

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

20th January 2014

**REPORT OF THE HEAD OF PLANNING
AND SUSTAINABLE COMMUNITIES**



**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 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

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

13/1453/P/FP 27 Burwell Drive Witney	3
13/1534/P/FP Westerfield Farm Carterton.....	6
13/1551/P/FP 40 Market Square Witney	17
13/1552/P/LB 40 Market Square Witney	20
13/1596/P/FP Old Barn Worton	22
13/1628/P/FP 2 Valiant Court Black Bourton Road Carterton.....	28
13/1654/P/FP Unit 6 Woolgate Shopping Centre Witney	29
13/1663/P/FP 1 Colwell Drive Witney.....	32
13/1689/P/AC The Old Chapel Union Way Witney.....	35
13/1703/P/OP 18 & 20 Woodstock Road Witney	37
13/1710/P/FP 35 Burford Road Witney.....	40
13/1730/P/S73 Land At Black Bourton Road Carterton.....	42

13/1453/P/FP 27 Burwell Drive Witney	
Date	10/10/2013 10/10/2013
Officer	Miss Miranda Clark
Officer Recommendation	Refuse
Parish	WITNEY
Grid Ref:	434414,209192

APPLICATION DETAILS

Erection of dwelling.

APPLICANT

Mr Jim Smith, 27 Burwell Drive, Witney, Oxfordshire, OX28 5ND.

BACKGROUND INFORMATION

The application was deferred from last month's meeting by Members to enable a site visit.

I PLANNING HISTORY

W84/0647 – Extension to form garage and porch – Grant

W83/1055 – Front extension – Grant

W86/1731 – Extension comprising garage, dining room and hall with chimney stack – Grant

The adjoining property no 29 proposed an attached new dwelling in 2012 and was refused for the following reasons:

1. Given the juxtaposition with neighbouring dwellings and the small size of the plot, it is considered that a new dwelling would read as cramped and contrived and incongruous in the streetscene. Furthermore, the poor relationship with the neighbouring property, No. 1 Mountfield Road, by virtue of its staggered and forward position, will result in a harmful overbearing impact. The proposal is therefore contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.
2. By reason of the intensified use of the access that is in close proximity to a junction, lack of turning space within the site, proposed width of the extended access/length of the dropped kerb, and restricted pedestrian and vehicular visibility splays, the proposal will unacceptably increase risk to highway safety for vehicular users and pedestrians. The proposal is therefore contrary to Policy BE3 of the West Oxfordshire Local Plan 2011, and the standards set out in the County Council's Transport for New Developments - Parking Standards for New Residential Developments, December 2011.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council has no objection to this application.”

2.2 OCC Highways

“The proposed two bedroom dwelling will be allocated two car parking spaces, and a further two spaces will be allocated to the existing dwelling. The level of parking provision and the dimensions of the spaces meet the county council's parking standards.”

Ideally turning should be provided within the site. However, the front hedge will be removed and the available visibility from the parking spaces (towards the junction of Burwell Drive with Mountfield Road and along Burwell Drive) will be of a level that the lack of turning alone would not warrant refusing the application as long as the vision splays are retained by planning condition.

Recommendations

I have no objections to this application subject to the following conditions.

- 1. Pedestrian vision splays provided and retained in accordance with plans.*
- 2. G36 Car parking in accordance with approved plans.*
- 3. G33 Hard surface & SWD specification for dwelling.*

Informative

I suggest the following informative is passed on to the applicant by inserting on the consent:

Any works to the highway (extending the dropped kerb) are subject to a separate permission, under S184 Highways Act, issued by the Local Highway Authority. Please contact the Local Highway Authority prior to any such works 08453 10 11 11."

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted with the application and has been summarised as:

- Both WODC and Oxfordshire Highways Department were consulted as part of the development of this proposed scheme. Oxfordshire County Highways responded on 10/04/2013 to our initial enquiry dated 3/4/2013 regarding the proposed additional dwelling as follows;
- The proposal has caused a great deal of thought as to the accessibility in terms of highway safety and convenience. I would suggest that on balance adequate vision is obtainable from the access or rather that the vision does not warrant the refusal of a planning permission. Given the traffic flows and speeds on the roads adjacent to the site I do not consider that the lack of turning alone does not warrant the refusal of a planning permission.
- WODC pre app response dated 24/05/2013 highlighted the following concerns which have now been addressed; impact on the streetscene, impact on no 25, lack of amenity, it would set a precedent and highway issues.
- This proposed scheme has been carefully designed to be in keeping with the existing building and neighbouring properties whilst also respecting the established architectural character of the street. The materials to be used in the proposed construction will match those of the existing properties in Burwell Drive.
- The proposal is for a 2 bed residential unit.
- It has been designed to appear similar in scale and massing to that of the host dwelling when viewed from the street whilst adapting to site constraints to the side and rear elevations. The use of similar materials will be used in the construction of the proposal.
- The proposal is accessed via Burwell Drive and provides the required no of parking spaces for the existing and proposed dwellings.
- It does not create any increase in massing to have a detrimental impact on the neighbouring properties; the overall design will respect both the privacy and amenity of neighbouring properties and amenity space.
- Provides more amenity space.
- The issue of precedent is not a consideration. There are numerous examples of similar proposals across the Burwell estate.
- We consider that the proposal provides an acceptable solution to the site whilst acting to enhance the site context. It fully conforms to the local plan and represents a sensible use of the site which positively responds to the context. Given these points it is suggested that the proposal is worthy of support and subsequent approval.

4 POLICY

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy H2 – General residential development standards
Policy H7 – Service centres

5 PLANNING ASSESSMENT

- 5.1 The application site is located within a mature residential area of Witney and fronts onto Burwell Drive. The existing dwelling is part of a semi detached pair and has a large garage adjoining the dwelling. This is proposed to be removed to allow the construction of a two storey dwelling.
- 5.2 The existing dwelling is located on a slight curve of the road and as such there are site constraints which result in the application site not being of a uniform shape. The frontage of the site is wide and narrows to the rear resulting in a triangular plot. As a result the design of the new two storey dwelling follows the site constraints and officers consider that the proposal will appear as an incongruous and cramped addition within the streetscene. This would be especially evident from the front and side view.
- 5.3 In addition if allowed a precedent could be set which is a consideration of Policy H2 of the West Oxfordshire Local Plan.
- 5.4 Although there is provision for garden amenity space, this is of an irregular shape and officers consider that on balance it will only offer limited useable amenity space for the new occupants. Officers do not consider that an overbearing impact will result to the adjacent dwellings.
- 5.5 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.
- 5.6 However having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits.

RECOMMENDATION

Refuse for the following reason:

- I By reason of the scale and size of the plot, it is considered that a proposed dwelling would appear as a cramped and incongruous feature within the existing streetscene, adversely affecting the visual character. It could also set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area. The proposal is contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

13/1534/P/FP Westerfield Farm Carterton	
Date	29/10/2013 29/10/2013
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	SHILTON
Grid Ref:	

APPLICATION DETAILS

Installation and operation of a solar farm, with associated works.

APPLICANT

Lightsource SPV 45 Ltd, Level 5, 20 Old Bailey, London, EC4M 7AN.

BACKGROUND INFORMATION

This application seeks consent for the development of a solar farm with associated works on a parcel of land comprising 33ha of arable land adjacent to the hamlet of Stonelands, to the North of Carterton. The land has agricultural land Grading 3.

