

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 20th June 2022**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

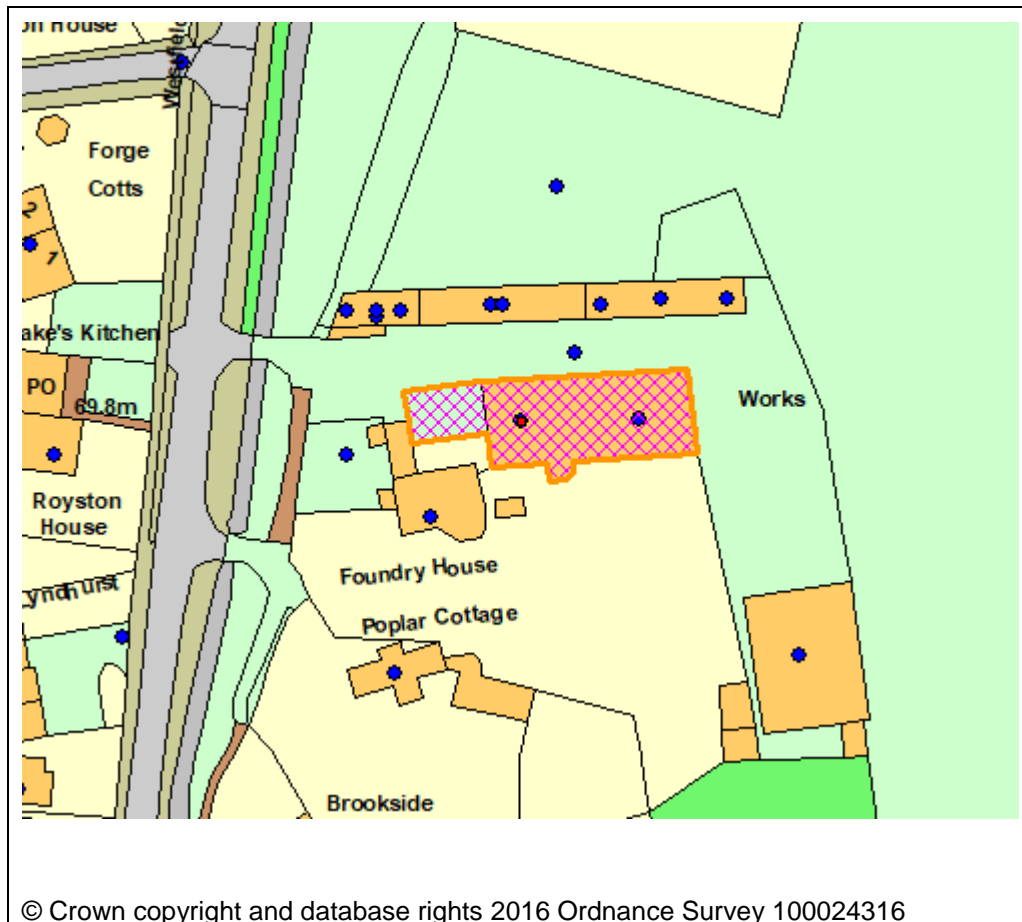
Please note that:

1. 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>
11-19	21/01924/S73	Right Side Unit B The Old Foundry	Kelly Murray
20-33	21/03834/FUL	10 Burford Road Carterton	David Ditchett
34-53	22/00723/FUL	Land West Of Ferndale New Yatt Road	Esther Hill
54-61	22/00947/FUL	Brooklyn Nurseries 65 Shilton Road	Sarah Hegerty

Application Number	21/01924/S73
Site Address	Right Side Unit B The Old Foundry Main Street Clanfield Bampton Oxfordshire OX18 2SP
Date	8th June 2022
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Clanfield Parish Council
Grid Reference	428537 E 201885 N
Committee Date	20th June 2022

### Location Map



**Application Details:**

Variation of Condition 3 of application 18/01411/FUL (Change of use from Car Sales/Motor home Hire to Boxing and Fitness Gym/Motor home Hire (Retrospective)) - Extension to permitted business hours, Mon-Fri 6am - 9pm and Sat-Sun 8am - 4pm.

**Applicant Details:**

Mr Tom Brennan  
Right Side Unit B  
The Old Foundry  
Main Street  
Clanfield  
OX18 2SP

**I CONSULTATIONS**

Parish Council

Clanfield Parish Council has considered the documents relating to the above and wishes to make the following comments please.

Parking along Main Street.

The PC is currently in consultation with OCC Highways regarding the major problem of parking and traffic flow which have followed your earlier approval of a cafe (Blakes) and renovations to the Double Red Duke on the corner of Main Street/Pound lane with no adequate parking provision. This is a major problem for residents here.

This current application to extend the opening hours and increase the number of clients will exacerbate the situation further and we would request that you ensure that, should you approve this application, that customer parking is limited to within the boundary of the Old Foundry (Ticknells)

Noise/ Light nuisance to neighbouring properties

We have received complaints from local residents concerning this and particularly in respect of a residential property adjacent to the Boxing barn. The vibrations from the gym can be felt up to the first floor of the neighbouring property. Cars arrive and leave the site at all opening hours including late in the evening.

The noise is generally from users of the gym and includes shouting, equipment movement and loud music. Following resident complaints to WODC in the past the mitigations put in place have made little or no difference.

Please will you ensure that any lighting and extension of lit hours complies with Policy EH8.

ERS Env. Consultation Sites

I believe a response has already been provided for this application.

ERS Env. Consultation Sites	Thank you for consulting our team. I believe my colleague Neil Shellard, who deals with noise assessments, has responded to this consultation directly.
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>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</p>

## 2 REPRESENTATIONS

2.1 There has been an objection from the resident of the adjacent dwelling, which states:-

"We support the applicants' aims in their supporting statement, especially in that they are trying to help people with their mental health. However, doing so in a building which is not fit for purpose and lacks an appropriate buffer, they are having a negative effect on the mental health of their neighbours and nearby wildlife. Extending the hours for the gym beyond working hours, without mitigating the effect of the noise and light impacts, will disturb the neighbours and environment.

The main issues are noise and light pollution.

- **Noise:** There is no buffer nor adequate insulation in the large corrugated iron / plastic roof of the barn, or on the thin brick walls. If the gym was a new build it would be required to comply with current policies such as Policy EH8: Environmental protection (West Oxfordshire Local Plan 2031, 2018) in two areas. Noise, which states that 'New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.' We therefore request a Noise Impact Assessment is undertaken to provide reasonable solutions to the effects of the noise.
- **Light:** This is an issue for the extension of evening hours and the impact of light on neighbours and wildlife. We want to ensure that any lighting and extension of lit hours will comply with Policy EH8 which states 'Artificial Light 'The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where: the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light.
- In particular the noise issue has been raised previously as a complaint to the Council in the summer of 2020, which unfortunately did not produce productive results. The noise is generally from users and employees of the gym which can include shouting, equipment moving and music, which can be heard throughout the neighbouring garden and property.
- The vibrations from gym equipment rock the walls of the house, these vibrations can be felt up to the first floor of the neighbouring house. Part of an earlier planning approval included matting

added to the floor, which did little to make a difference because the building itself was never built with an intention to house a gym and therefore is not fit for this purpose.

- Cars arrive and leave from the site at all opening hours including late in the evening. Due to site constraints the cars are parked are within a few metres of the house and it is impossible to avoid the noise form the vehicles and light pollution from their headlights and the site security/parking lights.
- Although the area is not in a designated conservation area there are many species listed as protected by Natural England which have been spotted in the area including bats, hedgehogs and breeding birds. The location of the site is within and/or adjacent to habitat sites. Any wildlife or environmental surveys are not currently in the public access and we would like to ensure a survey has been done to identify issues and mitigation methods for any negative impact on these protected animals with the level of noise and light pollution anticipated.

Many of these issues could be resolved if the building housing the gym was updated to consider the natural and residential environment in which is located."

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

3.1 The applicant has stated: "As we are in an industrial yard, all of the other business are open (builders, bike shop, fishing shop, shed company) and making the usual noise during those daytime hours. Us having a couple of extra group sessions for the community (Sandwell Learning Centre, Mobility Classes for elderly people and a mother and child group were our ideas - we would also like to offer Holiday Clubs for children who qualify for Free School Meals - a brilliant initiative which aims to close the experience gap between children from financially better off families and less fortunate and also to ensure that they are provided with hot meals during the time Schools are closed. Many families rely on school dinners to help feed their children - the extra cost of food and childcare in the holidays can be devastating, leaving children hungry and unsupervised) would not have a significant impact on the noise in the industrial yard during the day time. Please note - we do not wish to add any additional group classes to our existing timetable in the evening. The hours are just day time like the other businesses in the yard.

"Please note: School Holiday Clubs would include a minibus dropping and collecting children to & from the gym. There would be no requirement for parking. Our Client's use the allocated parking in Tinknells Yard. I have read the concerns from both Ms Smith & The Parish Council and understand that Parking is an issue in Clanfield. With Blake's and The Double Red Duke, the road is often busy but this is not impacted by The Barn as we have our own parking on private land.

"I would like to briefly touch upon the complaint that we would have an adverse effect on wildlife by being open during usual business hours. We are wholly based inside The Barn and I strongly disagree that there would be any kind of disruption to the local wildlife & bats. The additional hours are during the day, which removes the light pollution issue. We are already permitted to operate in the evening."

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

E5NEW Local services and community facilities

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

This is an application under section 73 of the Town and Country Planning Act 1990 to vary condition 3 of permission 18/01411/FUL granted on 25 July 2018. The permission relates to the use of Unit B the Old Foundry, Main Street in Clanfield. The 2018 permission consented to a change of use from a use as premises for car sales/motorhome hire to a mixed use as a motorhome hire premises during week days and Saturdays and as a boxing gym in the evenings and on Sunday mornings. Condition 3 of the 2018 permission limits use of the boxing gym to the hours of 18:30 to 20:30 on Mondays to Fridays inclusive and from 8:30 to 11:30 on Sundays. The applicant wishes to extend the hours of operation so that the facility runs from 06:00 to 21:00 on Mondays to Fridays and from 08:00 to 16:00 on Saturdays and Sundays.

The premises is a large converted barn set back from the main road in Clanfield within a yard area occupied by commercial premises, including bike and fishing shops. Although the Main Street is in the heart of the village and there are residential properties nearby, one dwelling, Foundry House, is located immediately adjacent to Unit B.

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:

### **Parking/highways**

Some parking is available on the Main Street and within the wider village; however, representations have been made in respect of the potential for increased congestion along the Main Street. County Highways have been asked for their view on this but have not objected to the proposal for extended hours. There is parking availability within the forecourt in front of, and also behind, the barn. The applicant states that the proposed extension of hours for daytime use will be aimed at accommodating small groups of mainly local people: mother and baby groups and school classes and on this basis it is not anticipated that there will be a greatly increased demand for parking during the day. In any event, since there has been no objection from Highways, the application is considered to be acceptable in this regard.

