD)</p> <p><b>20 Heyford Close Standlake Witney</b></p> <p>Mr Dan Cannon</p>              |  |     |
| 39. | <b>22/01705/HHD</b>   | Bampton and Clanfield                    | REF |
|     | <p>Proposed two storey pitched roof side and rear extension, first floor pitched roof side extension and erection of detached pitched roof carport with first floor study.</p> <p><b>Manor Cottage Bampton Road Black Bourton</b></p> <p>Mr Divya Dattani</p> |  |     |
| 40. | <b>22/01745/HHD</b>   | North Leigh                              | APP |
|     | <p>Existing conservatory removed and replaced with single-storey rear extension.</p> <p><b>40 Common Road North Leigh Witney</b></p> <p>Mr And Mrs Carlos And Jenny Soave</p>   |  |     |
| 41. | <b>22/01712/HHD</b>   | Witney Central                           | APP |
|     | <p>Single Storey Rear Extension</p> <p><b>46 Park Road Witney Oxfordshire</b></p> <p>Mr and Mrs M Cartwright</p>  |  |     |
| 42. | <b>22/01727/HHD</b>   | Standlake, Aston and Stanton<br>Harcourt | APP |
|     | <p>Remove part of front stone wall and create a single parking space in the front garden</p> <p><b>9 The Green Standlake Witney</b></p> <p>Mr Daniel Taylor</p>   |  |     |
| 43. | <b>22/01754/HHD</b>   | Alvescot and Filkins                     | APP |
|     | <p>Affecting a Conservation Area</p> <p>Infill sides to enclose existing rear porch and replace two sets of french doors with large sliding doors.</p> <p><b>4 New Cottages Kelmscott Lechlade</b></p> <p>Mrs Gunnel Welford</p>                              |  |     |

44. **22/01724/FUL** Eynsham and Cassington REF  
Affecting a Conservation Area
- Replacement of existing single glazed timber framed windows with double glazed PVC windows  
**4 Lombard Street Eynsham Witney**  
Mr Kenneth Cope
45. **22/01725/CND** Witney South APP  
Discharge of conditions 3 (schedule of materials) 5 (details of external lighting) and 6 (scheme for biodiversity) of planning permission 21/02210/FUL  
**Unit 1-5 Avenue Two Witney**  
Mr Gary Lees
46. **22/01731/HHD** Witney East WDN  
Erection of a 3 storey rear extension with tiled gable roof. Loft conversion providing additional living space and 2 bedrooms with gable roof. Addition of 4x Velux windows, 2 on the east elevation and 2 on the west elevation. Addition of 2 new windows on the south elevation  
**29 Larch Lane Witney Oxfordshire**  
Mr Jez Wood
47. **22/01740/CND** North Leigh APP  
Discharge of condition 4 (comprehensive landscape scheme) of planning permission 21/02109/S73  
**Eynsham Hall North Leigh Witney**  
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48. **22/01741/HHD** Ducklington APP  
Remove a Juliet balcony and add a spiral staircase to provide direct access from the coach house (On the first floor) to the garden area that belongs to the property.  
**18 Fritillary Mews Ducklington Witney**  
Ms Lauren Buckingham
49. **22/01749/HHD** North Leigh APP  
Erection of a detached single storey wooden outbuilding for storage in the garden of the main dwelling  
**30 Gough Close North Leigh Witney**  
Mr Bradley Eaton

50. **22/01781/HHD** Standlake, Aston and Stanton APP  
Harcourt  
Affecting a Conservation Area  
  
Form an art studio instead of a sunroom (amendment to previously approved 09/0298/P/FP)  
**The Thatched Cottage North Street Aston**  
Mr & Mrs Cracknell
51. **22/01801/S73** Alvescot and Filkins APP  
Affecting a Conservation Area  
  
Removal of condition 6 (details of access between land and highway) of planning permission 20/00479/HHD  
**Garden Cottage Main Road Alvescot**  
Mr Philip Johnson
52. **22/01812/HHD** Eynsham and Cassington APP  
  
Two storey rear extension and internal alterations  
**35 Dovehouse Close Eynsham Witney**  
Kirsty Edmunds
53. **22/01817/CND** Standlake, Aston and Stanton APP  
Harcourt  
  