The proposal is for a 12.5MW solar farm and requires approximately 51,000 PV panels. These panels will be mounted at angles between 20-30 degrees with a maximum height of 1.8m above ground level. The lower edge will be retained to a height of 900mm to allow sheep to graze beneath. They will be pile driven and no concrete base will be required.

The Shilton Conservation Area sits approximately 400m to the South West of the site and the Cotswolds AONB is 750m to the North of the site. A Grade II Listed property, Stonelands, is located 280m to the North East of the site.

Members will recall a similar scheme was refused planning consent at the October Lowlands Planning Committee in October 2013:

“By reason of their visual impact from public vantage points and wider landscape views the proposed development is considered to have an unacceptable urbanising impact, harmful to the rural character of the area and the greenfield character of this part of the countryside. Therefore, the proposal is considered to be contrary to Policies BE2, NE1, NE3 and NE12 of the West Oxfordshire Local Plan 2011”

The applicant has sought to address the previous refusal reasons by making the following amendments:

- The maximum height of the panels has decreased from 2.5m to 1.8m.
- A reduction in the number of inverter and transformer cabinets from 40 to 14.
- The location of the inverter and transformer cabinets have been amended into 4 groupings, with trellising proposed around the groupings where creeper plant screening will grow.
- The panels have also been pulled back from the northwest and northern boundaries of the site to allow for an increased buffer zone between the bridleway, roman road and the solar farm. It is proposed this will also increase the ecological enhancement through wildflower planting.
- The proposed communications building and auxillary transformer have also been removed.

In respect of addressing the visual concerns expressed in the previous refusal reason, the application now proposes fairly wide belts of new planting to the northeast and southwest boundaries.

I PLANNING HISTORY

The site serves as open arable land and permission for a solar farm was recently refused planning permission (October 2013) for a very similar development (Planning reference: 13/1129/P/FP).

2 CONSULTATIONS

2.1 Shilton Parish Council

No comments have been received at the time of writing this report.

2.2 WODC Environmental Health

"I have visited this site and considered the application. In terms of environmental protection, I can not see any issues that may cause disturbance to residents. The site does not have dwellings close by; there is no noisy plant on-site and any radiation from the site would be expected to be modest and of non-ionising electromagnetic frequencies (comparable with electrical substations [that are acceptable in urban areas]). Accordingly I do not recommend any conditions."

2.3 Oxfordshire County Council

Highways

"Trip generation and construction traffic management:

The solar farm will generate a low number of vehicle trips once it is operational. The greatest impact the development will have on the highway network will be during the construction and decommissioning phases.

It is estimated that 200-240 HGV vehicles i.e., approx. 480 movements will be generated in the construction and decommissioning phases. Construction is estimated to take 10-12 weeks and up to 12 trips per day will be generated. The number of trips itself is unlikely to have a severe impact on the highway.

A Construction, Decommissioning and Traffic Management Statement has been submitted. Some details within this document need to be finalised and agreed with the Local Highway Authority e.g., lorry routing, position and content of signage and the road condition survey (before and after construction). A condition should therefore be attached to the consent requiring submission of these details for agreement with the Local Highway Authority.

Due to the short period of construction, a formal Routing Agreement is not considered necessary. However, a route for construction traffic to the site must be agreed with the Local Highway Authority prior to commencement. Access to the site is either via the junction of Stonefields with the B4020, or via Burford Road, which is narrow with passing places.

The proposed signage at the site entrance is considered acceptable, but additional signage will be necessary along the route, for example, if the B4020 is to be used, warning signs will need to be located at the junction of Stonefields with the B4020. If the Burford Road / Stonefield route is used, signage will be required on the sharp, narrow bend and at junctions. The location and content of the warning signage must be agreed with the Local Highway Authority prior to commencement".

Access

"The access should be widened to accommodate the construction traffic, and vision from the access should be improved by cutting back the vegetation. Details of the access specification and a vision splay plan showing appropriate vision splays must be submitted for agreement with the Local Highway Authority. Ideally a splay of 2.4m by 215m should be achieved, although a shorter distance may be acceptable.

Parking:

It is recommended that a suitably drained area of hard-standing is provided so that a vehicle servicing the panels can park and turn within the site. A plan should be submitted.

Conditions:

- *G11 - Access to specification*
- *Details of the construction traffic route to the site, location and content of signage during construction / decommissioning phases, and road condition survey, must be submitted to and agreed with the Local Highway Authority.*
- *Plan showing parking and turning space for vehicles servicing the site.*
- *Vision splay plan to be submitted and agreed.”*

Drainage

“Detailed drainage system design required prior to the commencement of development.”

Archaeology

“The applicant has provided an archaeological desk based assessment that fairly assesses the potential for this development disturbing buried archaeological features. The potential for this is low but the presence of Akeman Street, an important Roman road suggests that it is possible that other related features may be present. The extent of ground disturbance involved with this development is not extensive and we would therefore recommend that the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

Conditions:

1) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF. (2012)

2) Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF. (2012).”

Minerals and Waste

“The application site is within an area that is underlain by White Limestone beneath Forest Marble. The White Limestone is a mineral that is commercially worked in this area; this mineral is currently worked at the nearby Burford Quarry, to the east; and there is permission for further quarrying of this mineral at the currently inactive nearby Whitehill Quarry, to the north. Land to the east of the application site (adjoining Burford Quarry) and immediately to the north east of the application site has been put forward to the County Council by a mineral operator for consideration for possible identification for future limestone working in the Minerals and Waste Local Plan.

It is therefore likely that the application site is underlain by potentially workable deposits of limestone. This application should therefore be considered against Oxfordshire Minerals and Waste Local Plan saved policy SD10 on protection of mineral resources.

Paragraph 6.1 of the Design and Access states that that the proposed solar farm will be a temporary, medium term, development and that all structures and equipment would be removed at the end of its 30-35 year operational life and the site restored. It also puts forward two possible, alternative conditions to reflect this: either requiring removal of the solar farm within 6 months of cessation of energy generation; or requiring removal of the solar farm within 6 months of cessation of energy generation or within 30 years 6 months following completion of construction, whichever is the sooner.

The temporary nature of the development means that it would not permanently sterilise the mineral deposits within the application site. Furthermore, it is unlikely that these minerals would be required to be worked within the next 30-35 years in order to maintain the supply of limestone in Oxfordshire, as there are alternative resources potentially available. Therefore, subject to a condition on any planning permission that is granted to limit the duration of the development to an appropriate period and require removal of all structures and equipment at the end of that period, there is no objection to this planning application on minerals policy grounds.

The second of the two alternative conditions put forward in Paragraph 6.1 of the Design and Access Statement would provide greater certainty of the solar farm being removed within a reasonable period of time, in line with the application details; but linking the time period to commencement of the development would be more enforceable than linking it to completion of the development. The Construction, Decommissioning and Traffic Management Statement, section 3.2.1, indicates that construction would take 10-12 weeks. A time limit of 31 years from commencement would therefore be appropriate, to allow for a 30 year operational life plus time for construction as well removal and site restoration.

There are no significant waste planning issues relating to this proposal.

Conditions:

Within 6 months of the cessation of energy generation from the site or within 31 years following commencement of the development, whichever is the sooner, all structures, equipment and infrastructure associated with the solar farm shall be removed from the site and the land shall be restored to its original condition.

