

Uplands Area Planning Sub-Committee: Monday 6 July 2020

Applications for Development: Report of Additional Representations

Application Number	19/02572/FUL
Site Address	45 High Street Burford Oxfordshire OX18 4QA
Date	2 nd July 2020
Officer	Sarah Hegerty
Officer Recommendations	Approval
Parish	Burford
Committee Date	06.07.2020

Application Details:

Installation of 1 no. external condenser unit in rear courtyard.

Additional Representations

Email from Local Member Cllr Derek Cotterill;

As you will be aware the aircon unit will be installed in a small intermediate courtyard with hard walls in a medieval burgage plot location. The nature of the courtyard and the hard walling will have an acoustic effect and resonances which might or might not amplify certain frequencies, probably lower register ones, output by the aircon unit.

Consequently 47dBA is not lower enough in my opinion and anything higher than 35dBA is likely to result in complaints from the householder sharing the courtyard.

The aircon unit has a quoted output of 54 -74dBA but I am unsure of the attenuation figure for the acoustic enclosure, 36dBA might be the figure, not sure from the spec.

The above is a common problem in Burford, met many times in the past, so I have copied Stuart who worked with me on the Bull Hotel/Newsagent problem and will know where the case papers are for reference. That was another seemingly acceptable noise level output from reading specs which presented problems across a yard in letting rooms of the Bull Hotel.

My experience with dBs of all types has been continuous since the 1960s and when I was building data networks for BT International around Europe at the start of the internet era we had to achieve 35dBA for any installation in an urban or domestic location, often where the end user customers were located.

ERS Comments in response to email

British Standard BS8233:2014 'Sound insulation and noise reduction for buildings' and WHO Guidance 'Guidelines for Community Noise 1999' give an upper guideline level for noise in external amenity areas of 55dBLAeq, although noise levels less than 50dBLAeq are said to be desirable. The rated level performance for the condenser unit with proprietary noise enclosure (36dB) is significantly less than these figures.

British Standard BS8233:2014 'Sound Insulation and noise reduction for buildings' and WHO 'Guidance for Community Noise 1999' provides internal noise limits for general environmental noise affecting dwellings- Living rooms 35 dB (LAeq,16hour) and Bedrooms 30 dB (LAeq,8hour). The condenser unit with enclosure and with the attenuation afforded by a partially closed window or closed window would meet these internal levels.

The small, shared, enclosed mixed residential-commercial courtyard context is without doubt an acoustically challenging space (hard reflections). This is why a scheme of mitigation in the form of a sound enclosure would be necessary to allow the commercial retail premises air conditioning within the shop. That said, the condenser would not be silent but at 36dB would be very low impact. It is unusual perhaps with some Burford contexts being the exception, for ERS to require mitigation and a noise limit

for a single air condenser unit- unless where there are banks of many units. I have phoned the enclosure manufacturer this morning and they confirm again that a level of around 36 dB at 1m would be achievable with their enclosure and this level is approximate to the level desired by Cllr. Cotterill. The confusion may have been caused as 47dB was the unmitigated level which we initially started out with. The mitigated level will be some 10dB lower than this.

Application Number	19/02902/FUL
Site Address	2 Witney Road, Long Hanborough
Date	3 rd July 2020
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Committee Date	6 th July 2020

Application Details:

Remove existing dwellings and outbuildings and erection of nine flats together with associated works including the closure of two existing accesses and formation of one new vehicular and one new pedestrian access (Amended scheme).

Applicant Details:

Mr Luke Carter, South Lodge, Barnard Gate, Oxon, OX28 6XD

Additional Representations

Additional Reps

5 further letters received from neighbouring properties reiterating concerns relating to loss of amenity through overlooking, overshadowing and loss of light; inaccuracy/misleading information including daylight/shading analysis; urbanisation to centre of the village; reduced performance of solar panels: inadequate car parking and highway concerns.