Discharge of condition 3 (schedule of materials) of planning permission 20/02037/HHD  
**Larkfield House Lancott Lane Brighthampton**  
mrs sarah rivers
54. **22/01840/FUL** Hailey, Minster Lovell and WDN  
Leaffield  
  
Construction of a garage and new vehicular access to the north of the main house  
**Dene House Lower End Ramsden**  
Mr Mike Rowe
55. **22/01843/HHD** Carterton North East APP  
  
Single story rear extension (retrospective) and proposed loft conversion and garden store  
**12 Cedar Road Carterton Oxfordshire**  
Mr Nick Rowland

56. **22/01844/ADV** Witney West APP  
 Installation of various advertisement signs, internally illuminated and non-illuminated, comprising 4 fascia signs, 1 projecting sign, 5 vinyl signs and 4 dibond panels.  
**1 Edington Square Witney Oxfordshire**  
 Mr Andy Horwood
57. **22/01850/HHD** Bampton and Clanfield REF  
 Demolition of conservatory and erection of two storey rear extension to provide enlarged garden room and kitchen and two further bedrooms. Addition of front dormer window.  
**7A Colville Close Bampton Oxfordshire**  
 C/o Agent
58. **22/01851/S73** Standlake, Aston and Stanton APP  
 Harcourt  
 Variation of condition 2 (approved plans) of planning permission 21/04032/HHD to allow design changes  
**25 Rack End Standlake Witney**  
 Mr And Miss J And A Collett And Firth
59. **22/01856/HHD** Eynsham and Cassington APP  
 Affecting a Conservation Area  
 Demolition of an existing two storey rear extension and replacement with a single storey rear extension and the addition of two dormer windows at roof level to number 9. Relocation of the existing boundary fence between number 7 and 9.  
**9 Cassington Road Eynsham Witney**  
 Mrs Julia And Patricia Hyde
60. **22/01884/CND** Carterton North West APP  
 Discharge of conditions 3 (schedule of materials) 7 (Construction Method Statement) 9 (full surface water drainage scheme) 10 (scheme of landscaping) and 11 (details of boundary treatment) of planning permission 19/02644/FUL  
**31 Home Close Carterton Oxfordshire**  
 Mr Gary Rowbotham
61. **22/01889/LBC** Witney Central WDN  
 Affecting a Conservation Area  
 Internal and external alterations to convert existing two flats into one residential unit.  
**77 High Street Witney Oxfordshire**  
 Mr J Aimes

62. **22/01911/HHD** Witney South APP  
Affecting a Conservation Area
- New shed. Replace existing windows and doors (with some minor alterations to fenestration). Installation of solar panels to South elevation. Replacement of existing timber cladding (amended)  
**3 Farm Mill Lane Witney Oxfordshire**  
Mr and Mrs John and Beth Clutterbuck
63. **22/01920/PN42** Witney North P2NRQ
- Flat roof rear extension and lantern rooflight to kitchen to provide family dining room  
**34 Vanner Road Witney Oxfordshire**
64. **22/01972/HHD** Eynsham and Cassington REF
- Proposed rear extension, loft conversion, new dormer, new raised roof, minor internal works  
**47 Eynsham Road Cassington Witney**  
Mr And Mrs Jackson
65. **22/01979/CND** Eynsham and Cassington APP
- Discharge of condition 4 (Method statement) of Listed Building Consent 21/04109/LBC  
**Gill Mill Tar Road Stanton Harcourt**  
Mr Maynard
66. **22/01997/PN42** Brize Norton and Shilton WDN
- Construction of an additional storey to existing bungalow to create first floor living space works to include the erection of a porch and single storey extension.  
**Sturt Farm Bungalow Sturt Farm Oxford Road**  
Sturt Farm Burford Ltd
67. **22/02063/NMA** Witney West APP
- Erection of 4 employment units (Class E (g iii), B2 and B8) with drainage, car parking and landscaping (non-material amendment to boundary treatment plan to include extended acoustic fence).  
**Land (E) 432925 (N)209696 Downs Road Curbridge**  
Carbide Properties And NFU Mutual Insurance Society Ltd