Reason: To ensure that the development is temporary, as stated in the application, and to ensure that potentially workable limestone mineral deposits within the site are not permanently sterilised, in accordance with Oxfordshire Minerals and Waste Local Plan saved policy SD10 on protection of mineral resources.”

Ecology

“From the information I have available to me there do not appear to be any major ecological constraints on this site. However, the application and the accompanying Ecological Appraisal only assess the site of the proposed solar farm itself and not the proposed route of the cabling. The route of the cabling could therefore raise ecological issues, particularly if it affects field-margins and hedgerows or creates crossings or structures over (or tunnelling beneath) any watercourses. These habitats are likely to be of ecological value and works could affect protected species. I understand that these works do not require planning permission. However, the applicant/developer should still be reminded that they need to fully assess the potential impacts in relation to wildlife and protected species law. I also note that there was a confidential appendix relation to Badgers, which I have not seen. If you are minded to grant consent you should be confident that there would not be a harmful impact on badgers (Badger Act 1992). I can provide comments on this if required.

If the District Council is minded to grant consent I suggest that you apply Condition/s and Informatives (I have suggested some wording for the informatives):

Condition:

- A condition to require the biodiversity mitigation/enhancement measures proposed in the Ecological Assessment (Avain Ecology Ltd, 24 June 2013) table in 5.11.
- I suggest that the District also applies a condition to require further information on the details of the mitigation/enhancement measures to be submitted prior to commencement of works.

Informatives:

Protected Species:

- If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence.

Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

Breeding Birds

- All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of trees, scrub, hedgerows or grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

Badgers

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection.”

3 REPRESENTATIONS

Comments have been received from David Bridges and Lise and Richard Woollacott, The Cottage, which can be summarised as:

- This is an appalling waste of prime agricultural land.
- More suitable sites exist on local factory roofs or above supermarket car parks.
- Too many associated buildings for rural countryside.
- Too adjacent to existing approved quarry plans turning the area into an industrial zone.
- Plans continue to leave a visual eyesore for most of the year in a rural area.
- Loss of some of the best farming land in West Oxfordshire.
- Not in keeping with the protected status of the area.
- Increase flood risk.
- Not in keeping with the rural area.
- No different from the previous application (13/1129/P/FP).
- Vast number of panels.
- Will materially alter the landscape.
- Brownfield land is preferable.
- Use of the site for sheep grazing rarely ever comes into practice.

4 APPLICANT'S CASE

4.1 The following has been submitted in support of the planning application:

- Planning and Design and Access Statement.
- Ecological Appraisal.
- Construction, Decommissioning and Traffic Management Method Statement.
- Archaeological Desk Based Assessment.
- Landscape and Visual Impact Assessment
- Flood Risk Assessment.

4.2 The above documents were presented with the previous planning refusal and the applicant has supplemented this submission with the following additional documents:

- A Landscape Management Plan.
- Written Scheme of Investigation for Archaeological Works.
- Agricultural Land Classification Document

4.3 The Landscape and Visual Impact Assessment has also been bolstered to include wider views from other vantage points that were missed in the previous submission and discussed at the October Planning Committee.

4.4 A considerable volume of information has been submitted and these can be inspected in full on the Council's website or by contacting the case officer.

4.5 In summary, the main points raised are considered to be:

- Proposal is capable of generating clean electricity to power 3,500 typical households.
- The solar farm would avoid 6,000 tonnes of carbon dioxide emissions, thus reducing the carbon footprint of Shilton, Carterton and the surrounding area.
- The development can be assimilated by the surrounding landscape. The site benefits from existing vegetation along the site boundaries which helps to screen the relatively flat site from both public and private vantage points.
- A comprehensive planting plan will provide screening from the road to the South and South East and the bridleway in the North West of the site.
- Has been set back 70m from the Southern boundary to provide an additional buffer.
- Additional planting will provide new green corridors for species to use on site, enhancing the biodiversity and habitat values.
- Will not increase the risk of flooding on either the site or surrounding areas. The development proposes an infiltration swale along the South Eastern boundary of the development which will benefit the site and surrounding area through reducing runoff.
- Impacts on the Roman road through the North of the site and the Listed Building at Stonelands have been mitigated through the design of the layout and the additional screening proposed in the planting plan.
- Sheep will be grazed under and between the panels which allows a dual-use for the site.
- At the end of the solar farm's life, the site will be decommissioned, with all infrastructure removed from the site, and the site restored to its original condition for sole agricultural use.
- The majority of the components of the solar farm can be recycled or reused at the end of the solar farms operational life.

4.6 In addition, the applicant has provided the following arguments in support of their case and to further express their reasons as to why the site is suitable:

In regards to the additional vegetation planting the Limestone Wolds character assessment lists the following as enhancement priorities:

- Rebuild and maintain drystone walls;
- Retain and replant hedgerows and introduce more hedgerow trees, using native species typical of the limestone (eg. ash, field maple etc);
- Plant large blocks and belts of native broadleaved woodland to link with existing woodlands and restore a mosaic of woodland and farmland;
- Where possible, retain areas of existing permanent pasture (such as around Field Farm), encourage conversion of arable land to pasture and discourage further field enlargement;
- Encourage less intensive farming practices, the introduction of 'natural' vegetation cover in field headlands and margins, improve appearance and wildlife value of 'set-aside' land;
- Repair and maintain traditional stone buildings in the landscape;
- Strengthen landscape structure around Carterton by new planting to soften the impact of existing and proposed development.

The additional landscape proposals have been designed with these enhancement priorities in mind to ensure that the planting and development in general complies with these (where applicable). Native hedge transplants have been proposed to enhance the existing gaps in the hedgerows around the site. New woodland areas will help provide substantial new wildlife habitats while strengthening the landscape structure and help towards restoring the 'mosaic of woodland and farmland'. While the majority of the site will be grazed by sheep and therefore be planted with a grass mix, there will be wide field margins of wildflower seed-mix. Overall, the land will have a temporary rest from intensive farming practices while introducing new natural vegetation cover and improve the wildlife value of the site.

The development sensitivities of the Limestone Wolds are listed as the following:

- Open limestone wold landscapes are very visually exposed and sensitive to development;
- A particularly strong landscape structure would need to be established to absorb development in more open landscapes;
- Semi-enclosed limestone wolds landscapes are also visually sensitive and any development would need to be closely and sensitively integrated with existing buildings or within a strong landscape structure;
- Elevated, open landscapes are particularly sensitive to tall or prominent structures, such as communications masts, and large buildings.

The development proposals does not include any large or prominent structures and instead comprises of a temporary installation of solar panels with a maximum height of 1.8m and several cabinets which have been strategically grouped together surrounded by trellising to screen them from any visual receptors. Views into the site will mainly be restricted to views from the east and northeast, with views into the western field from these locations restricted by topography of the land and existing vegetation within and around the site boundaries, and the public right of way along the northwest boundary of the site, where views into the site will only be from a small section of the right of way and will be screened through additional planting. The photomontage at viewpoint 8 demonstrates how the solar farm development would be viewed from the most exposed public vantage point where the site is visible from at Year 1 and Year 5 post-construction. This clearly demonstrates the ability of the proposed landscaping scheme to screen the site from the footpath and surrounding area while having only a minimal impact on the open nature of the site and surrounding landscape – furthermore, as previously demonstrated this is in accordance with the enhancement aims of the Limestone Wolds character area.