### **Impact on wildlife**

The facility already has permission to operate during the evenings until 20:30. If permission were granted to extend the hours of operation during the weekdays, some of the extended hours (pre- 07:30 and post 15:30) would be hours of darkness during the winter months. Since the premises are within a yard that is already occupied by other commercial buildings and is close to the main street, there are likely to be sources of lighting already within the yard and there would be nothing to prevent lighting being installed by the other commercial premises. In this context, Officers consider it would be unreasonable to impose a condition restricting lighting.

## Residential Amenities

The building, unlike modern gymnasias which are often purpose-built and located on industrial estates away from residential areas, was originally an agricultural building and retains a utilitarian agricultural form, without the benefit of cladding or sound-proofing. Although it is one of a small number of commercial units, it is nevertheless located within a residential area and is directly adjacent to the garden of a residential property (within 2 metres of this dwelling).

When dealing with the 2018 application it was considered that the evening use and the use on Sunday morning would entail an increase in movement both on foot and by car and some noise disturbance arising from people entering and leaving the premises. In the context of a busy village location Officers thought this was unlikely to be of significance especially given that use of the facility would be limited to strict opening hours; nevertheless, conditions were imposed on the permission to minimise noise.

The boxing gym has now been operating since 2018 albeit it was closed during the lockdown periods in 2020 and early 2021. It would appear that in the time it has been operating, there has been some noise disturbance arising from dropping of weights, loud voices, music and vibrations from use of punch bags and this disturbance has occurred in spite of the noise mitigation measures set out by condition within the original permission. These are therefore factors that must be considered carefully in deciding this application, which, if successful, would allow any noise to continue over sustained periods of time during the week and at weekends.

The ERS Officer who visited the site at the time of the 2018 application (and suggested noise mitigation conditions pursuant to that visit) was consulted about this application and stated as follows:-

"I recall my site visit. Given the mixed residential context/adjacency, I think there are grounds for concern in relation to the impact of noise, if an extension of opening hours (intensification of use) especially the weekend hours are allowed. I don't think we would be comfortable supporting the hours especially the weekend extensions."

"... 6am is classed as a night time hour (daytime starting at 7am). Perhaps a professional technical noise assessment report is justified, to establish the weak points in the building and to spec a scheme of sound insulation mitigation. Other new gyms which have been allowed 24/7 openings (I'm thinking of the new one in Witney) have always first undergone such professional scrutiny."

Following this and in response to the concerns about noise and vibration the applicants were asked to undertake a technical noise assessment survey which was carried out during the period from 18 to 21 March 2022 (Friday pm to Monday am). It concludes that the noise made over the testing weekend did not deviate significantly from the ambient level of noise in the area. It finds no noise concerns exist and makes no mitigation recommendations. There are, however a few points that Officers would point to Members' attention:-

- The sound level meter was placed some 35 metres away from the location of the main receptor
- the house of the complainant, which is 2 metres away from the outer wall of the gym and it is unclear why it could not have been located at the front, which would have been much closer to the receptor;



- Vibrations - one of the main sources of complaint - were not measured;
- The sound level meter was placed near to the rear of the building where there is understood to be a car workshop. This may therefore have been picking up background noise from workshop operations during some of the monitoring time;
- The monitoring was carried out over a period from 15:15 on the Friday to 13:13 on the Monday, which is a fairly short period of time. Also, it does not explicitly state at what times during this period the gym was operating, it may be during the periods highlighted in blue on Figs 4.3 to 4.5 but this is not clear;
- There is no context given for the monitoring in terms of: how many people were in the gym at the time, what equipment was being used and whether music was being played (and if so, at what level);

The facility already has permission to operate during the evenings until 20:30 and on Sundays from 8:30 to 11:30. These periods fall outside normal working hours and so the facility as it currently lawfully operates already has potential to impact adversely upon residential amenity; it is important to remember that the gym will continue to be able to operate over these hours whatever the outcome of this application. The issue is whether there are likely to be noise impacts arising from the extended hours requested.

In terms of the extension to weekday hours, these are less likely to be of concern in terms of residential amenity given the location of the facility in a central-village location, within an established commercial yard housing other noise-generating businesses. However, Officers are mindful of the possibility that extension of the hours to enable use of the facility for the whole day and evening 5 days a week and most of each day at weekends has the potential for generating many more visits by increased numbers of people, including groups, with an accumulation of impacts by way of noise and disturbance. The technical report addressed only noise over a very limited period of time during which it was unclear what activity was taking place. It is entirely foreseeable in the event of increased numbers of clients and any installation of new equipment or relocation of existing punch bags that noise and vibration concerns might again arise given the basic nature of the building's structure. Whilst conditions might be imposed to minimise impacts it is difficult on the information provided to foresee what issues may arise once the facility, which was given permission in 2018 for a low-level community use, operates as a fully commercial venture competing in the fitness market. In this context, given the lack of any identified means to mitigate current and potential noise and vibration impacts, but also bearing in mind the pre-existing commercial use of the building and the benefits it ostensibly offers to the community, Officers consider a balance might fairly be struck by allowing an extension of hours to the weekdays only (after 07:00) to run until 20:30 in line with the current closing time.

## **Conclusion**

The applicants are seeking an extremely significant increase in the hours of operation of the gym facility from 13 to 91 hours per week, which will allow substantial intensification of the gym activity. Given the clear potential for noise and disturbance and the limitations of the technical report, Officers are concerned that any extension into hours outside normal working hours may cause unacceptable levels of nuisance to nearby residents. Had the technical report identified areas of weakness these might in turn have been dealt with by condition, however, it has concluded that there are no noise or disturbance problems. Since the report covered such a short period and did not describe how the

facility was operating at the times during which monitoring took place, Officers have been unable fully to assess the potential for disturbance were the extension of hours to be granted with the inevitable consequent intensification of activity. Given the location and context of the facility and the conditions already imposed on the 2018 permission, an extension of day time hours may be acceptable, however Officers would not recommend further extension of hours into the evenings and weekends on the basis of the information provided to date.

## 6 CONDITIONS

1 The mobile home hire use shall not take place other than between the hours of: -

- 08:00 to 17:00 on Mondays - Fridays
- 09:00 to 17:00 on Saturdays

REASON: To safeguard living conditions in nearby properties.

2 The use of the premises as a boxing gym facility shall be confined to the area marked in blue on plan X. It shall not be open as a boxing gym facility outside the following hours: -

- 07:00 to 20:30 on Mondays to Fridays;
- 08:30 to 11:30 on Sundays.

REASON: To safeguard living conditions in nearby properties.

3 (i) All external doors and all external windows shall be kept closed whenever there is music or amplified speech within the premises.

(ii) A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system in the premises and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of the authorised officer. The keys securing the noise limiter cabinet shall be held by the authorised manager only and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

REASON: To ensure residential amenity is preserved and maintained.

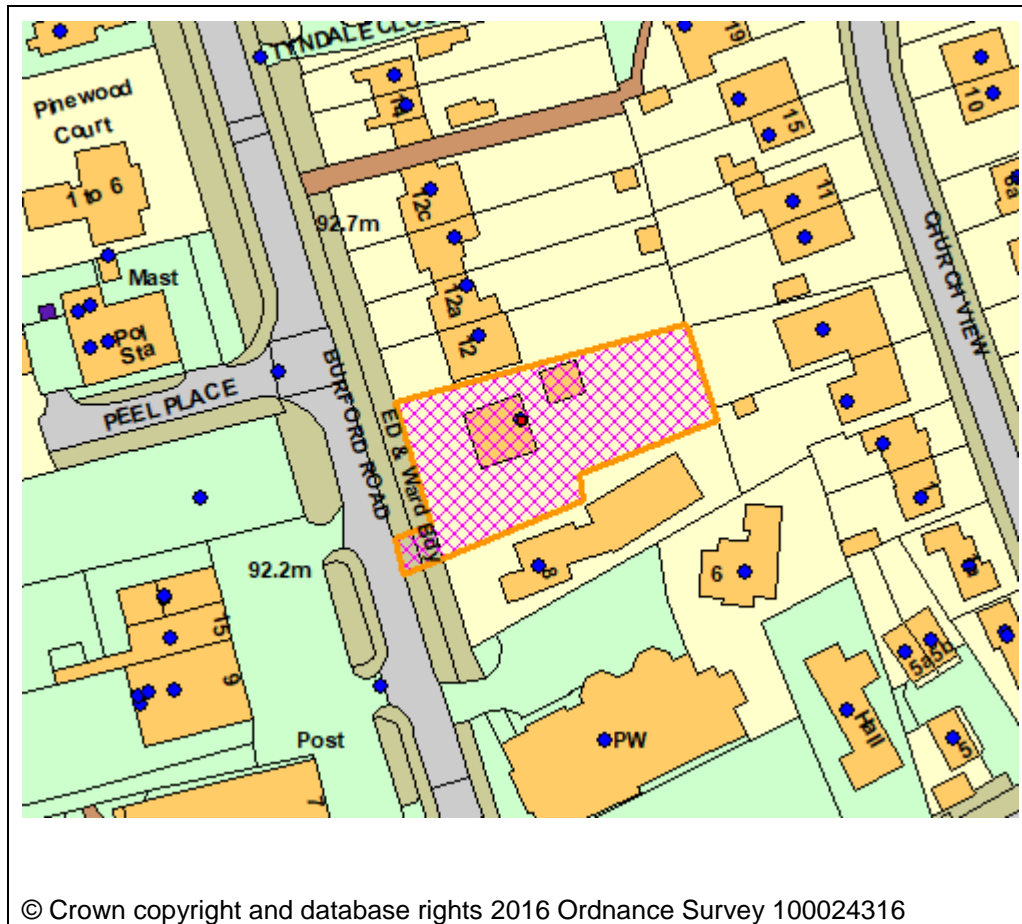
4 A proprietary high density gymnasium floor matting shall be retained at all times on the entire boxing gym floor.

REASON: To ensure residential amenity is preserved and maintained.

**Contact Officer:** Kelly Murray  
**Telephone Number:** 01993 861674  
**Date:** 8th June 2022

Application Number	21/03834/FUL
Site Address	10 Burford Road Carterton Oxfordshire OX18 3AA
Date	8th June 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	428089 E 206916 N
Committee Date	20th June 2022

### Location Map



### Application Details:

Demolition of existing bungalow and erection of six 2 bed flats together with associated parking and access.

**Applicant Details:**

Mr Don Herring  
17 Rock Close  
Carterton  
Oxfordshire  
OX18 3BP

**I CONSULTATIONS**

OCC Highways

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

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

- G28 parking as plan
- G11 access specification
- G13 close ex access and reinstate the public highway
- Safe and secure cycle parking in accordance with a scheme to be submitted and approved

ERS Env. Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. Please consider adding the following condition to any grant of permission as a precaution.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Lowlands

I have No Objection in principle.

A standard condition around a Construction (Demolition) Environmental Management Plan (EMP), would be appropriate under the circumstances.

District Ecologist

No Comment Received.

WODC Drainage Engineers

11/01/2022

Clarification of the existing drainage and proposed drainage systems are sought.

Soakaways are likely to be viable on site, given the geology for the postcode. However, this must first be proven by infiltration tests undertaken in the location of the proposed soakaway and in accordance with BRE365.