68. **22/02097/NMA** Alvescot and Filkins APP  
Affecting a Conservation Area
- Erection of a detached garage with log store and storage and revised driveway and parking arrangements all to serve approved dwelling currently under construction. (Amended) (non-material amendment to allow addition of oak frame porch to front (north elevation) of new dwelling.  
**Park Farm Lower End Alvescot**  
Mr Joe Harter
69. **22/02129/NMA** North Leigh APP
- Demolition of existing bungalow and erection of a dwelling with detached garage (non-material amendment to move ground floor window in West elevation and use obscure glass , reposition log burner including chimney and lower floor levels).  
**26 Park Road North Leigh Witney**  
Mr Robert Sutton
70. **22/02154/NMA** Witney East APP
- Flat roof extension with lantern skylight to side of property (non-material amendment to allow the increase in the depth of the extension by an additional 550mm).  
**109 Eton Close Witney Oxfordshire**  
Mrs Jessica Reilly

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## **Lowlands Appeal List (02/08/2022 – 31/08/2022)**

21/03193/FUL – 2 Springfield Park Witney

*Construction of detached dwelling and formation of new access onto Springfield Park.*

(Delegated decision)

### **REFUSAL REASONS:**

1. The proposed development by reason of its siting and detached form, is considered to form an incongruous feature within the established character of semi detached dwellings along this part of Burford Road. As such the proposal is considered to be contrary to Policies OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
2. The proposed development would have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network due to inadequate parking provision in conflict with Policies T2 and T4 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

### **DECISION**

#### **DISMISSED –**

The Inspector agreed that the proposed development would harm the character and appearance of the appeal site and surrounding area and agreed that the development would result in conditions that would prejudice highway safety and the convenience of existing residents.

21/03849/PN56 – Fir Tree Farm Barnard Gate Witney

*Conversion of an agricultural barn to a dwelling house.*

(Delegated decision)

### **REFUSAL REASON:**

The proposal fails to meet the requirements of Part 3, Class Q(b) and Q.1(i) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) due to the works required to convert the building exceeding what is reasonably necessary for the building to function as a dwellinghouse. The building is unsuitable for conversion and therefore the proposal is not considered to be permitted development.

### **DECISION**

#### **DISMISSED –**

The Inspector agreed that the existing building is not suitable for conversion and that the building is not capable of functioning as a dwelling without building work which would go beyond what is 'reasonably necessary' to facilitate a conversion.

20/02507/FUL – Chillbrook Farm Barnard Gate Witney

*Creation of new vehicular access (utilising existing gated entrance into paddock) and pedestrian access in the form of a footbridge, both to serve new dwelling currently under construction.*

(Delegated decision)

**REFUSAL REASON:**

The proposed vehicular access by reason of its siting and materials would have an unacceptably urbanising impact on the landscape which currently benefits from an open undeveloped rural character. The development would fail to conserve or enhance the character and appearance of the rural landscape and fails to meet the sequential, risk-based approach. The proposal is therefore contrary to policies OS2, EH2 and EH7 of the West Oxfordshire Local Plan 2031, and the relevant policies of the NPPF.

**DECISION**

**DISMISSED –**

The Inspector changed the description of development to ‘creation of new vehicular access (utilising existing gated entrance into paddock) to serve new dwelling currently under construction’.

The Inspector found that it is likely that the proposed access to serve the new dwelling under construction could be sited in an area at lower risk from flooding. As such, the proposed development would not be suitably located having regard to the sequential, risk-based approach to flood risk set.

However, the Inspector did not agree with the Council with regard to matters of character and appearance noting that ‘the proposed development would protect and conserve the character and appearance of site and the surrounding rural landscape’.


18/00118/PENF - 17 Ashcombe Close Witney

*The breach of planning control as alleged in the notice is without planning permission the erection of an unauthorised wall and gated enclosure.*

*The requirements of the notice are (1) permanently remove the whole structure, which includes the front and side walls, pillars, gate and metal railings, (2) permanently remove from the land all building materials deriving from the removal of the unauthorised wall and gated enclosure.*

**DECISION**

**The appeal is dismissed and the enforcement notice is upheld** – The Inspector agreed that the development did not fall within the criteria of the GPDO and as such, the notice was upheld.