In regards to the capacity of the district's inability to accommodate further solar farms, there is no intervisibility possible between any approved solar farms and Westerfield farm. There are many limiting factors in the district's ability to host development of this character, most significantly the AONB which covers a wide area of the district and existing towns and villages where it would not be appropriate to site a solar farm. We still consider this to be a very suitable location for a solar farm due to the limited public vantage points from where it would be visible, the proximity to the point of connection (which is on-site and therefore does not require any underground cabling off-site) and the potential for additional landscaping to

remove any impacts on the surrounding landscape and have a significant benefit to the ecology of the site and to the enhancement aims of the Limestone Wold character area.

5 POLICY

Officers consider the following policies to be of relevance in the determination of this application:

Policy BE2: General Development Standards
Policy BE3: Provision for Movement and Parking
Policy NE1: Safeguarding the Countryside
Policy NE3: Local Landscape Character
Policy NE12: Renewable Energy

West Oxfordshire Landscape Assessment (1998)

National Planning Policy Framework (NPPF)
Planning Practice guidance for renewable and low carbon energy (DCLG; July 2013)

6 PLANNING ASSESSMENT

- 6.1 The proposal is for a 12.5MW solar farm, believed to be capable of generating electricity to power 3,500 typical households, and located on a parcel of land at Westerfield Farm, Stonelands, Carterton. The land is located to the North of Carterton and Shilton sits 400m to the South West.
- 6.2 Approximately 33ha in field area, the land is currently used for arable farming purposes and is Grade 3 Agricultural Land. The site primarily consists of grass with boundary hedgerows and larger trees on the boundaries. Akeman Street, a Roman Road, runs along the boundary to the North and a bridleway runs adjacent to the North West boundary of the site.
- 6.3 The road between the Burford Road and the B4020, passing through Stonelands, runs along the Southern boundary. The site is not within the Shilton Conservation Area (approximately 400 metres due South West) nor the AONB 750m to the North of the site. The nearest residential properties are within the hamlet of Stonelands, including a Grade II Listed dwelling. South East of the site lies an open quarry site.
- 6.4 The solar farm is intended to be temporary, medium term, use of the site (approximately 30-35 years) at which time all equipment will be removed and remedial works undertaken to restore the land to its current state.
- 6.5 The development will require approximately 51,000 PV panels and each panel will be approximately 1.65m x 0.94m. Each frame will be attached to mounting frames at an angle of between 20-30 degrees. The panels are fixed in place and have a maximum height of 1.8m above ground level and at the lower edge, 900mm. This is proposed to enable sheep to graze in between and under the panels.
- 6.6 To enable the development to operate, the electricity also needs to be converted into alternating current to be fed into the local electricity grid network- this requires the addition of inverters and transformer units and switchgear substations. The numbers have now been reduced and a total of 14 inverter and transformer cabinets are required – these are now group in four areas to minimise the spread of more visually prominent apparatus. Security measures also require the inclusion of a 2m high fence around the perimeter and security cameras (3m in height) will be pole mounted along the site boundary.

6.7 This application has been resubmitted following Members resolving to refuse a comparable scheme at the Lowlands Planning Committee in October 2013. Recognising the views opined about the visual impact and the prevalent openness of the landscape, the following amendments have been made to this application:

- The maximum height of the panels has decreased from 2.5m to 1.8m.
- A reduction in the number of inverter and transformer cabinets from 40 to 14.
- The location of the inverter and transformer cabinets have been amended into 4 groupings, with trellising proposed around the groupings where creeper plant screening will grow.
- The panels have also been pulled back from the northwest and northern boundaries of the site to allow for an increased buffer zone between the bridleway, roman road and the solar farm. It is proposed this will also increase the ecological enhancement through wildflower planting.
- The proposed communications building and auxillary transformer have also been removed.

6.8 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

Impact on the landscape

Wildlife impact

Impact on drainage and highways

Design and impact on heritage assets

Benefits of allowing the development

6.9 In light of the refusal reason under application 13/1129 it is officers' opinion that the chief consideration relates to whether the mitigation measures put in place now reduce the visual prominence and harm of the proposal.

Principle/Policy

6.10 Policy NE12 of the adopted Local Plan identifies the criteria whereby proposals for the provision of renewable energy will be considered. The policy states that renewable energy schemes will be permitted if there would not be an unacceptable impact upon the resources of the area; and there is not an unacceptable level of nuisance by reason of noise, safety, shadow flicker, electromagnetic interference or reflected light.

6.11 Subject to these provisos being met the principle of the development is considered to be acceptable.

6.12 However, in July of this year the Government published further guidance (Planning practice guidance for renewable and low carbon energy) on the deployment of large-scale solar farms and suggests Local Planning Authorities should, amongst other criterion, be: encouraging the effective use of previously developed land; considering the effect of the development on the landscape; the need for, and impact of, security measures e.g. lighting; the potential to mitigate landscape and visual impacts and care to consider the impact on heritage assets.

6.13 It is also noted that the Council's existing policies do not directly consider the implications of the cumulative change to the landscape of the District by virtue of allowing a number of these forms of application. In this case it is noted that there are no similar developments within proximity that could be collectively viewed from multiple vantage points at the same time. For this reason the incremental impact is not considered to be a material consideration.

Environment and climate change

- 6.14 In further support of the relatively permissive nature of both Local and National Policy, Members may consider there to be over-riding and substantive benefits of this scheme that overcome the concerns addressed within this report. Given the environmentally constrained nature of much of the District – due to AONB, Woodland, World Heritage Site, SSSI and Conservation Area designations – this site may be considered to be one of the less sensitive sites within West Oxfordshire which will help to address concerns regarding carbon reduction and reducing dependence on fossil fuels.
- 6.15 Furthermore, the additional planting (biodiversity enhancement) and benefits to the local community may add some degree of weight to supporting this scheme.

Design and impact on Heritage Assets

- 6.16 To the Northern edge of the site runs the Roman Road, Akeman Street. The Archaeological Desk Based Assessment indicates minimal disturbance to archaeological features and, in any case, the level of disturbance to ground is considered to be negligible. The applicant has since provided a Written Scheme of Investigation, which concludes that the development will have no detrimental impact on any buried archaeological remains. The County Council Archaeologist has confirmed the contents of this document are acceptable.
- 6.17 The proposal site is also considered to be set sufficiently far enough away from the listed properties in Stonelands and the Shilton Conservation Area and therefore there is not considered to be harm to the setting of the listed buildings and the proposal preserves the character of the Conservation Area.

Landscape

- 6.18 The land is set in a fairly open countryside location, with the course of the Akeman Street Roman road running along the North-West boundary. Within the general vicinity of the site there are quarries and road, but the site itself is typified by its gentle-rolling arable land, which would be completely transformed by the proposed development. With the exception of the quarry to the South East the site is bordered all around by fairly open, agricultural land.
- 6.19 The West Oxfordshire Landscape Assessment describes the site and surrounds as ‘Open Landscape Wolds’. The area consists of large fields with weak hedges and frequent gaps with very few trees. Notably: with a very open and exposed character and high intervisibility. It is therefore officers’ opinion that the underlying character of the area predisposes itself to being unsuitable for a proposal that has the potential to overhaul the intrinsic character of the area.
- 6.20 The development would be of a vast scale, and due to the addition of all the required paraphernalia (including transformers and security cameras etc, which albeit have been notably reduced in number and clustered in groups rather than sporadically throughout the site) it is considered that that use would be inconsistent with the surrounding landscape which is predominantly small fields and hedgerows and small settlements.
- 6.21 The applicant has substantially bolstered their case in regard of landscape and visual impact in an attempt to address the previous refusal reasons. An amended Landscape and Visual Impact Assessment has been submitted, addressing wider vantage points and aspects previously not included in the previous submission document. In addition, a Landscape Management Plan has been provided. This addresses concerns regarding the planting and management of planting; it is intended this will be updated at 5 year intervals. The submission does however still rely on summer photography; and whilst gives a depiction of the visual appearance at projected intervals, it

fails to address how the site will be viewed during winter months when there will be limited foliage and natural screening.