Parish Council

Access is not good from Burford Road, the height of the development is excessive and the flats would overlook properties in Church View.

WODC Drainage Engineers

15/03/2022

The design is fine now, so we just need a condition to state the s/w drainage should be implemented in accordance with the approved strategy.

OCC Highways

No Comment Received.

Parish Council

No Comment Received.

## 2 REPRESENTATIONS

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

*20 third party objections received relating to:*

*Comments on initial scheme:*

1. Overdevelopment;
2. Overlooking;
3. Loss of privacy;
4. Highway safety;
5. Out of keeping;
6. Insufficient parking spaces;

7. Excessive height;
8. Loss of property values;
9. Loss of light;
10. Worse than previous scheme;
11. Massing;
12. Overshadowing;
13. Loss of outlook;
14. Density;
15. Set a precedent;
16. Harm to environment;
17. Noise;
18. Development is unnecessary;
19. Should be reduced in height and flat numbers; and
20. Parking during construction should be controlled.

*Comments on revised scheme:*

1. Previous objections remain valid;
2. Doubts accuracy of the plans;
3. Overcrowding;
4. Increased crime;
5. Excessive height;
6. Loss of light;
7. Loss of privacy;
8. Set a precedent;
9. Highway safety;
10. Insufficient parking;
11. Noise pollution;
12. Flats are twice as deep as 12 Burford Road to the north;
13. Overlooking;
14. Out of character;
15. Development should be further reduced;
16. Set further forward than existing buildings;
17. Excessive footprint;
18. Overdevelopment;
19. No detail about new trees;
20. Future applications likely; and
21. Units should be reduced to four.

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

- 3.1 The supporting Planning Statement summarises their case as follows:
- 3.2 The scheme has been amended to meet officer advice. The building has been restricted to two storey and will result in an improvement to the street scene.
- 3.3 The use is less intensive than previously proposed and less intensive than several nearby granted permissions.

- 3.4 The scheme will contribute visually and economically to Carterton Town Centre and to the inhabitants of the flats when complete.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

NPPF 2021

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

#### **5. PLANNING ASSESSMENT**

##### **Background Information**

- 5.1 This application relates to 10 Burford Road Carterton. The site currently contains a bungalow and single storey outbuilding to the rear. The site is accessed by an existing access from Burford Road.
- 5.2 To the immediate south of the site is 8 Burford Road also known as Carterton Family Centre. To the west of the site is 19 Burford Road, a new commercial premises with 6 flats above and construction of further 4 flats over two floors to rear was approved in 2021 (20/00929/FUL). To the south west, across the highway is a rank of shops, which includes Burford Road Fish Bar, Martins Newsagents and Costa Coffee. In 2020, eight flats were approved to the rear of those shops under reference 20/00072/FUL. To the north are two storey semi-detached pairs fronting Burford Road. To the east are two storey dwellings and bungalows within Church View that back onto the site.
- 5.3 A previous application at the site (ref 21/01755/FUL) for 'Demolition of existing bungalow and erection of eight 2 bed flats together with associated parking and access' was withdrawn following officer concerns.
- 5.4 During this assessment, officers raised concerns with the scale; massing and number of dwellings proposed and subsequently secured a reduction in numbers from 7 flats to 6 along with a reduction in height, width and depth.
- 5.5 The site is not subject to any landscape or heritage designations.



- 5.6 The application is before the Lowlands Area Planning Sub-Committee as the Parish Councils views are contrary to officer recommendation.
- 5.7 This application is for the 'Demolition of existing bungalow and erection of six 2 bed flats together with associated parking and access'. 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;
  - Highways;
  - Residential amenities;
  - Other Matters; and
  - Planning Balance

### **Principle of Development**

- 5.8 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 (now referred to as Salt Cross).
- 5.9 The site is located within Carterton. Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres.....on previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan'. The site is considered to be previously developed land within Carterton. As such, the principle of new homes is acceptable provided that the proposal is in accordance with other policies in the plan and in particular the general principles of OS2. Notwithstanding this, further assessment in regards to design, siting and form, access, highway safety and residential amenity is required, and this is completed below.

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

- 5.10 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.11 The site is within the built up area of Carterton, close to the town centre and as such, the existing type of development is very mixed. Within a short walk, there are detached, semi-detached, and terraced dwellings of both single and two storey nature. A family centre is located immediately to the south. A rank of shops with flats above is across the highway to the south west. Immediately to the west is an empty site with permission for a new commercial building with flats above and further flats behind. Permission also exists for flats to the rear of the rank of shops to the south west. Further to the south is the Church of St John the Evangelist (a relatively modern building), and a further ranks of shops on the crossroads. A pub and an Asda

supermarket/petrol station is just beyond the crossroads. The addition of a block of flats would only add to this mix of development types and would not detract from it.

- 5.12 Moving to the pattern of development. Officers acknowledge that the existing bungalow reinforces the building line of dwellings to the north and the proposed building would be erected 2m to beyond the line, closer to the road. However, the building line is not an integral part of the character and appearance of this area. Indeed, it is the exception, as the density and layout of the area is archetypal of a high density urban area with mixed densities, orientations, distances to the road and heights. No harm is found as a result of the siting of the building or the proposed density.
- 5.13 Several objections referenced the excessive height. The scheme was reduced in height and a third storey removed through officer negotiations and is now two storey and approximately 8.4m in height (at its highest point). As noted, 12 Burford Road is 7.6m in height. The proposed building therefore is just 0.8m higher than its immediate neighbour to the north. When considering the mix of heights in the area, the height of the proposed building is acceptable.
- 5.14 In terms of the general design of the building. This is two storey with a twin gable feature fronting the road. Front gables of differing designs are common in the area. Indeed, 8 Burford Road immediately to the south has its gable end fronting the road. Two storey buildings are prevalent in the area and this proposal would reinforce that. It has a more modern appearance. However, in light of the mix of development types in the area, this is not harmful.
- 5.15 In terms of materials, these are shown as rendered and cladded elevations, grey roof tiles and white Upvc windows. These materials are present, or are similar to materials in the immediate area. While they are acceptable, samples of these materials would be secured by condition.
- 5.16 Officers are satisfied therefore that the siting of the building would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the building integrates successfully into the site and its surroundings and would not be harmful to the character and appearance of the area. The proposed building would be in accordance with Local Plan Policies OS2 and OS4.

## Highways

- 5.17 The new building is proposed to be accessed via a new access from Burford Road. Ten parking spaces are proposed. This allows 1.6 parking spaces per two bed dwelling. There are on street parking restrictions in the area. However, the site is within the centre of Carterton where car parks are present. As such further parking can be accommodated outside of the site.
- 5.18 A turning area within the site is also proposed. This would allow vehicles to enter and exit the site in a forward gear. In addition, the speed limit of this area of Burford Road is 30mph and it is quite straight, so visibility is high and vehicles will be moving at relatively low speeds. Furthermore, the development is for two bed flats and the site is in a very sustainable area with access to public transport services. This is likely to attract persons who may not rely on vehicles and will use public transport/bicycles, thereby reducing car dependency and thus vehicle movements.
- 5.19 County Council Highway Team were consulted on this scheme and they have raised no objection, subject to conditions that will be applied.

- 5.20 The NPPF (paragraph 111) states 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The proposed development of six two bed flats is not considered to result in an unacceptable or severe impact on highway safety.
- 5.21 Officers are satisfied, based on the assessment above, that the proposed development will have a safe and suitable access for all users and sufficient parking is proposed to serve the new dwellings. The proposal therefore accords with Local Plan Policies T1, T2 and T3; and Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

### **Residential Amenities**

- 5.22 A number of comments were received relating to amenity impacts from the proposed development. Officers consider the pertinent points to this scheme to be overshadowing, loss of light, overbearing, loss of privacy, overlooking and noise.
- 5.23 Dealing with the overshadowing and loss of light elements first. With regard to overshadowing and loss of light to the properties on Church View. The nearest distance between proposed built form and the dwellings on Church View is approximately 38m. This is a significant distance in a built up area such as this. Indeed, the distance between the existing 12 Burford Road and the nearest dwelling on Church View is just 6m more at 44m. The proposed building is 8.4m high at its highest point and 7.75m high at the rear most point (rear being closest to Church View). It is important to note that 12 Burford Road immediately to the north of the site is 7.6m in height. Furthermore, to the immediate south of the site is 8 Burford Road (Carterton Family Centre). This is two storey and extends far to the rear of the plot and is just 25m from the dwellings on Church View. The proposed building therefore would have no more of an impact in terms of loss of light and overshadowing to the dwellings on Church View than the existing dwelling 12 Burford Road and Carterton Family Centre.
- 5.24 While there would be no loss of light or overshadowing to the dwellings on Church View, there would be some of these impacts to 12 Burford Road. 12 Burford Road is approximately 11.4m deep and the proposed building is approximately 21m deep in total. The proposed building would be approximately 2m closer to the highway. As such, a rear overlap of approximately 6.5m would be created between the rear of 12 Burford Road and the rear of the proposed building. Also to note is that the proposed building would be located between 3m and 4m to south of the shared boundary with 12 Burford Road.
- 5.25 When assessing loss of light and overshadowing, it is important to understand the path of the sun. This travels from east to west and shines from the south. The rear elevation of 12 Burford Road faces in an east/northeast direction. The status quo therefore is that the rear elevation (and thus the internal living accommodation) only receives direct sunlight (on the longest day of the year 2022-June 21st) between sunrise and 11:30am. Between 11:30am, and 1pm sunlight is at an oblique angle and beyond 1pm, the rear elevation receives no direct sunlight and is overshadowed by its own built form. The proposed building would restrict sunlight reaching the rear elevation of 12 Burford Road between 10:45am and 1pm only. In addition to this, the rear garden of 12 Burford Road would be overshadowed from approximately 10am to 2pm. Of note is that gardens are not in use all year round and a rear garden area of No. 12 measuring roughly 280sqm would be unaffected. However, officers note that the rear patio area of No. 12 would be affected by the proposed scheme.