 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>Lowlands Area Planning Sub-Committee: Monday 12 September 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. 6</b></p>
<p>Subject</p>	<p><b>Progress on Enforcement Cases</b></p>
<p>Wards affected</p>	<p>As specified in <a href="#">Annex A</a></p>
<p>Accountable officer</p>	<p>Abby Fettes, Business Manager, Development Management Email: <a href="mailto:Abby.Fettes@publicagroup.uk">Abby.Fettes@publicagroup.uk</a></p>
<p>Author</p>	<p>Kelly Murray, Principal Planner (Enforcement and Appeals) Tel: 01993 861674 Email: <a href="mailto:Kelly.Murray@westoxon.gov.uk">Kelly.Murray@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations</p>
<p>Annex</p>	<p><a href="#">Annex A</a> – Schedule of cases (Sections A to C)</p>
<p>Recommendation</p>	<p>That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of <a href="#">Annex A</a> be noted.</p>
<p>Corporate priorities</p>	
<p>Key Decision</p>	
<p>Exempt</p>	

## **1. BACKGROUND AND MAIN POINTS**

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 280 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 20% of the total caseload.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. There are no financial implications resulting from this report.

## **3. ALTERNATIVE OPTIONS**

- 3.1. Not applicable, as the report is for information.

## **4. BACKGROUND PAPERS**

- 4.1. None

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

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.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
27 Cherry Tree Way, Witney	Unauthorised storage of materials relating to the occupier's business.	<p>EN 565 was served in 2016 requiring removal of items relating to the occupier's business.</p> <p>The EN was complied with and the case closed.</p> <p>Unauthorised storage recommenced in around 2019 and the Council served a further EN in March 2020 to cover storage on an area of land not included in the original notice.</p> <p>EN was not complied with and so an injunction was sought and granted.</p>	<b>Substantial compliance with the Order has been achieved. Case will be closed.</b>
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received. EN not complied with.	<b>The next step is to consider what further steps would be expedient to secure compliance with the notice. Officers are arranging for a meeting with the Counter-fraud team.</b>

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington (also known as Dove House)	<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 11)</p>	<p>Retrospective applications were submitted in an attempt to regularise the unauthorised development.</p> <p>An Enforcement Notice was issued in respect of unauthorised works to the barn located to the west of the main farmhouse. An enforcement appeal was dismissed and the EN upheld with corrections requiring the removal of two front porch extensions and lowering the eaves and ridge height of the building by 6<sup>th</sup> July 2020.</p> <p>Following the commencement of legal proceedings the contravener was given a further 12 months to comply with the notice which he failed to do.</p>	<b>The case has been transferred to the Council's Counter-fraud team and will shortly be listed for a hearing at Oxford Magistrates Court.</b>

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

The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed (or where it has passed and the notice has been complied with).

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
17 Ashcombe Close, Witney	Unauthorised enclosure of the front garden	The front garden is enclosed by a wall greater than a metre in height. The unauthorised wall is	<b>Attempts to negotiate with the land owner failed and the Council served an enforcement notice in February this year. This was appealed and the</b>

		considered harm the visual character and appearance of the area.	<b>appeal was dismissed at the end of August. The contravener has 4 months (until the end of December) to remove the works.</b>
Home Farm, Barnard Gate	Unauthorised storage		<b>The Council served an enforcement notice in May this year which requires cessation of the use of the land for storage and repair of vehicles and mobile homes. This is now the subject of an appeal.</b>
Land at Thorney Leys	Non -compliance with the approved landscaping scheme under 16/02718/CND (15/00647/FUL)	Since March 2021 progress has been made in terms of securing landscaping and planting maintenance on the areas of land relating to Sovereign Housing. However, the planting on land outside of the control of SH has failed and the site looks unkempt.	<b>A breach of condition notice was served in July giving a compliance period of 150 days in which to carry out the approved landscaping scheme.</b>
Weald Manor Farm, Bampton	Works not in accordance with the approved plans (15/02150/FUL) for the range of buildings to the rear of the site.  Unauthorised outbuilding and extension of curtilage.  Unauthorised conversion and change of use of barn to a dwelling.		<b>The Council served three enforcement notices in respect of these breaches in May. No notice of appeal has been received and so they will have come into effect in June. They require action to be taken by mid-October (demolition of garage), and December (reinstatement of barn and compliance with approved plans).</b>