- 6.22 The site can presently be seen from vantage points outside of the application area – although mitigating works and landscape planting are proposed to seek to address this – and the concerns are further circumvented by the topography of the land. The panel arrays would be set on ground that partly slopes down to the Shill Brook in the South West, with the potential for longer views and wider inter-visibility from higher ground on the other side of the valley. The site will also be visible from the immediate and wider surroundings – the road to the South East of the site and the footpaths to the North West and South East of the site. In addition, higher parts of the site will be some 10m or more higher than elements of the site at the southernmost tip, with the solar panels being some 1.8m higher plus the operational buildings. And, of course, planting can be transient in nature and there is no assurance that the peripheral planting can be of a solidity and height as depicted –albeit the proposed Landscape Management Plan will allay these concerns to some degree. Nor is it accepted that the ameliorative works will manage to mask higher vistas of the site itself due to the notable increase in topography from South to North – some of the panels and buildings will be significantly higher than some of the road and footpath levels.
- 6.23 The arrays have retreated around seven or so metres from the north-east and south-west boundaries, although by comparison with the overall dimensions this is insignificant - and so the scale remains. The arrays remain more or less as before, although there has been some grouping, tidying and screening of the various ancillary buildings and equipment. This is to be welcomed, but again, by comparison with the huge area of the arrays, it is not of great significance. There would now be fairly wide belts of new planting to the north-east and south-west boundaries. This is to be welcomed but it is reliant on vegetation– its survival would depend on it being carefully established in the first place and then carefully maintained in perpetuity, neither of which is guaranteed, even with the submitted Landscape Management Plan. It is considered that a site that is screened by topography is a far safer proposition. And in this case, as previously noted, there are concerns about longer views, particularly across the valley, which may well allow sightlines over the boundary planting.
- 6.24 Furthermore, given that the site is greenfield in nature and of reasonably high quality agricultural classification (the applicant's Agricultural Land Study confirms the Grading as 3, which is not the highest quality), it is considered that the proposal is not sequentially preferable to other brownfield sites that may be obtainable within the District.
- 6.25 For these reasons it is considered that the application fails to preserve the landscape character of the area and will introduce an incongruous industrial aspect to an otherwise open countryside, agricultural aesthetic. In addition, whilst the increased depth and level of screening will assist in masking the visual prominence of the development, it is considered that the screening of the site will introduce an alien feature of enclosure into any area of otherwise open landscape with wide intervisibility: densely screened and broken views are not a characteristic of this part of the District.

Ecology

- 6.26 The site is not affected by any major ecological constraints and therefore the development is not considered to have an impact on any habitats of ecological value or protected species. If Members are minded to permit the application it is recommend that the conditions suggested by the County Council's Ecologist are attached to the consent.

Highways

- 6.27 Vehicular access to the site will be obtained off the existing access off the road running along the Southern boundary. The Transport Statement submitted with the application demonstrates that the use will generate a low number of vehicle trips once operational. The construction phase is also a relatively short period of time, 10-12 weeks. If Members are minded to permit the application Highways Officers have recommended alterations to the site access to accommodate construction traffic and an improvement to the signage and visibility splays. It is officers' opinion that these matters could be dealt with by conditions.

RECOMMENDATION

For the reasons set out in this report officers are recommending refusal of this application as follows:

- I By reason of the visual impact from public vantage points and wider landscape views, and the incongruous proposed planting which will artificially enclose an otherwise open natural widely visible aspect; the proposed development is considered to be harmful to the rural character of the area and the greenfield character of this part of the countryside. Therefore, the proposal is considered to be contrary to Policies BE2, NE1, NE3 and NE12 of the West Oxfordshire Local Plan 2011.

13/1551/P/FP 40 Market Square Witney	
Date	04/11/201320/11/2013
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435570,209556

APPLICATION DETAILS

Erection of single storey rear extension.

APPLICANT

Mr Tarik Isbuga, 8 Chedworth Drive, Witney, Oxon, OX28 5FS.

BACKGROUND INFORMATION

The application relates to a Grade II Listed Building which is currently used as a restaurant. The application is to be heard before the Committee as the Town Council have objected to the proposed rear extension.

I PLANNING HISTORY

09/1313/P/FP - Change of use from retail to café (Retrospective) – Grant.

13/0889/P/FP - Installation of a flue (Retrospective) – Grant.

13/0890/P/LB - Installation of a flue (Retrospective) – Grant.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council objects to this application on the grounds that it impedes the passageway providing access to the flats and also that it reduces the amenity spaces of the flats, contrary to Policy BE2 of the WOLP.”

2.2 WODC EHO

“This application. is to extend the restaurant's store room. The only impact I can see is that it will half the width of the current passageway which is where the occupants of the upstairs flats currently store their bins (see picture), but this probably isn't a planning issue? Otherwise I have no comment.”

3 REPRESENTATIONS

An email from Mr Simcox of 4 The Old Forge, Crofters Court. The comments have been summarised as:

- I would like to highlight the rights of access across the land in question for development. Currently it is an important pedestrian access route (for which we have legal rights - I can provide evidence of our Right of Access across the land if required) from our property to Corn Street. The alternative route is several hundred meters long. I am concerned that the route will be barred for the duration of construction. The length of time that the construction may take is unclear; would it be possible to receive some information regarding this?
- The space into which the restaurant wishes to expand is currently used both as a path and as a storage location for the refuse bins of flats in the Old Ironmongers. If the extension were built, the path would not be sufficiently wide to accommodate both of its current uses. Are there any provisions being made to relocate the numerous bins to allow space for access?
- I would just like to raise the concern that the proposed new pathway seems rather narrow, and hence could be quite dark. There are some lights installed within the current pathway but these are likely to be removed during any construction. Are there plans to install adequate lighting to ensure the safety of persons using the pathway?

4 APPLICANT'S CASE

A Design & Access Statement has been submitted as part of the application and has been summarised as:

- The restaurant extends to the kitchen and then to an existing store built under a section of building to the rear of the courtyard. There is a passageway linking through to an access to there rear only. It is not a public thoroughfare.
- The small area of proposed additional add-on will occupy part of that passageway.
- The improvement of the facility has increased its turnover and in use it is now noticed that there is insufficient storage space to the kitchen. Accordingly we wish to expand this section slightly for the efficient use of the kitchen and restaurant.
- The reconstruction will match the original in rendered blockwork.
- The extension has no effect on car parking or pedestrian use other than restriction of the passageway which is for the occupant's use only.

5 POLICY

Officers consider that the most relevant policies of the West Oxfordshire Local Plan 2011 are:

Policy BE2 – General Development Standards

Policy BE5 – Conservation Areas

Policy BE7 – Alterations and Extensions to Listed Buildings

The NPPF has also been referred to.

6 PLANNING ASSESSMENT

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

The impact to neighbouring properties' residential amenities
The impact to the Listed Building
The visual impact to the character and appearance of the Conservation Area.