Response from applicant

In response to concerns raised in respect of the inaccuracy of the Daylight, Sunlight and Shading Analysis, an updated document has been submitted again based on Building Research Establishment (BRE) guidelines, which provides the criteria and methodology for calculation in connection to daylight and sunlight. The analysis reaffirms that the proposed development would not cause loss of daylight and sunlight to the examined neighbouring buildings and their back gardens. The shading analysis also concludes that the proposed building will not exceed the allowable extent of additional shade to the neighbouring back gardens.

Letter from applicant - ERS Consultants carried out a comprehensive daylight and sunlight assessment on No6 Witney Rd and the recreation hall, their remit was simple, to move our building as much as was needed to have the least impact on No6. This has been achieved; all of the windows in the daylight and sunlight analysis pass the test. All of the rooms have been taken as habitual and tested as such and have passed.

My consultant believes that it is highly unlikely that there will be any impact whatsoever on the Solar panels.

Officer comments

Condition 2 should refer to the revised plans received on 7th May 2020.

Application Number	20/00307/FUL
Site Address	Car Park, Guildenford, Burford
Date	3 rd July 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Burford Town Council
Committee Date	6 th July 2020

Application Details:

Expansion of the Guildenford car park northwards to accommodate approximately 150 vehicles, to include two new footbridges, one alongside existing road bridge and the second into the churchyard across the millstream.

Applicant Details:

Mr Derek Cotterill, The Tolsey, 126 High Street, Burford, Oxon

Additional Representations

A letter from the applicant, Mr Derek Cotterill, in response to the officer's report:

1. **Burford has achieved its HGV ban on the High Street (Policy BCI) and needs to revive its £15m (Witney Gazette report 1 July 2020) economy BUT** the officer awards a higher priority to views of the Grade I listed church from private land (picture page 41) than is given to survival of the High Street (BCI), its businesses, and now Covid-19 recovery plus maintenance of its 160+ listed buildings,.
2. The officers omits to mention WODC'S decision to give planning permission to the prestigious Warwick Hall with 360 person capacity but no provision for car parking as called for in BCI. Now operational the Hall is having a dramatic impact upon business in the High Street by making a high demand upon the existing car park.
3. Burford is flat at the bottom, in flood plain, steeply climbing through the town to a flat top at the A40. **WODC chose to build its first car park and the first extension in the flat flood plain as no other suitable site existed then and does not exist now.** The sequential test document provides more information, using SHELAA site nomenclature mainly, but has been largely ignored. Extending the WODC car park further east is not an option as that would push standing flood water downstream, against EA rulings, in the same way as the current car park on-passes flood water downstream unfiltered. The site proposed is the driest part of the field, (Flood Risk Assessment deals). The temporary car park area has been unusable since October 2019 due to a wet surface area.
4. The EA response and objection are text book and not practical. The EA does not clear non navigable rivers and the Mill Leat and Windrush below the car park are congested with fallen trees and shrubbery so slowing the water flow. In October last year the northern spillway was widened as an emergency measure to prevent flooding of Island House, Ladyham and the Grade I listed church which sits about 2 feet below the water level of the Mill Leat.
5. Comments by the Biodiversity Officer are surprising since the application area is low grade grassland only. It is usually mown so how it can be "priority grassland habitat" in para 5.25 is a mystery. Mill Leat banks and the northern spillway banks remain as they are with their current vegetation. A 16 mtrs and 8 mtrs buffers, respectively, ensure this. Any bridge supports are required to be 1 to 1.5 mtrs back from the Leat's bank to comply with EA requirements. Hedging is proposed but soft landscaping is usually conditioned for agreement with officers, that is expected here. The Design and Access document also introduces the option to establish a wetland environmental area in the field and this has been surveyed in a preliminary way by Vaughan Lewis, EA consultant, and Rob McInnes, Wetlands Design expert who built the River Ingol system for Norfolk Rivers Trust and is currently designing one for Wessex Water.
6. The Newt Officer comment is misrepresented. He concluded (et seq):

However:

- *The site is maintained as species-poor grassland and is therefore unlikely to be used as terrestrial habitat for GCN;*
 - *There is a watercourse between the site and the aforementioned pond, meaning that GCN are unlikely to access the site;*
 - *There are no ponds within the site boundary.*
7. How the officer can conclude, para 5.30, that public benefit has not been sufficiently demonstrated when overwhelming support from the High Street business has been noted and the impact of the successful Warwick Hall has been described is not clear. The attached photograph demonstrates demand from visitors for parking spaces. At this time of year Burford car park usually has a number of Dutch and German plated cars and campervans in the car park but Covid-19 means it is now full of British vehicles at weekends.