Land South of Main Road, Curbridge	<p>Unauthorised change of use of land from agriculture to storage of builders/waste materials.</p> <p>Unauthorised hard standings.</p>	The landowner has claimed that the use of the land for storage purposes is lawful, but no application for an LDC has been submitted in an attempt to substantiate the claim.	<b>Enforcement notices were served in February of this year. They are the subject of an appeal and an inquiry in November has been scheduled.</b>
66 Corn Street, Witney	Unauthorised outbuilding in the curtilage of a listed building and in the conservation area.	Planning permission was refused for the retrospective building under 21/02061/FUL	<b>The Council served an enforcement notice in June. This is currently the subject of an appeal.</b>
Netherby Farm, Swerford	Unauthorised residential occupation of caravan	Members resolved to refuse planning permission for temporary residential use.	<b>The Council served an enforcement notice in May. This is currently the subject of an appeal.</b>
Land at Mount Pleasant Farm, Northmoor	<p>Unauthorised storage use.</p> <p>Unauthorised residential caravan</p> <p>Construction of a motocross track and use of the land for motocross.</p>	<p>Enforcement Notices in respect of these breaches were served in</p> <p>An appeal was made and a public inquiry held, following which PINS dismissed the appeals. The deadline for compliance with the EN was July.</p>	<b>A recent inspection from adjoining land appeared to show that a large proportion of the unlawful stored items were no longer in situ. A formal site visit will be arranged with the occupier within the next few weeks to confirm this and also to inspect the area of the motocross track.</b>
34 Woodford Mill, Witney	Unauthorised replacement windows	<p>Planning application to retain the windows was refused and an appeal subsequently dismissed.</p> <p>EN issued and appealed. Appeal subsequently withdrawn.</p>	<b>On a recent site visit Officers considered substantial compliance to have been achieved. Case closed.</b>

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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.		<b>There remain breaches of planning control on a number of plots within the established site area of The Paddocks.</b>  <b>There remains a multi-agency approach being taken to the Paddocks which is being led by the Council's ERS team. ERS officers have been visiting on a regular basis in order to assess the number of caravans on the plots, who is occupying the vans and any health and safety issues arising.</b>  <b>At the time of writing an application has been submitted in respect of plot 12 (seeking permission for 9 gypsy caravans). The merits of the planning application in respect of plot 12 are still under consideration at the time of writing.</b>
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, the siting of metal containers and parking of vehicles in association with a stone masonry business	This site is located within the Green Belt and the flood plain.	<b>The landowner and his agent were considering submitting an application for an LDC in relation to the storage use. Officers are of the view that this would not be successful and are now considering the expediency of enforcement action.</b>
Crawley Inn, Crawley	Unauthorised residential caravans	It would appear from recent site visit that there are caravans located on land behind the car park serving the pub.	<b>The landowner is claiming a lawful use in respect of the siting of residential caravans on the land. To date no CLEUD application has been received.</b>
Lavender Cottage, Minster Lovell	Non-compliance with conditions attached to	Hardstanding has been constructed without discharging details in respect of access	<b>The owners have been given opportunity to rectify the breaches but have failed to do so. Officers are now considering the expediency of enforcement action.</b>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	17/03978/HHD-creation of hardstanding for car parking.  Siting of wooden outbuilding within car parking area.	construction details and hard and soft landscaping scheme.  Wooden bin storage has been placed on the parking area in breach of condition.	
Little Willow, Eynsham	Alleged unauthorised hardstanding and extension of the site onto adjoining land.  Breach of condition relating to numbers of residential units on site.	The contravener has met on site with Officers claiming that there is no breach.  An EN was issued in 2021 in respect of the hardstanding but was subsequently withdrawn for technical reasons.	<b>In respect of the hard standing, the next step is to serve a further Enforcement Notice.</b>  <b>In September 2021 Officers refused an application to increase the numbers of residential units on the site and this is currently the subject of an appeal. If the appeal is dismissed Officers will then be considering the expediency of enforcement action. A PCN is being prepared to obtain further information with this in mind and also in respect of the unauthorised hard standing/extension of the site which is intrinsically related to the increase in occupiers on the site.</b>