6.2 The existing restaurant is located within a mix of commercial and residential uses, with the upper levels of the building being used for residential purposes, and also flats to the rear of the site. The proposed extension is single storey in scale with a flat roof to match the existing extension and is proposed two high level windows to the west elevation. As such officers consider that the impact to neighbouring residential dwellings will be minimal.

6.3 In terms of the comments relating to access issues, these are considered to be civil issues and as such any planning permission does not override neighbouring dwellings' property rights. A note has been included to advise the applicant of this. Officers negotiated a slight amendment of the positioning of the extension to reduce its impact to the host listed building with the parallel benefit that the passageway is slightly wider than the original submission. The issue of lighting etc are not considered as part of this planning application as they are civil issues.

6.4 Due to the extension having an awkward acute-angled junction with the boundary wall, plans were amended to inset the extension a little which has now been done. With the revised plans officers have no objection to the proposed extension and its impact to the existing Listed Building. Officers consider that the extension is of a modest scale and as such will not have an adverse impact to the overall character of the building.

6.5 Due to the location of the extension not being within the main public view, officers consider that there will be no adverse impact to the visual amenity of the character/appearance of the Conservation Area.

6.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Grant subject to the following 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 the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the plans accompanying the application as modified by the applicant's agent's letter(s) dated 18 December 2013 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

NOTE TO APPLICANT

The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

13/1552/P/LB 40 Market Square Witney	
Date	04/11/201304/11/2013
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435570,209556

APPLICATION DETAILS

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BACKGROUND INFORMATION

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1 PLANNING HISTORY

09/1313/P/FP - Change of use from retail to café (Retrospective) – Grant.
13/0889/P/FP - Installation of a flue (Retrospective) – Grant.
13/0890/P/LB - Installation of a flue (Retrospective) – Grant.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council objects to this application on the grounds of the alteration to a listed building contrary to Policy BE8 of the WOLP.”

3 REPRESENTATIONS

An email from Mr Simcox of 4 The Old Forge, Crofters Court. The comments have been summarised as:

- I would like to highlight the rights of access across the land in question for development. Currently it is an important pedestrian access route (for which we have legal rights - I can provide evidence of our Right of Access across the land if required) from our property to Corn Street. The alternative route is several hundred meters long. I am concerned that the route will be barred for the duration of construction. The length of time that the construction may take is unclear; would it be possible to receive some information regarding this?
- The space into which the restaurant wishes to expand is currently used both as a path and as a storage location for the refuse bins of flats in the Old Ironmongers. If the extension were built, the path would not be sufficiently wide to accommodate both of its current uses. Are there any provisions being made to relocate the numerous bins to allow space for access?

- I would just like to raise the concern that the proposed new pathway seems rather narrow, and hence could be quite dark. There are some lights installed within the current pathway but these are likely to be removed during any construction. Are there plans to install adequate lighting to ensure the safety of persons using the pathway?

4 APPLICANT'S CASE

A Design & Access Statement has been submitted as part of the application and has been summarised as:

- The restaurant extends to the kitchen and then to an existing store built under a section of building to the rear of the courtyard. There is a passageway linking through to an access to there rear only. It is not a public thoroughfare.
- The small area of proposed additional add-on will occupy part of that passageway.
- The improvement of the facility has increased its turnover and in use it is now noticed that there is insufficient storage space to the kitchen. Accordingly we wish to expand this section slightly for the efficient use of the kitchen and restaurant.
- The reconstruction will match the original in rendered blockwork.
- The extension has no effect on car parking or pedestrian use other than restriction of the passageway which is for the occupant's use only.

5 POLICY

Policy BE7 – Alterations and Extensions to Listed Buildings

The NPPF has also been referred to.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issue is considered to be:

The impact to the Listed Building

- 6.2 The existing restaurant is located within a mix of commercial and residential uses, with the upper levels of the building being used for residential purposes, and also flats to the rear of the site. The proposed extension is single storey in scale with a flat roof to match the existing extension and is proposed two high level windows to the west elevation.
- 6.3 Due to the extension having an awkward acute-angled junction with the boundary wall, plans were amended to inset the extension a little which has now been done. As such Officers consider that the extension is of a modest scale and will not have an adverse impact to the overall character of the listed building.
- 6.4 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

RECOMMENDATION

Grant subject to the following conditions:

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development shall be carried out in accordance with the plans accompanying the application as modified by the applicant's agent's letter(s) dated 18 December 2013 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building.
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building.

13/1596/P/FP Old Barn Worton	
Date	22/10/2013 22/11/2013
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	CASSINGTON
Grid Ref:	446227,211259

APPLICATION DETAILS

Conversion of barn to dwelling and erection of two storey extension.

APPLICANT

Mr & Mrs Iain & Nadia Dickson C/O Worton Farms Ltd, Worton Park, Worton, Cassington, Oxfordshire OX29 4SU

BACKGROUND INFORMATION

This application was deferred for a site meeting at the Sub Committee meeting of the 16 December 2013.

This application proposes a modern contemporary two storey extension to a traditional non listed vernacular barn. The building has been in office use for some time but under the new permitted development provisions it has recently obtained consent for conversion to residential use following the prior notification procedure. This consent has not been implemented.

The barn is located in the south western part of the Worton Farm Estate and is well screened by established tree and woodland planting to the south, east and west. It is separated functionally from the rest of the business park on part of the estate.

The barn itself is freestanding building with it's own curtilage and driveway leading off the private estate road that provides access to the residential properties at the farm.

The proposal involves external works to the barn together with an extension.

The proposed changes to the existing building consist of the following:

- Replacing the existing timber frames and shutters to the window and door openings with minimally framed metal doors and windows;
- To consolidate the existing row of individual rooflights to the south west rear roof plane with a single elongated minimally framed flush rooflight;
- Replace existing UPVC rainwater goods with black powder coated metal rainwater goods;
- To fit photovoltaic panels to the rear roof plane around the new rooflight;
- To create a new opening on the south eastern elevation to connect to the new extension;
- Connect the existing building to the extension via a double height minimally framed glazed link, which would provide the main entrance and stairwell to the dwelling.

The proposed extension is two storey, constructed off of the glazed link building at an angle of 45 degrees to the barn. The front elevation comprises a smooth faced limestone wall, approximately two thirds the length of the adjoining front elevation of the barn. The wall will in the main be set to the height of the eaves of the barn, before sweeping up in an arc to connect to the glazed link.

The roof of the proposed extension is a curved single pitched structure set back from the wall and steeply sloping at the front. The new roof is to be clad in seamed copper metal sheet and is lower in height than the ridge of the barn.

The rear elevation of the extension consists of a glazed wall over both storeys. The upper level is to be fitted with metal louvers set within circular timber columns, connecting to the curved timber roof beams that extend beyond the roof cladding, forming a projecting eave on the rear elevation. The louvers are designed to rotate for solar shading and will be metal patinated to copper effect.

At ground floor level there will be minimally framed sliding doors opening on to a decked area.

Internally the existing barn will be reconfigured at ground floor level to provide living space and at first floor level a home office and guest suite will be provided as a mezzanine. The proposed extension will provide living room, guest suite, boot and plant rooms and the first floor will provide the main bedroom and bathroom accommodation on a mezzanine level.