- 5.26 Taking this into consideration, there would be some loss of light and overshadowing to the rear elevation and garden of No. 12. In the context of the amount of light the dwelling and garden currently receives, these impacts are not considered to be detrimental to the living conditions of the current (or future) occupiers of No. 12. However, they are harmful nonetheless.
- 5.27 When considering the height of the proposed building and the separation distances, loss of light or overshadowing is unlikely to No. 14 Burford Road.
- 5.28 Moving to overlooking and loss of privacy. The separation distance between the windows on the rear elevation of the proposed building and the windows on the rear elevations of the dwellings on Church View are approximately 44m, 37m and 44m to No. 9, 7 and 5 Church View respectively. The industry standard separation distance between facing windows is 22m. The proposed separation distance therefore far exceeds (and is double for 7 and 9) the industry standard. Overlooking and loss of privacy to the dwellings on Church View is therefore not a concern.
- 5.29 With regard to overlooking and loss of privacy to No. 12. Six windows and a glazed link face north towards No. 12. Three windows are at ground floor and views out of these will be restricted by the boundary treatment (controlled by condition). Three first floor windows are proposed and a condition is placed on the approval restricting the glazing on these to be obscure and non-opening (unless the opening parts exceed 1.7m above the floor of the room they serve), this also includes the glazed link. Views out of these windows therefore are not possible. The glazed link is for access only and not living accommodation such that persons are unlikely to spend time looking out of this link.
- 5.30 It is important to note that there are no windows on the proposed building that would directly face any windows on No. 12 that serve living accommodation. There is a window at ground floor on the extension of No. 12. However, this serves a downstairs WC and is obscure glazed. While views out will not occur, and there are no windows facing each other that serve living accommodation, officers acknowledge that a perception of overlooking will occur when the occupiers of No. 12 utilise their garden area. This is restricted to the garden area and is a perception of overlooking, as such would not result in loss of privacy. This perception is likely to create some harm to the occupiers of No 12 and to a certain extent No 14 when these occupiers use their garden area. While gardens are not used all year round, there is some harm as a result of this.
- 5.31 With regard to the windows facing south towards 8 Burford Road (Carterton Family Centre). This is a community centre where there is little expectation of privacy. The proposed building will not result in harm to the users of this building.
- 5.32 Moving to overbearing. When considering the scale of the built form and that the bulk would be erected to the side elevation of No 12 with a modest overlap beyond the principal and rear elevations, and that it would be somewhat shorter than 8 Burford Road to the south. Overbearing impacts to any nearby dwellings are unlikely.
- 5.33 With regard to noise, this is not a concern as a result of the occupation of the building as this is a residential use in a predominately residential area. However, as the proposed parking area is to the rear of the plot, in close proximity to rear gardens, vehicular movements will result in some disturbance when the occupiers of 12 Burford Road, and 5, 7 and 9 Church View use their

gardens. While this impact would be mostly felt during warmer months and not all year round, this would result in some harm. It is possible to secure acoustic fencing by condition in order to mitigate this harm and a condition to that effect is recommended.

- 5.34 Officers are mindful of obscure glazed windows serving bedrooms and living accommodation for the new flats. However, all of the flats have alternate unaffected windows to ensure adequate light and outlook is achieved.

### **Other Matters**

- 5.35 Parking and disturbance during construction will be controlled by adherence to a Construction (Demolition) Environmental Management Plan secured by condition.
- 5.36 Drainage concerns raised have now been addressed and the WODC drainage team raise no objection subject to a drainage condition.
- 5.37 The private value of property and setting a precedent are not planning matters and have not attracted any weight in the assessment of the scheme.
- 5.38 The provision of six flats is unlikely to increase crime rates in the area.

### **Planning Balance**

- 5.39 Some harm is found to the occupiers of 12 Burford Road as a result overshadowing, loss of light, and perception of overlooking. This attracts moderate weight. Some harm is also found to the occupiers of 5, 7 and 9 Church View and 12 Burford Road from the noise created by the new parking area and driveway. However, acoustic fencing is required to be provided and the harm is restricted to when the occupiers of these dwellings utilise their garden areas. This harm attracts modest weight. No other harm is found.
- 5.40 The proposed development would create six new dwellings (5 net) in a highly sustainable area. These dwellings by virtue of their size and location are likely to attract first time buyers, single persons and couples. This attracts moderate to significant weight. The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts moderate weight.
- 5.41 While WODC can demonstrate a five year supply of deliverable housing land, this is not a supply ceiling and officers are mindful of the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF). Officers are satisfied, on balance, that the benefits of the scheme outlined overcome the moderate conflict when assessed against the Local Plan as a whole. The application is therefore recommended for approval.

### **Conclusion**

- 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, an Construction (Demolition) 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.

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.

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. 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 additional windows/roof lights shall be constructed in the side elevation(s) of the building(s) hereby approved.

REASON: To safeguard privacy in the adjacent properties.

5. Prior to the first occupation of the development hereby approved, all of the proposed first floor side elevation windows (including the glazed link) shall be fitted with obscure glazing (and either non opening or more than 1.7 metres above the floor level) and shall be permanently retained as such thereafter.

REASON: To protect the residential amenities of the occupants of neighbouring dwellings.

6. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.

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

7. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

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

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

REASON: To ensure a safe and adequate access.

9. On commencement of the development hereby approved, the proposed access shown on the approved plans shall be formed.  
The existing access shall permanently closed prior to any development above slab level.

REASON: To ensure a safe and adequate access.

10. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Before the dwellings hereby approved are first occupied, Electric Vehicle charging points shall be installed in at least 50% of the parking spaces in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained as such thereafter.

REASON: In the interests of air quality and to reduce greenhouse gases; and to minimise use of non-renewable resources and maximise opportunities for travel by sustainable means in accordance with Policy OS3 of the West Oxfordshire Local Plan 2031.

12. 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 of acoustic fencing to mitigate the noise created by the parking area and driveway; and the provision for hedgehog highways. The boundaries shall be completed in accordance with the approved details and retained as such thereafter.

REASON: In the interest of neighbour amenity, to safeguard the character and appearance of the area, and improve opportunities for biodiversity.

13. Prior to any development above slab level, 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. 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 retained and 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.

14. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

15.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

16. The surface water drainage shall be constructed as per the details submitted and approved as part of this application.

REASON: In order to ensure that the proposed development is satisfactorily drained in accordance with the Local Plan 2031 and the NPPF.

#### INFORMATIVES :-

- 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).

- 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/>

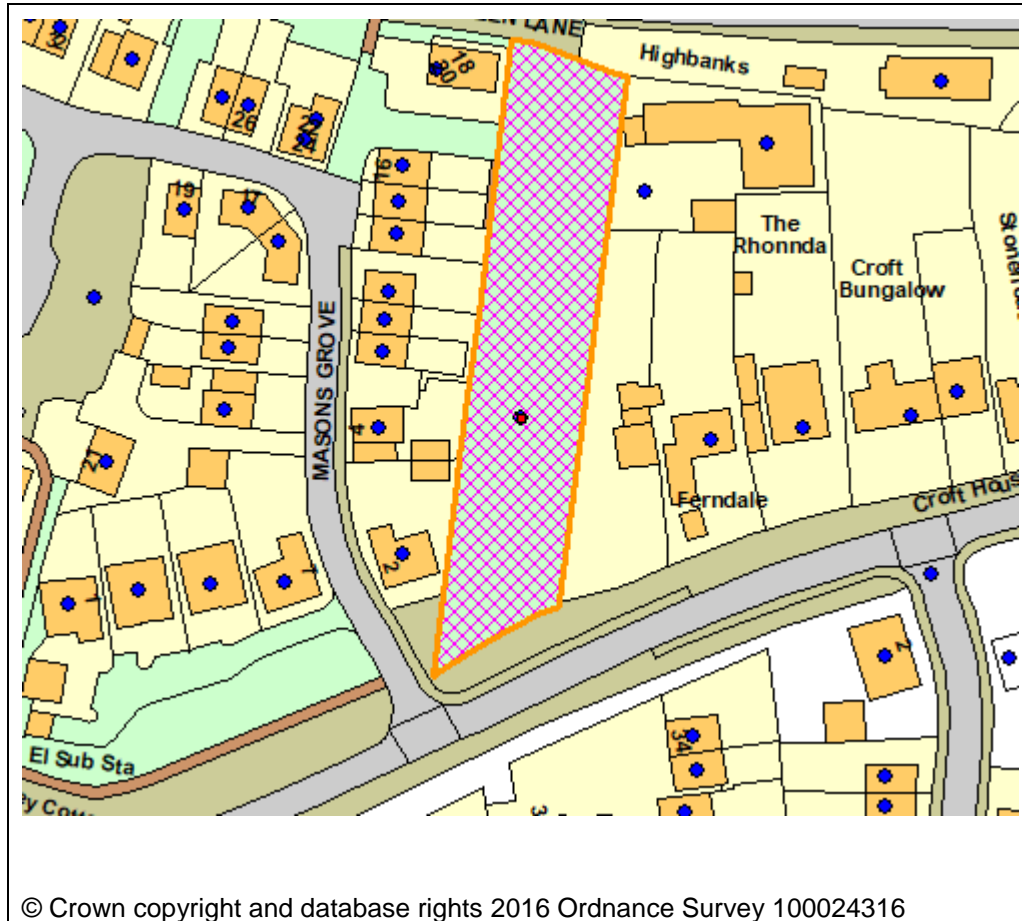
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 8th June 2022

Application Number	22/00723/FUL
Site Address	Land West Of Ferndale New Yatt Road North Leigh Oxfordshire
Date	8th June 2022
Officer	Esther Hill
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438195 E 213127 N
Committee Date	20th June 2022

### Location Map



### Application Details:

Erection of 2 detached and 3 terraced houses together with associated garaging, car parking and landscaping works. Alterations to existing accesses.

**Applicant Details:**

Mr Wright  
C/o Agent

**I CONSULTATIONS**

WODC Drainage Engineers

17.05.2022- My comments have been addressed by MJA, so I can approve the submitted drainage strategy and just require a condition that specifies the s/w drainage is to be constructed as per the submitted details.

I note the Parish Council's request for a S278 agreement with the developer for works to clear/improve flow in the receiving ditches in Green Road prior to house construction beginning. I would support this, but also ongoing ditch maintenance is something that is expected from landowners adjoining roadside ditches (unless there is a rare case where OCC accept responsibility for this).

Parish Council

North Leigh Parish Council is extremely concerned that the surface water/sewer infrastructure located at the Masons Grove development, adjacent to this planning site, is inadequate to support the existing 116 houses from both Bellway developments as well as some houses on the New Yatt Road and this must be addressed before 5 more houses are added as envisaged in this planning application. There are also concerns regarding privacy and the local character and ecology of the site.

**SURFACE WATER**

There is a problem with the surface water drainage because the Breakspear Way and Masons Grove developments have blocked the previous soak away drainage at those sites and all surface water from there now goes to drainage ditches. The existing drainage ditches along Green Lane are not of adequate capacity and there are blocked culverts in some places both of which result in surface water flowing along the surface of the lane especially during the winter months and in periods of heavy rainfall. The lack of adequate capacity has had the following detrimental effects on the area: Flooding in gardens adjacent to this planning application which is being reported frequently by long term residents.

Green Lane is also a popular and well used footpath for residents which becomes very muddy and difficult to walk on and can be inaccessible when flooded. Has caused severe erosion of the road surface and created a huge number of very deep potholes. Has made residential and commercial vehicle access to the properties down Green Lane difficult and some commercial/service vehicles are refusing to drive down the lane.

The Parish Council proposes that an S278 condition be attached to the approval for this application so that the contractor is required

to fund the cost of rectifying the surface water drainage situation by clearing/possibly widening of the ditches and unblocking/widening of the culverts and the pool half way down Green Lane before the construction of the 5 new houses.

#### FOUL WATER

The Parish Council also has severe concerns about the sewage infrastructure at this site. The sewer serves the new Breakspear Way and Masons Grove (together 116 houses) as well as some houses in New Yatt Road. The system is of insufficient capacity and is experiencing frequent blockages in locations on Green Lane and at the time of writing most recently in Church Road in April 2022 and needs constant rectification by Thames Water. Larger bore pipes need to be installed to manage adequately the existing sewage needs of the Masons Grove development and the projected needs of the 5 new houses before this planning application can be approved.