8. The “alternative” Bowls Club car park is accessed via the single track Tanners Lane near the A40. Placing a car park adjacent to the A40 on the west side of Burford has now been costed. Apart from being on the high Wold and visible from Rissington and in the wider landscape, **it would require two shuttle buses running 7 days a week throughout an extended day. Each of the 150 car spaces would need to earn £6-00 per day over 180 days of the year in order to cover costs.** This is unachievable based upon excess need over the current Guildenford capacity. Too costly and risky a project for Burford Town Council to contemplate.
9. Finally, the bridge into the churchyard is included at the request of the church authorities, but it could be omitted as there are two road pedestrian routes from Guildenford into town, one full equipped with pavements and one partly equipped. The road safety aspect is valid for Church Lane.
10. The £20,000 made available to the Town Council to provide consultancy and reports for this application has been exhausted. Therefore, the final decision on this project rests with the Committee. I did request a site visit to clarify many issues but it was refused. The comment was that everybody knows where the Guildenford car park is located and that must include knowledge of the northern spillway, Bowls Club location, and the visibility issues.
11. Cabinet has agreed that WODC will construct a Recovery Plan, how will Burford feature in it?

Application Number	20/00905/FUL
Site Address	Land West of Soho Farmhouse, Great Tew
Date	3 rd July 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Great Tew Parish Meeting
Committee Date	6 th July 2020

Application Details:

Change of use of land from agriculture to hotel (to allow year round use of camping field 'Farm Camp') together with replacement guest amenity building, five-a-side pitch and new landscaping.

Applicant Details:

Soho House UK Limited – C/O Agent.

Additional Representations

Please see below a full list of the proposed conditions which should supersede the conditions outlined on pages 53 and 54 of the officer's committee report in the agenda:

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

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

2. The development shall be constructed with the materials specified in the application.

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

3. The development/buildings hereby permitted shall only be used for the uses specified in the application and for no other purposes. The bell tents and other facilities shall only be used as a part of the hotel and leisure complex and shall not be occupied or used separately as single dwelling houses.

REASON: In order to control the development and ensure the proper planning of the locality.

4. That the bell tent accommodation to which the application relates shall be removed on or before twenty five years from the date of this permission or within 3 months of the cessation of the sites use as a hotel and leisure complex, whichever is the sooner. A scheme to ensure that this can be complied with shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this consent.

REASON: The temporary nature of the development is not appropriate for permanent retention and to ensure the means to undertake the work to remove them are available.

5. The development shall be completed in accordance with the 'Conclusions and recommendations' on page 5 of the Ecological Assessment, dated 23rd march 2020, prepared by Environmental Consultants, as well as the External Lighting Plan (drawing no. 158), as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats, birds, badgers, amphibians and reptiles are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter

15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. Before the erection of any external walls, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) integrated within the walls of the new built structures and/or erected onto mature trees on site, shall be submitted to the local planning authority for approval. The details shall include a drawing/s 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 dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

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

7. No further development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, amphibians, hedgehogs and badgers has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles, amphibians, hedgehogs and badgers are protected in accordance with the Wildlife and Countryside Act 1981 as amended, the Protection of Badgers Act 1992, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. A comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following biodiversity enhancements:

- Wildflower meadow areas;
- Buffer strips alongside the hedgerows, sown with a shade tolerant wildflower seed mix;
- The planting of native, locally characteristic tree and shrub species,
- The planting and infilling of hedgerows using native, locally characteristic species;
- Woodland planting;
- The creation of hibernacula;
- A 5-year maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following this consent.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.