In addition to the above it is proposed to re-configure the existing hardstanding to the front of the barn to provide a more attractive landscaped approach to the building, in contrast to the extensive car park that currently frames the approach to the buildings frontage. A number of trees in the tree belt to the rear will need to be felled to allow a rear outlook for the new extension.

The application is accompanied with the following documents:

- A supporting statement
- A design statement
- A landscape character assessment
- A sustainability statement
- An arboricultural impact assessment

These accompanying documents can be found on the West Oxfordshire District Council website. The conclusion of the supporting statement and the design statement are summarised by your officers as part of the applicant's case section of this report.

I PLANNING HISTORY

In January 1993 planning permission was granted for conversion of the former agricultural barn to an office under 92/1646. The conversion was part of a programme of converting redundant agricultural buildings to office use, which was carried out by the farm during the 1990's.

2 CONSULTATIONS

2.1 Parish Council

"This council considered this application last night and would like to express its enthusiastic support for the application given it's innovative design."

2.2 OCC Highways

"No objection to the application subject to conditions."

3 REPRESENTATIONS

No representations received at the time of writing.

4 APPLICANT'S CASE

Supporting Statement

- 4.1 *'The change of use of the Old Barn from office to residential use has been established as acceptable through the introduction of the new permitted development rights in May 2013. What remains to be considered against planning policy is the proposed extension to the existing building for residential use , and associated minor works to the Old Barn.*
- 4.2 *The proposed development falls within the Oxford Green Belt. It is considered that the proposed development complies with the exceptions to Green Belt policy provided in the NPPF , because the proposed design ensures that the original form of the building remains the clearly predominant and distinguishable aspect of the dwelling;; and because the redevelopment of the site would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development .*
- 4.3 *Nevertheless in the event that it is concluded that the proposed development does not meet the terms of these exceptions, it is the case that there are also very special circumstances that would justify a grant of planning permission.*
These include in particular:
- It would not adversely affect the openness and visual amenity of the Green belt, because as described in the Landscape Character Assessment doc ref: 163WFOB/5, the proposed development is located within a settlement, amongst other residential properties, and in an area that is enclosed by strong belts and blocks of woodland and tree planting, well screened from public views, and it would also enable return of previously developed hardstanding to green field amounting to a 4msquare gain of Green Belt land;*
 - The proposal would provide a building of outstanding and innovative design quality that would significantly enhance the existing building and the local character of its setting and help to raise design standards in the area.*
 - The proposed development would significantly reduce the level of carbon emissions generated by the existing building by seeking to achieve Code 5 for Sustainable Homes a commitment well beyond that of most conversion/extension projects) and further commendable given the constraints of the existing Old Barn envelope; and*

- *The wider economic benefits that the proposal would bring in terms of securing the ongoing success of the farm and individual local businesses including the dance studio, the farm diversification and the retention of land in agricultural use, which would contribute to the purpose of the Green Belt. Given the level and value of the very special circumstances identified, which it is considered more than outweigh harm to the Green Belt, it is very much hoped that planning permission will be forthcoming, for this exemplary and sustainable form of development’.*

Design Statement

Sustainability

- 4.4 *‘A sustainability statement by specialist energy assessor eb7 is included with the application documentation.....In summary, the extension to The Old Barn will substantially increase the energy performance of the overall building to an exceptional level. This will not only be to the benefit of the occupants, but to the wider farm community as the CO emissions will be significantly reduced. The opportunity to target this level of performance results from the careful consideration of the form and orientation of the extension, selection of materials and layout of the spaces within the overall building – which would not be possible within the envelope of the Old Barn alone.’*

Landscaping and Enhancement of the immediate setting

- 4.5 *‘..the reduction of hard surfacing and parking and sensitive integration of the landscape within the overall design, including the planting of replacement trees on existing areas of hard surfacing , and woody shrubs to enhance the immediate setting has been considered on the application site plan (fig 37)...In summary , having established that an extension would benefit a number of design criteria including sustainability and internal amenity, the careful interaction of new and old forms produce an example of barn conversion architecture that is both exceptional quality and one that will enhance the immediate setting of the Old Barn. Furthermore, the application proposal presents a net gain of approximately 4sqm of Green Belt Land.’*

Materiality and Construction Process- The Extension

- 4.6 *‘The new extension is limited to a restrained palette of local and natural materials-IE Oolitic limestone, glass, sheet copper roofing and cladding , and timber. With strong references to the local vernacular, the materials are detailed in a cotemporary manner.*
- 4.7 *The structure of the extension is based on that of local vernacular barns, including the Old Barn, with solid Oolitic limestone walls and a timber roof structure. The roof of the extension is formed from expressive curved ‘Kerto’ timber trusses and columns, and the Oolitic limestone is laid on narrow beds to match the Old Barn, but from smooth regular blocks to enhance the sinuous form against the rustic.*
- 4.8 *In summary , the careful selection and contemporary reinterpreted traditional materials have the dual benefit of giving visual validation to the form of the new extension in the context of the Old Barn, whilst optimising sustainability and the inhabitants comfort by careful positioning glazing and ‘dense’ materials and the sectional form of the extension , to maximise active and passive modes of servicing’.*

Conclusion

- 4.9 *‘This Design Statement demonstrates the careful, iterative design process that has been undertaken to create a design of exceptional quality and innovative nature in compliance with the criteria set out in the NPPF.*

- 4.10 *For barn conversion architecture, a sophisticated balance has been achieved to develop a design for the extension that is distinctive, and of the highest quality but that does not compete with the Old Barn, whilst at the same time enhancing the immediate setting and defining characteristics of the local area.*
- In summary, the proposal would:*
- 4.11 *Provide a building of the highest quality which will help to raise the standard of design in the area*
- 4.12 *Achieve the highest standard of sustainable design at Code Level 5*
- 4.13 *Future – proof a building for use as a family home to strengthen and support local businesses operating at Worton Park*
- 4.14 *Result in a reduction of 45% in hard standing when compared to the existing condition and anet gain of approximately 4 sqm of Green Belt land.*
- 4.15 *The key objective of the development is to achieve an innovative design of exceptional quality which contributes to raising standards of design more generally in rural areas. .A successful design is one which considers and reconciles the often conflicting constraints to generate a sensitive but distinctive proposal. The application proposals demonstrate through the comprehensive design process as described in this statement, a resulting building of rigour, relevance and distinction.’*
- 4.16 The farm owners have concluded that in the interests of the ongoing viability and vitality of the farm that the best possible use of the barn is as a dwelling house.
- 4.17 The applicants agent has provided a number of drawings stating what extensions she considers can be constructed as ‘permitted development’ and advises that this is a ‘fall back’ position which needs to be considered when determining this application.

5 POLICY

- 5.1 The most relevant policies of the West Oxfordshire Local Plan are NE5 (Green Belt), BE10 (Residential Conversions of existing buildings) and BE2 (General Development Standards).
- 5.2 The most relevant paragraphs of the NPPF are considered to be 79,87,88,89 and 63.Paragraphs 79-89 relate to the importance/ weight to be attached to protecting Green Belt land from inappropriate development. Paragraph 63 advises as to the weight that should be given to outstanding or innovative designs.

6 PLANNING ASSESSMENT

- 6.1 The key issues for consideration in respect of this application are as follows:
- Whether or not an extension of the size proposed is inappropriate development within the Green Belt.
 - Whether or not an extension of the size, design and materials proposed is an acceptable addition to a former agricultural building having regard to policy BE10.
 - Other material considerations.