#### EFFECT ON PRIVACY

The current application is a fairly high density scheme and the 5 new houses are in very close proximity to the existing 11 neighbours surrounding the development site and are also on elevated ground compared to many of the neighbours. This will result in a considerable loss of privacy and possibly light to the existing houses around the development site. The three units on the north end of the site are three storeys high and have many windows facing north on to Green Lane thus reducing privacy for neighbours there (in contrast, houses adjacent to Green Lane in the Masons Grove development do not have windows facing on to Green Lane for this reason). This will result in considerable loss of privacy as many of these neighbours will be overlooked and the Parish Council requests that the existing plans be amended to address and reduce these issues.

#### CHARACTER

It is also important that the building materials used are sympathetic to and in keeping with the character of Green Lane to safeguard the character and appearance of the area. Condition 3 of the original 2018 application requires approval of the materials to be used and should be adhered to in this application.

#### ECOLOGY

Green Lane has a rural village nature and it is extremely important to retain this character and the quality of life for residents and walkers in the immediate area surrounding the proposed development. There are oak, ash and field maple trees and mixed

hedgerows supporting a range of wildlife. As stated in Condition 17, discharged in Oct 2021, it is vital that the oak marked as T5 and the other trees at T10, T11 and T12 should be preserved and the condition states that these trees can be preserved under the current proposal. It is also essential that the 2m wildlife/planting corridor along the Eastern boundary of the site is preserved. We note that Condition 12 of the original application requires a comprehensive landscaping scheme to be approved on boundary hedgerows and it is essential that this condition is upheld.

#### WASTE & RECYCLING ACCESS

Waste and recycling collection for plots 3, 4 and 5 of the development will be facilitated by providing an access point to Green Lane from the rear (northern) boundary of each plot. Bins can then be placed adjacent to Green Lane for collection when the vehicle services the existing dwellings (Verdant House, Leigh Cottage) in this part of Green Lane. The Parish Council feels strongly that these access points should be limited to bin access gates only, they should definitely not allow access to vehicles or for parking. This part of Green Lane is already a very restricted site between Leigh Cottage and the garden of Highbanks, as well as parking for the existing houses.

To have vehicle access to plots 3, 4 and 5 at this point would cause severe congestion and obstruct access to Green Lane.

#### CONDITIONS ON THE ORIGINAL APPROVAL

We note that the original planning permission 18/01973/FUL lists 18 conditions for the approval of this application in its original form of which 4 were discharged in Oct 2021. The Parish Council is extremely concerned that all 18 of these conditions are discharged and then adhered to as part of the current approval.

WODC Landscape And  
Forestry Officer

As this is a renewal of a fairly recent planning permission there is nothing much I can add, unless the applicant is willing to make alterations to the layout.

The relationship of Plot 2 to the Oak tree (T1) is not good and there will be conflict with this from the outset, leading inevitably to pressure to reduce its size or remove it, which would be a real shame. It would be good to retain and strengthen the remnants of hedgerow along Green Lane but the tiny gardens of Plots 3-5 will seriously compromise the ability to do this in the longer term. It is not clear from the drawings how the boundary with Green Lane will be dealt with. Ideally, it would be best if the drawings showed the existing hedgerow and trees retained with a specification to bolster it with new planting and any garden fencing required located on the garden side of the hedgerow, giving it sufficient space to mature

properly. The objective being to try to retain the rural character of the lane, which has been adversely affected by the adjacent Bellway development. It would also be helpful to clarify the situation regarding the bins. In terms of retaining the character of the lane, it would be better to service the new houses via New Yatt Road. This would allow the hedgerow to be fully restored, the existing field access removed and the roadside verge fully restored. It is not clear from the drawings how the current proposals will be carried out, particularly in relation to rear garden access points, the existing ditch and the crossing point.

## OCC Highways

I commented as follows for the previous application 18/01973/FUL

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network Recommendation: Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions: o G28 parking as plan o G11 access specification o G25 drive etc specification o G35 SUDS sustainable surface water drainage details The proposed private access drive is narrow ( 3.1m ) and only single track except immediately adjacent to the highway and at the passing bay - Manual for Streets advises .....simply to reach the fire, carriageways as narrow as 2.75m may be acceptable..... Turning at plots 1 and 2 will not be easy but is possible and will not result in long unacceptable reversing to the highway. The proposed bin store could be better located closer to the highway - but the refuse vehicle waiting a few additional seconds/minutes once a week in this location would not cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience. Access visibility and geometry complies with standards. The proposal, if permitted, will generate only 2 or 3 vehicular movements during the peak hours or approx. 25 daily movements (averages out to 1 vehicle every half an hour ). The proposed drive is narrow but the risk of two vehicles meeting is low. Speeds along the drive will be very low and the risk of accidents negligible. Equally, traffic flows through the village and on the adjacent roads will not significantly increase. The proposed access is close to the adjacent site but given the scale of this development I cannot demonstrate the proposal will cause such harm as to warrant a refusal - it would be preferable for access to this site to be taken from the adjacent development however you will be aware the LPA must determine the application as submitted. The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980

This current proposal is similar to the previous application. I note the SW drainage is proposed to be connected to the approved

SUDS system on the adjacent Bellway site which limits the discharge from the outfall. I note the comments from the Parish Council re flooding and will arrange investigation of the problem.

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

Recommendation:

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

- G28 parking as plan
- G11 access specification
- G25 drive etc specification

#### INFORMATIVE

Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

WODC Drainage Engineers

26.04.2022- A drainage strategy has been submitted which appears to contain a discrepancy. Para 1.7 states that an allowance of 10% for urban creep has been applied to the increase in impermeable area of 900m<sup>2</sup>, however this is not reflected in the Microdrainage calculations. Can this please be addressed.

Thames Water

Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.  
Should the details of the application change, we would welcome the opportunity to be re-consulted.

Conservation Officer

It is hard to see that you could take a different view at this point.

Anyway, as before, I note that this is a tricky, narrow site, set between recent and older development. The designs are the usual neo-cottage forms - here used with fairly happy massing and decent proportions. The proposed terrace addresses the morphology at

the Green Lane end fairly consistently, as does the proposed detached plot at the New Yatt Road end, whilst the middle part of the site is largely screened by the recent and older development.

So, there are no obvious objections from our point of view.

WODC Env Health - Lowlands Mr ERS Pollution Consultation No objection in principle.

## **2 REPRESENTATIONS**

2.1 Four objection comments have been received. In summary the concerns that have been raised relate to:

- The impact the proposed development would have on the rural nature of Green Lane
- Impact on wildlife and ecology
- That the proposed materials are in keeping with materials already used within the area, preferably stone and not brick.
- Neighbouring amenity issues such as loss of light, noise disturbance and overlooking caused by the proposed openings to the proposed 3 terraced houses to the north of the site.
- The loss of an open space which is important for well-being, mental health and quality of life
- Drainage and surface water/drainage infrastructure
- Impacts caused by the construction works.

The objection comments can be found in full on the public access page of our website.

## **3 APPLICANT'S CASE**

3.1 A planning statement have been submitted as part of this application, please see below:

This application is a re-submission to renew Planning approval ref 18/01973/FUL approved on 27th Nov 2018, with conditions subsequently approved on 23rd Dec 2021 under application ref 21/03437/CND.

A full background can be obtained from these previous applications' held on W.O.D.C's files.

The submitted documents are unchanged from those approved under 18/01973/FUL and 21/03437/CND but with the addition of an updated ecological survey by Windrush Ecology.

We are not aware of any National or Local changes to Planning policy since the original Planning approval, nor change in site specific considerations, and can see no reason why this application should not be supported by officers and approved (subject to any conditions that may be deemed necessary taking into consideration previous conditions and additional details cleared under 21/03437/CND and included with this application).

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design



H2NEW Delivery of new homes  
T4NEW Parking provision  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH8 Environmental protection  
NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

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

- 5.1 The application seeks planning permission for the erection of 2 detached and 3 terraced houses together with associated garaging, car parking and landscaping works and alterations to existing accesses at Land West of Ferndale, New Yatt Road, North Leigh.
- 5.2 The application site relates to a rectangular piece of land which runs from New Yatt Road to Green Lane and is West of Ferndale, a residential property situated on the New Yatt Road. The site is currently a rough mown paddock which is bounded by some light commercial units and dwellings to the east towards the village. To the west, the site directly adjoins new residential development Shepherds Walk which consists of 40 houses. Directly to the south opposite New Yatt Road is a new development of 76 dwellings. The adjoining development of 40 houses and the adjacent development of 76 houses have been implemented and are substantially complete.
- 5.3 Relevant Planning History
- Application Site-
- 18/01973/FUL- Erection of 5 dwellings- Approved.
- 21/03437/CND- Discharge of conditions 8 (site investigation of the nature and extent of contamination), 10 (Construction Environmental Management Plan), 16 (full surface water drainage scheme) and 17 (Trees in Relation to design, demolition and construction) of planning permission 18/01973/FUL- Approved.
- Adjoining and adjacent development-
- 16/01902/OUT- Residential development comprising of up to 40 dwellings together with access, open space and associated works.-Approved.
- 17/01845/RES- Residential development comprising of 40 dwellings together with associated works.
- 15/01934/OUT- Outline application for residential development of up to 76 Dwellings (means of access to be considered at this stage)- Refused- Appeal Allowed.
- 17/02463/RES-Erection of 76 residential dwellings together with associated works (matters to be considered; appearance, landscaping, layout, and scale).- Approved.
- 5.4 This application is a resubmission of planning application 18/01973/FUL which has expired. No amendments have been made to the previously approved scheme. As part of application 21/03437/CND, details relating to the previous approval were discharged relating to contamination, drainage, trees and a Construction Environmental Management Plan. As part of the previously approved application officers negotiated with the applicant, making a number of

amendments to the scheme in order for it to be considered acceptable in terms of neighbouring amenity and visual amenity, these included the re siting of the dwellings, a reduction in the scale of the dwellings and amendments to the siting of the proposed openings.

- 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.

### **Proposed Development**

- 5.6 The scheme proposes the erection of 5 dwellings, associated access, parking and landscaping. Access is proposed from New Yatt Road to the south. The development would consist of a terrace of three bedroom houses (x3) a single detached three bedroom house and single detached 4 bedroom house. The layout is served by a driveway allowing access onto New Yatt Road. To the rear of the site, the gardens serving the terrace of three houses will back onto Green Lane and contain a pedestrian access and bin collection area.

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

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

### **Officers Assessment**

#### **Principle**

- 5.8 The principle of the development has already been considered to be acceptable as part of previously approved application 18/01973/FUL. Your officers do not consider that there have been any material changes to the proposal or the site, since the previous approval. Notwithstanding the previously approved application your officers have made the below assessment:
- 5.9 Locational policy OS2 of the adopted West Oxfordshire Local Plan identifies North Leigh as a 'Village' within the settlement hierarchy. The site relates to undeveloped land which given that the site is surrounded by residential development, is within the built up area of the Village. Policy H2 allows in principle for new dwellings in Villages, on undeveloped land within the built up area provided the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2.
- 5.10 As stated within Policy H2 the development has to comply with any other relevant policies in the plan. Your Officers consider the relevant policies to be OS1- presumption in favour of sustainable development, OS2- Locating development in the right places, OS4- High quality design, T4- Parking provision, EH2- Landscape Character, EH3- Biodiversity and godiversity, EH7-Flood Risk, and EH8- Environmental protection.

- 5.11 Additionally, as stated within policy H2 the development has to comply with the general principles of policy OS2 which states that all development should;
- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality,
  - Form a logical complement to the existing scale and pattern of development and/or the character of the area
  - As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
  - Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.
  - Conserve and enhance the natural, historic and built environment.
- 5.12 Your officers are of the opinion that the principle of the proposal complies with the general principles set out in Policies OS2 and the other relevant policies in this plan. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies as outlined above, guidance and legislation in the relevant sections below:

### **Scale Siting and Design**

- 5.13 The development would consist of a terrace of three bedroom houses ((x3) Plots 3-5) which are to be situated at the northern end of the site, a single detached 4 bedroom house which is to be situated at the southern end of the site (Plot 1) and a single detached three bedroom house in the middle of the site (Plot 2). Plot 1 is set back from New Yatt road and its positioned is in line with the neighbouring property to the west, it has a detached single storey garage and two further parking spaces. A landscaped buffer between the neighbouring development to the west and New Yatt Road has been extended to run along the front of the application site in order to maintain the intended character and appearance of New Yatt Road. Plot 2 is situated in the middle of the site, has two car parking spaces and its residential curtilage is to the north. Plots 3-5 are situated in the northern end of the site, the houses have two parking spaces each and are to the front of the properties, their residential amenity space along with a grass verge to the north, sets the properties back from Green Lane. The rear elevation of the terrace (plots 3-5) will be visible through the existing trees on Green Lane, but largely softened by the existing vegetation. The site is to be accessed from New Yatt Road, plots 3-5 also have access to Green Lane via a pedestrian gates at the end of their gardens for bin collection. A 2m wildlife/planting corridor is proposed along the eastern boundary of the site. The dwellings themselves have been designed in line with traditional neo-cottage forms, respond to the existing houses found along New Yatt Road and are considered to be well proportioned. The proposed materials are a mixture of reconstituted stone, facing brickwork, plain concrete tiles, imitation blue slate and upvc windows. To ensure that the proposed materials are in keeping with the character of the area, officers have requested a condition be applied to the consent for sample materials to be submitted and approved.
- 5.14 The proposal constitutes limited development of 5 dwellings and would result in the infilling of an undeveloped site bounded by existing development on all sides. By virtue of these unique site circumstances and limited road frontage to New Yatt Road and Green Lane, the site has lost its previous character as being the start of open countryside when leaving the village. Given its lack of public access, limited frontage and obstruction of views by adjoining houses, it no longer contributes a high level of amenity for the residents of the village, and does not mark the western edge of the village. The development site is also recognised as being in a sustainable

location that would help maintain the vitality of this community with future occupants easily able to walk and make use of existing facilities and the bus services in New Yatt itself. Therefore, the development of this paddock land and its impact on visual amenity and landscape character, is acceptable.

- 5.15 In view of the above, your officers consider that the siting, scale and design of the proposed development is proportionate and appropriate in this location and is therefore considered to be acceptable. As such, the proposal would comply with Policies OS2, OS4, H2, EH2 and OSI Of the adopted West Oxfordshire Local Plan 2031.

### **Residential Amenities**

- 5.16 In regards to the impact on neighbouring amenity, this has been carefully assessed and your officers have conducted a site visit. Policy OS2 states that development be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.17 The relationship between proposed and neighbouring properties to the north would be front-rear. Your officers recognise that the application site is on higher ground than the properties situated on Green Lane and that they have first floor windows facing the application site. However, given that there is to be a separation distance of at least 23m (the industry standard is a 22m separation distance between facing windows) between the proposed 3 terraced dwellings and the neighbouring properties on Green Lane, that the proposed dormer windows to the proposed 3 terraced dwellings are to be set towards the bottom of the roof slope, the scale of the proposed dwellings and the existing boundary treatments which will provide some screening, your officers do not consider that the proposal would give rise to levels of harm to these properties, in terms of overlooking, loss of privacy, overbearing or loss of light, that would warrant the refusal of this application.
- 5.18 The relationship between the proposed and neighbouring properties to the west would be side-to-side or rear-to-side. Proposed plot 3 (the western end terrace) would have a staggered side-to-side arrangement with the first floor maisonette to the west. This first floor flat contains a series of small south facing pitch roof dormer windows serving the first floor living area. The nearest window on plot 3 serves a bedroom. A detailed assessment has been undertaken as to the likelihood of any unacceptable window to window overlooking occurring. The distance between the nearest windows is 8.2m with a centre angle of approximately 35 degrees. By making use of a scaled drawing showing the internal arrangements and vision splays between the first floor bedroom of Plot 3 and the first floor maisonette on the adjacent Bellway Homes site, the angle is so acute as to prevent any direct or harmful window to window loss of privacy. Furthermore, this field of vision does not take account of the mullions in the maisonette dormer window which prevent direct views into and out of the maisonette. As such the development would be adequately arranged to ensure there would be no unacceptable window to window overlooking or overbearing caused in close proximity by dwellings. Given the separation distances between the proposed dwellings, that the proposed first floor window on the western elevation of plot 3 is to be obscurely glazed, that no first floor windows are proposed on the western elevations of plots 1 and 2, your officers therefore do not consider that the proposed dwellings would give rise to any neighbouring amenity issues for the neighbouring properties to the west of the application site.

- 5.19 Given the separation distance between the proposed dwellings and neighbouring properties to the east and south, your officers do not consider that they would give rise to any neighbouring amenity issues for these properties.
- 5.20 Any window to garden overlooking would be at a level commensurate with any normal residential relationship and consistent with the privacy levels attained within the larger development to the west. All future occupants of the development will be provided with sufficient private amenity space and parking provision commensurate with that of surrounding properties and the new residential developments.
- 5.21 Officer note that some concerns have been raised by third party representatives and the Parish Council regarding the impact the proposed development would have in terms of neighbouring amenity issues, such as loss of privacy, loss of light, overlooking and overbearing. All representations have been carefully considered when assessing the application. However, there is a distance of 23m that separates the rear elevation of plots 3-5 and the front elevation of the nearest existing house on Green Lane. This acceptable distance coupled with the additional screening provided by existing mature trees, ensure the privacy existing residents is maintained to acceptable levels.
- 5.22 In view of the above, your officers consider that the proposed dwellings would not give rise to unacceptable levels of harms in terms of neighbouring amenity issues and therefore complies with policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031.

## **Highways**

- 5.23 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. The proposal is therefore considered to comply with policy T4 of the West Oxfordshire Local Plan.
- 5.24 North Leigh Parish Council within their consultation comments raised concerns relating to surface water drainage issues being partly caused by existing drainage ditches along Green Lane that are not of adequate capacity, that there are blocked culverts in some places and the road has become uneven with large potholes. OCC have acknowledged the comments made by the Parish and your Officers have been advised they have been passed on to the relevant department within OCC to investigate. The Parish Council has asked if a S278 condition could be attached to the approval for this application so that the contractor is required to fund the cost of rectifying the surface water drainage situation by clearing/possibly widening of the ditches and unblocking/widening of the culverts and the pool half way down Green Lane before the construction of the 5 new houses. S278 agreements are made between the applicant and OCC Highways and do not fall under the remit of the District Council. Therefore your officers have passed on the comments from the Parish to OCC Highways however cannot request a S278 agreement as a condition.

## **Drainage**

- 5.25 Officers note that concerns have been raised by the Parish Council regarding drainage issues, the relevant technical experts have been consulted such as OCC, Thames Water and the WODC Drainage Team. No objections have been received and therefore the application has been considered acceptable in terms of its proposed drainage. If OCC consider it necessary to seek a S278 agreement this would be negotiated by OCC with the applicant directly. The

proposal is therefore considered to comply with policy EH7 of the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.

## Ecology

- 5.26 An updated Ecological Impact Assessment Report has been submitted as part of this application.
- 5.27 As part of application 21/03437/CND a Construction Environment Management Plan which included Precautionary Working Methods and Protective Measures was approved.
- 5.28 In summary the updated report found that there are no predicted impacts on statutory and non-statutory sites of nature conservation importance. The proposed development will result in the loss of areas of semi improved grassland, tall ruderal vegetation with scrub and individual trees and shrubs. None of these habitats are listed as a habitat of 'principal importance' under Section 41 of the NERC Act 2006 and as such, are not a conservation priority at a local, county or national level. No significant ecological impacts are predicted as a result of the proposals to develop the site as the eastern boundary hedgerow will be retained, protected and strengthened which has been included as part of a condition to the consent of the development. With appropriate avoidance and protection measures in place, it is considered that significant impacts on the drainage ditch can be avoided. Given that no evidence has been found within the drainage ditch of Great Crested Newts and it has not been considered a suitable habitat for GCN breeding, officers do not consider it reasonable to request that additional mitigation methods are submitted relating to the ditch and consider that the approved precautionary working methods will be sufficient to ensure the ditch is protected. Works to develop the site are likely to result in the damage or destruction of great crested newt habitat and, in the absence of mitigation, may also result in the killing and injury of great crested newts. This is a significant impact under the Habitats Regulations 2017 (as amended). Given this, a European Protected Species Licence is considered necessary for the proposals to proceed under the legal protection afforded to the species. Great Crested Newt mitigation and protection measures have already been considered acceptable as part of an approved Construction Environmental Management Plan (21/03437/CND). Given that no further evidence has been found of Great Crested Newts within the site, your officers consider the approved Construction Environmental Management Plan to still be relevant and acceptable. However, given the site is considered to be a suitable habitat for Great Crested Newts, your officers invited the applicant to join the District Councils licensing scheme. The applicants has decided to take part in the scheme and your officers are waiting for the certificate to be granted. With a careful avoidance strategy in place, impacts on common reptile species can be avoided. With precautionary timing, impacts on breeding birds can be avoided, these details have been submitted and approved as part of the Construction Environmental Management Plan. External lighting may affect bat behaviour, this has been restricted as part of a condition to the consent. Indirect impacts on the badgers and hedgehogs may be caused by excavations and foundations posing as a pit-fall hazard to badgers moving over ground, however measures to minimise and avoid this type of indirect impact are proposed within the Construction Environmental Management Plan which has been previously approved and will be secured by a condition.
- 5.29 Mitigating measures proposed include the retention of a 2m wildlife/planting corridor along the Eastern boundary which will be enhanced with a tussocky grassland wildflower mixture, thereby creating suitable habitat for grass snakes. The 2 metre buffer strip also allows the existing hedgerow to be retained and supplemented by planting on the landscape strategy which is

welcomed and would form part of the wildlife corridor used by bats, grass snakes and other wildlife, e.g. hedgehogs. Meadow planting is also proposed to the front of the site between the Highway verge and Plot 1 as well as supplementary planting throughout the site. No areas of new wetland have been included in the landscape strategy. Due to the limited amount of space available, a small pond or a series of shallow scrapes could be created in the southern area of open space, which would further provide habitat for grass snakes. A wildflower seed mix that can withstand periodic inundation could then be used in this part of the site for the wetter areas. This has been added to the landscaping details for the site as a condition of planning consent. A comprehensive landscaping scheme has been requested as part of a condition as well as bat boxes, bird boxes, hedgehog highway gaps in fences and logs for reptiles. The maintenance of the landscaping plan has also been included as part of a condition to the consent. Protective measures and precautionary working methods have been submitted as part of the Construction Environmental Management Plan which was approved as part of application 21/03437/CND and is still considered to be up to date and acceptable. Adherence to the previously approved Construction Environmental Management Plan is suggested to be secured by a condition on this approval.

- 5.30 An application to enter into the Great Crested Newt District Scheme has been made and a great crested newt mitigation strategy has been set out within the Ecological Impact Assessment. The licensing scheme is designed to work as part of the planning process and is therefore undertaken before planning consent is granted. The applicant will need to submit the Nature-Space certificate to the Planning Authority before this application can be approved. Your officers therefore request that this application is delegated back to officers to approve once the certificate has been received. Additional adherence conditions, will also need to then be applied to the consent which refers to the terms and conditions of the license and its mitigation principles. These conditions have not been included at this stage as they will need to include the certificate reference number.
- 5.31 Due to the size of the site and the limited capacity for habitat creation within an urban area, your Officers are satisfied that the mitigation and biodiversity enhancements that have been incorporated are sufficient.
- 5.32 A 10 metre buffer has been provided around the mature trees to be retained which will be secured by a standard tree protection condition. The proposal includes removing 3 trees and 2 small groups of trees none of these tree removals are considered to be of any great detriment to the surroundings. Compensatory planting of 8 trees and hedging is proposed. An Arboricultural Impact Assessment & Method Statement Report has been submitted and was approved as part of application 21/03437/CND, given that there have been no changes to the application or the site, your officers consider this assessment to still be acceptable. Adherence to the previously approved details is suggested to be secured by a condition on this approval.
- 5.33 The WODC Forestry and Tree Officer has made comments stating that given the recent approval of the same application there is not much that can be done, however they do have concerns with the proximity of Plot 2 to tree T1. The proposed site layout has not changed since the previous approval and an arboricultural impact assessment was submitted as part of application 21/03437/CND and was approved. The siting of Plot 2 and its proximity to tree T1 would have been assessed as part of the previous approval and it was considered to be acceptable. Given that there have been no changes to the proposed layout and the recently approved arboricultural impact assessment, your officers do not consider it reasonable to request amendments to the siting of the proposed dwelling. Concerns were also raised relating

to the boundary treatments and accessibility of the proposed pedestrian access at the north of the site along Green Lane, these comments were also supported within a neighbour objection comment. Your officers have attached a condition for a comprehensive landscaping scheme to be submitted and details of the proposed boundary treatments which can help to mitigate any visual impacts to the character of Green Lane. Officers note that the three existing trees along Green Lane are to be retained. Your Officers do have concerns with proposed pedestrian access across the ditch however, this has been previously approved and nothing new has come to light which would warrant officers coming to a different conclusion.

## **Other matters**

- 5.34 Four objection comments have been received. Concerns have been raised relating to the impact the proposed development would have on the rural nature of Green Lane, its impact on wildlife and ecology, it has been requested that the proposed materials are in keeping with materials already used within the area, preferably stone and not brick. Concerns have been raised relating to neighbouring amenity issues, such as, loss of light, noise disturbance and overlooking caused by the proposed openings to the proposed 3 terraced houses to the north of the site, that the development will result in a the loss of an open green space which is important for wellbeing, mental health and quality of life. Drainage concerns have also been raised given existing issues within the locality and concerns that the existing infrastructure cannot cope. A third party representative has also asked what mitigating measures are proposed relating to the proposed construction works and their impact on neighbouring properties such as restricting the spread of dust and noise impacts.
- 5.35 Given the existing boundary treatments to the north of site, that the proposed dwellings are to be set back from Green Lane and that officers have requested a comprehensive landscaping condition to be attached to the consent, officers do not consider that the proposed development would give rise to levels of harm in terms of the visual amenity and the character of the streetscene in Green Lane, that would warrant the refusal of this application. Given the results of the updated ecological survey, the submitted and previously approved mitigation and precautionary working methods, your officers consider that the mitigation and biodiversity enhancements that have been incorporated are sufficient, subject to conditions. Your officers have suggested a condition which asks for sample materials to be submitted and approved to ensure that the proposed materials are in keeping with the character and appearance of the area. Your officers have addressed the comments raised relating to neighbouring amenity in the residential amenities section of this report. Your officers note that open green space can enhance mental health and wellbeing. However, given its lack of public access, limited frontage and obstruction of views by adjoining houses, your officers no longer consider that the site contributes a high level of amenity for the residents of the village. In terms of the impact the construction would have on the amenity of neighbouring properties, given the scale and nature of the development and that its construction impacts would be temporary, your officers do not consider it necessary to request that a construction management plan is submitted. However, given the siting of the development your officers have included an informative to the consent advising the applicant to be mindful of amenity issues during construction.
- 5.36 North Leigh Parish Could have objected to this application, raising concerns with surface water/sewer infrastructure at the adjacent developments and ask that these issues are rectified before approving additional housing. Concerns have also been raised relating to privacy, the local character of the area, ecology and issues with the drainage ditches along Green Lane. The



concerns relating to damage to the highway and drainage ditches have been passed onto OCC, If OCC consider it necessary to seek a S278 agreement this would be negotiated by OCC with the applicant directly. No objections have been raised from Thames Water or the WODC Drainage Officer and therefore the application has been considered acceptable in terms of drainage. Your officers have addressed the comments raised relating to neighbouring amenity in the residential amenities section of this report.

- 5.37 Officers note the concerns which have been raised relating to the surface water/drainage infrastructure in North Leigh. Thames Water have responded with 'no comment' to this proposal however, during a recent planning application for a development of 10 dwelling within North Leigh (21/03720/FUL), Thames Water advised that they had no concerns with the infrastructure capacity and that it could cope with the 10 additional dwelling proposed. This proposal is for five dwellings.

## Conclusion

- 5.38 For the reasons outlined above, the scheme is considered to be appropriate in the proposed location and would not give rise to adverse impacts in terms of neighbouring amenity, the visual amenity and character of the area, flood/drainage risks or ecological issues which would warrant the refusal of this application. The proposal is considered to comply with policies, OS1, OS2, OS4, H2, T4, EH2, EH3, EH7 and EH8 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the NPPF.
- 5.39 In light of the above, officer's request that the application is delegated back to officers, to approve once the Great Crested Newt License has been provided and to apply any relevant bio diversity conditions.

## 6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations, roofs and windows of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

4. The surface water drainage shall be constructed as per the details submitted and approved as part of application 21/03437/CND.

REASON: In order to ensure that the proposed development is satisfactorily drained in accordance with the Local Plan 2031 and the NPPF.

5. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

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

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

REASON: To ensure a safe and adequate access.

7. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

8. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

9. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity and to accord with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

10. The CEMP approved as part of application 21/03437/CND, shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that grass snakes, great crested newts, nesting birds, hedgehogs, hedgerows and trees with bat roost potential are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15),

EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. Before occupation, a comprehensive landscaping scheme shall be submitted and approved in writing by the Local Planning Authority, including the infill planting of the existing boundary hedgerows to enhance their species diversity and structure using native species of local provenance, the creation of tussocky grassland along the eastern boundary buffer strip, the creation of wildflower meadow, supplementary tree planting and wetland habitat (e.g. pond, scrapes or ditches) in the southern area of open space and a 5-year maintenance schedule. The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.

If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To provide full details of landscaping within the development and to enhance the site for biodiversity, particularly grass snakes (and other reptiles), amphibians, bats, nesting birds and hedgehogs in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

12. A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
  - i. Description and evaluation of features to be managed; including location(s) shown on a site map;
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5-10 year period);
  - vii. Details of the body or organisation responsible for implementation of the plan;
  - viii. Ongoing monitoring and remedial measures;
  - ix. Timeframe for reviewing the plan; and
  - x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. Before occupation, full details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that the eastern boundary hedgerow and trees will not be directly illuminated or light spillage will be minimised to reduce the impact on foraging/commuting bats.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14. Before the erection of any external walls, full details of the provision of 2 no. integrated bat boxes (e.g. bat tubes/bricks/access panels) into the eastern elevation of plots 1 and 2 (4 no. in total), 2 no. integrated house sparrow terrace and/or 5 no. integrated swift bricks into the eastern elevation of Plot 5, log piles for reptiles and hedgehog features (e.g. gaps under or through fences and walls, and hedgehog boxes) shall be submitted to the local planning authority for approval. The details shall include drawings showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats, nesting opportunities for birds, refuges for grass snakes and permeability for hedgehogs as a biodiversity enhancement of the development in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Unless otherwise agreed in writing by the Local Planning Authority, Tree T1 on the land and shown not to be affected by building operations, shall be retained and should T1 die, be removed or become seriously damaged or diseased within a period of 5 years from the completion of the development, it shall be replaced in the next planting season with another tree of a similar species which shall itself be retained in accordance with the terms of this condition.

REASON: To safeguard features that contribute to the character and landscape of the area.

16. All Tree works and protection measures shall be in accordance with the submitted Arboricultural Impact Assessment and Method Statement Report dated October 2021 which was approved as part of application 21/03437/CND.

REASON: To safeguard features that contribute to the character and landscape of the area.

INFORMATIVES :-

- 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).

- Whilst a level of disturbance is expected from the development, officer request that this is kept to a minimum in order to protect the residential amenities of neighbouring properties.
- Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

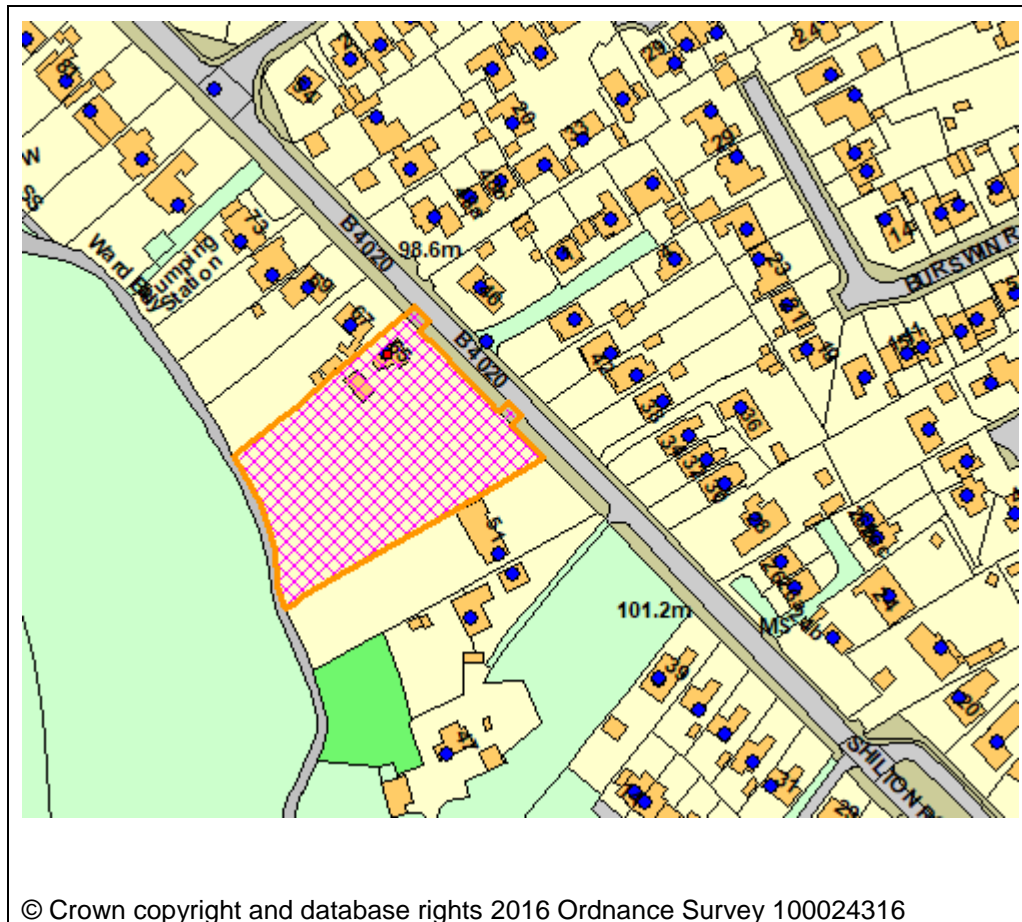
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 8th June 2022

Application Number	22/00947/FUL
Site Address	Brooklyn Nurseries 65 Shilton Road Carterton Oxfordshire OX18 1EN
Date	8th June 2022
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Carterton Parish Council
Grid Reference	427495 E 207992 N
Committee Date	20th June 2022

### Location Map



### Application Details:

Demolition of existing dwelling and associated outbuildings and construction of 4 no detached dwellings with associated parking, private gardens and amenity space. Alterations to existing vehicular accesses.

**Applicant Details:**

Mr Tom Fletcher  
Unit 21 Wheatley Business Centre  
Wheatley  
Oxon  
OX33 1XW

**I CONSULTATIONS**

Parish Council	Customer made comments in support of the Planning Application
Adjacent Parish Council	No Comment Received.
Thames Water	No Comment Received.
WODC Drainage Engineers	No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
WODC Env Health - Lowlands	<p>Mr ERS Pollution Consultation Thank you for the opportunity to consult.</p> <p>I have no objection in principle.</p> <p>Kind regards</p> <p>Karen Awre Officer Noise &amp; Amenities</p>
OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission Subject to Conditions
ERS Env. Consultation Sites	<p>Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>There is a former quarry with unknown filled ground in the vicinity of the proposed development. Given the proposed residential use of the site please consider adding the following condition to any grant of permission.</p>

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Regards  
Jackie McLaren  
Technical Officer - Contamination

Environment Agency

No Comment Received.



## 2 REPRESENTATIONS

### 2.1 58 Objection comments received summarised as the following

- Overdevelopment of the site
- Amenity Impacts
- Impacts on road safety
- Monitoring during construction
- Retain Historic existing dwelling on site
- Fails to take into account local character
- Lack of parking
- Loss of dry stone wall
- Concerns over design

### 2.2 General Comments

I do feel is a shame that the trees from the front of the site have been removed and that the original property will be lost.

I feel strongly that the dry stone wall should be reinstated at the front of the properties rather than a hedge being planted. This would be in keeping with the majority of the properties along that part of Shilton Road. I also think having the garages/bike store buildings in front of the houses isn't very attractive. This design has been used on a development further along Shilton Road and I don't think it works.

I think 4 dwellings is too many across the site and that 3 would be visually, less intrusive for the neighbouring properties.

I am concerned about the impact on that stretch of road the traffic will have if the build goes ahead. It is a narrow part of Shilton Road and when a similar development was built further along Shilton Road, the trade vans caused chaos by parking along the road.

It would be essential that safety measures be put in place during the build to prevent a nasty accident. It is a 30mph road but being a straight stretch of road people continually drive at speeds well in excess of this.

It is important that if planning permission is granted WODC monitor the build carefully to ensure road safety.

### 2.3 The original property on this land should be retained, and refurbished as part of Carterton's heritage.

This land and property belonged to a working plant nursery with glasshouses that provided Carterton tomatoes by the Timms family and is one of only a handful of properties left standing in Carterton. I lived opposite this site with my parents and we purchased tomatoes to sell in our shop in Burford. This site means a lot to myself and others living in Carterton.

### 2.4 Save the Heritage of our area Save the original cottage

#### I Support Comment

It's great to see this site finally being developed. And only 4 houses is a good compromise between making a development profitable but not cramming too many on.

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

#### **3.1 Taken from the Design and Access statement**

The proposed residential development at Shilton Road, presents an excellent opportunity to provide a high quality development that will greatly enhance and benefit the local context. The existing dwelling which has no significance or interest within the context and the new development will enhance the street scene.

Principles of good design will ensure the new development will sit comfortably within the setting of Shilton Road, while ecological and landscape enhancements will contribute towards the immediate environment.

### **4 PLANNING POLICIES**

T3NEW Public transport, walking and cycling

EH16 Non designated heritage assets

DESGUI West Oxfordshire Design Guide

NPPF 2021

H2NEW Delivery of new homes

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

T1NEW Sustainable transport

T2NEW Highway improvement schemes

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

The application seeks permission for demolition of existing dwelling and associated outbuildings and construction of 4no detached dwellings with associated parking, private gardens and amenity space. Alterations to existing vehicular accesses.

#### **Site Characteristics and Constraints**

The site is located on the edge of Carterton with open countryside beyond the western boundary of the site. The character of the area is low density dwellings in a linear pattern on large plots allowing for glimpsed views between the dwellings to the open countryside beyond. The dwellings are predominantly single and one and half storey with a mix of materials.

The plot itself sits to the west of the B4020 and the overall topography of the area falls from east to west extending out into the open countryside beyond the western boundary of the site. There is also a slight gradient north to south with the site sitting in a dip in the road. The existing property is a traditional dual pitched dwelling with a simple form. It is sited to the top right corner of the plot approx. 13m from the road.

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

- Principle
- Siting, Design and Form
- Impact on Heritage Assets

- Highways
- Residential Amenity

## **Principle**

Carterton is identified within policy OS2 as a Main service centre. Therefore under policy H2 development of this nature is considered acceptable 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.

Therefore officers consider the principle of development acceptable subject to compliance with other plan policies.

## **Siting, Design and Form**

Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

As identified above, the character of the area is low density in a linear pattern on generous plots. The overall topography of the area is on a gradient falling from the east to west meaning that the properties on the east side of the (B4022) road are in an elevated position to the site and dwellings on adjacent side of the road. The properties along this section of the road are set back from the road by approx. 12m on the west side and approx. 20m on the east side.

In terms of scale and form the no 4 proposed detached dwellings are significantly larger than the properties surrounding the site and appear cramped with little spacing between the dwellings. This cramped form is intensified with the addition of a detached garage and forward projecting elements within the frontage of 3 of the 4 properties, pushing development towards to the road and intensifying the built form within the frontages. This is considered to be out of character for the locality which as noted above, the properties on either side of the road are set back within the streetscene with generally open undeveloped frontages.

In regards to design, the scheme proposes 4 large detached two storey dwellings, with hipped roof formations and high level flat roof elements, with significant deep plan forms and some with forward projecting elements.

The ridge heights are taller than those either side (particularly the property to the south of the site). The increase in ridge heights is further accentuated by the uncharacteristic hip roof design and column chimneys which draw the eye up making them appear even taller and therefore out of character for the area.

Officers therefore consider that the design of the dwellings fails to form a logical compliment to the existing established character of the locality and is not considered proportionate and appropriate in scale in comparison to its context. The significantly larger dwellings and increase in built form within the frontage leads to the scheme appearing cramped and overdeveloped.

## Heritage Impacts

The existing property on site appears on historical maps between 1912-1923 which means at a minimum the property is 99 years old. Whilst it is not Listed it still holds historical merit given its age. The majority of the objections received for this application make reference to the loss of this historic property which sits in a prominent location within the street scene and entranced into the settlement of Carterton.

The Design and Access statement states

"The existing buildings fail to make a positive contribution to the street scene due to their dilapidated condition and they have not been occupied or used for a number of years."

The dilapidated condition of the existing property holds no weight within the planning assessment. The property itself is a simple form with traditional dual pitch roof and render and slate finish. No information has been submitted to suggest why the existing dwelling could not be retained and renovated and whilst dilapidated still represents a traditional and historic feature within the street scene. It is therefore considered that the proposal fails to accord with policy OS2 which states development should

- Conserve and enhance the natural, historic and built environment;

Similarly policy EH16: Non-designated heritage assets states

When considering proposals that would affect, directly or indirectly, non-listed buildings, non-scheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development.

This balanced judgement approach also accords with Paragraph 203 of the National Planning Policy Framework (NPPF) which states;

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Whilst the scheme proposes 3 additional properties into the general housing stock, given that the presumption is in favour of the avoidance of loss and no evidence has been submitted to suggest that the existing property cannot be renovated, the development is considered to be contrary to this policy EH16 and the NPPF.

## Highways

County Highways were consulted as part of the application and raised no objection to the scheme. Officers therefore consider the scheme acceptable in this regard.

## **Residential Amenities**

The site has properties adjacent to both the north and south boundaries. The property adjacent to the northern boundary (No 67) sits at a slightly elevated position to the site. Therefore given the separation distance of approx. 7m and with no windows along the side elevation of plot 1 officers are satisfied that there will be no negative impacts by way of overlooking, overbearing or loss of light, over and above the existing dwelling on the site.

On the southern boundary the property, adjacent (No 51) sits in similar position to the development site. There is a planning permission (19/01221/HHD) relating No 51, however the 3 years expiry was the 29.05.19 therefore officers have not considered this as an extant permission as no evidence could be found to confirm that the development had commenced.

The proposed design of plot 4 is significantly taller (approx. 1.7m difference in ridge heights) compared with No 51 with a separation distance of 5m (side to side). There are no habitable rooms along the side elevation of No 51 therefore officers consider there to be no negative amenity impacts as a result of the development.

## **Conclusion**

In light of this assessment, taking in consideration the design, neighbouring amenity and layout, this proposal fails to comply with policies OS2, OS4, and EH16 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

## **6 REASONS FOR REFUSAL**

1. The proposed scheme by reason of its siting, design, massing and scale would create an uncharacteristic form of development that fails to form a logical compliment to the existing scale and pattern of development and results in the loss of a historical building (a Non-Designated heritage asset). The proposal is therefore considered contrary to Policies OS2, OS4 and EH16 of the West Oxfordshire Local Plan 2031, the relevant pages of the NPPF and the West Oxfordshire Design Guide.

**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 8th June 2022