Whether or not the extension is inappropriate development within the Green Belt

- 6.2 The NPPF states that the Government attaches great importance to the Green Belt. Further at paragraph 88 it advises that when local planning authorities are considering planning applications they should ensure that substantial weight is given to any harm to the Green Belt. In addition the

NPPF states 'Very special circumstances' to approve inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In respect of extensions to existing dwellings located within the Green Belt the NPPF comments at paragraph 89 that the extension or alteration of a building may be acceptable provided that it does not result in disproportionate additions over and above the size of the original building. This is reflected in policy NE5 of the West Oxfordshire Local Plan which allows for limited extension (provided the proposals do not result in a dwelling that is materially larger than the original dwelling).

- 6.3 Given that the extension that is proposed almost doubles the footprint of the existing converted barn the development is quite clearly contrary to both policy NE5 and paragraphs of the NPPF and thus 'inappropriate' in the context of both National and Local Green Belt policy. It would therefore need very special circumstances if it is to be supported.

Whether or not an extension of the size, design and materials proposed is an acceptable addition to a former agricultural building having regard to policy BE10

- 6.4 The building that is to be extended is a converted unlisted agricultural building that if it were to be converted today would be considered under policy BE10. That policy allows for the principal of conversion subject to the vernacular building not being extensively altered and not including extensions that would obscure the form of the original building. This policy is also referred to when applications are made to extend former agricultural buildings.
- 6.5 In this case, the extension almost doubles the size of the original vernacular building, thus extensively altering its size. The design of the extension is contemporary as opposed to a traditional vernacular addition although the design statement advises that the palette of materials to be used is traditional and appropriate in this context.
- 6.6 Officers accept the contention that because the proposed extension is set at a 45 degree angle to the converted agricultural building, has a simple glazed link to the barn, and an unpunctured curved wall with no openings along the frontage, that from the public realm the original form of the former agricultural building is readily identified.
- 6.7 To the rear the original barn is to have additional glazing within the roof space and the addition of photovoltaic panels. The rear of the extension essentially has the appearance of a two story glazed wall with pivot louvers at first floor level. In your officers opinion, the combination of the changes to the rear of the existing barn together with the extension when juxtaposed against the traditional vernacular building will adversely affect the simple vernacular detailing of the original barn.
- 6.8 In light of the above the application is considered contrary to policy BE10 of the West Oxfordshire Local Plan.

Other material considerations

- 6.9 The key consideration here is whether or not the substantial weight given to the harm identified under Green belt policy and saved plan policies can be clearly outweighed by other considerations which would need to amount to 'very special circumstances'. In this case your officers are of the opinion that the key consideration is whether or not the design aspects of the scheme are so outstanding or innovative helping raise the standard of design more generally in the area that harm to the Green belt and the barn conversion policy of the adopted WOLP are overridden.
- 6.10 This quite clearly is to some degree a matter of subjective judgement. Following internal consultation, the Council's architect has advised that in his opinion, this is a good scheme which

will enhance the appearance of the barn and which has an environmental and energy impact that would be beneficial. This judgement needs to be weighed against the harms identified above.

Conclusion

- 6.11 In your officers opinion, had this contemporary extension been proposed on a dwellinghouse rather than a converted agricultural building, or in a substantially more urban situation outside of the Green Belt then the merits may have been weighted differently. However, in this case the harm identified is to both the Green Belt and the conversion of a former agricultural building .Given that substantial weight must be given to inappropriate development in the Green Belt and the proposed extension falls within the definition of inappropriate development, the design aspects of the scheme do not, in your officers opinion, override that level of harm to the extent that the application can be supported.

RECOMMENDATION

Refuse for the following reason:

- I The proposed extension by reason of it's size, design and materials results in a disproportionate addition over and above the size of the original building which fails to respect the agricultural character and appearance of the converted dwelling and which obscures the form of the original building. As such, the proposal is considered inappropriate development contrary to Green Belt policy NE5 of the adopted West Oxfordshire Local Plan and paragraphs 79, 87, 88 and 89 of the NPPF and BE2 and BE10 of the adopted West Oxfordshire Local Plan. The contemporary design of the extension together with its sustainable construction is not considered so outstanding or innovative such that the harm identified to policies NE5, BE2 and BE10 of the West Oxfordshire Local Plan and paragraphs of the NPPF are outweighed.

13/1628/P/FP 2 Valiant Court Black Bourton Road Carterton	
Date	15/11/2013 15/11/2013
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to a standard time limit for the commencement of development
Parish	CARTERTON
Grid Ref:	428263,206343

APPLICATION DETAILS

Change of use of Community Room to form part of Flat 2.

APPLICANT

Ruton Management Ltd, Hill House, Hannington, Wilts, SN6 7RS.

BACKGROUND INFORMATION

Under ref 06/0458 planning permission was granted for extensions and sub division of the former dwelling to provide four flats and a dayroom facility to serve both the flats and three bungalows to the rear. As part of the application the flats were to be monitored by an off site warden. The occupation of the flats the subject of this application were limited to person of 55 years of age or over and the dayroom facility was conditioned to be retained as such. Under 12/1042 the age restriction condition was removed.

I CONSULTATIONS

1.1 Town Council

“This application is believed to contravene general residential development standards specified under the West Oxon Local Plan 2011, Policy H2.

Proposals for additional dwellings (including the conversion of existing buildings), replacement dwellings and extensions or alterations to existing dwellings should not: c) eliminate useful community facilities.

Anecdotal evidence provided at the Planning Meeting indicates that the Community room has had the lock on the door changed by the owners, and its use converted to an office by the owner.”

2 **APPLICANT’S CASE**

The applicant has confirmed that the day room is to be integrated in to flat 2 as a sitting room. Further the applicant has confirmed that in the last year the day room has only been used once for a tenant’s family party.

3 **PLANNING ASSESSMENT**

3.1 Given that the flats are no longer age restricted and /or monitored by an off site warden the need for a dayroom to serve the site cannot be justified. The fact that in the last year the room has only been used once for a tenant’s family party evidences the lack of demand for such a facility. Given that the room is to be incorporated as part of an existing flat within the building and does not result in an additional dwelling serving the site, the level of off street parking serving the site is considered adequate.

3.2 In light of the above, the loss of the dayroom facility is considered compliant with policy H2 of the adopted West Oxfordshire Local Plan 2011.

RECOMMENDATION

Grant subject to the following condition:

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 the Town and Country Planning Act 1990.

13/1654/P/FP Unit 6 Woolgate Shopping Centre Witney	
Date	25/11/2013 28/11/2013
Officer	Mr Phil Shaw
Officer Recommendation	Provisional approval
Parish	WITNEY
Grid Ref:	435669,209726

APPLICATION DETAILS

Change of use from retail to mixed use retail and coffee shop.

APPLICANT

USS Investment Management Ltd, C/O Agent.

BACKGROUND INFORMATION

This application relates to the existing Evans shop in the Woolgate Centre and seeks consent to use the shop as a coffee shop and to create an outside seating area within the pedestrian mall. The site lies within the Conservation Area and is part of a designated primary frontage. The application is referred to the Committee for determination as the Council has a landowner interest in the site as a whole

I PLANNING HISTORY

None of direct relevance albeit Members will be aware that Costa secured consent to operate a coffee shop with outside seating on the unit diagonally opposite this site.

2 CONSULTATIONS

2.1 Town Council

“Objects to this application as there are too many businesses of this type in the town.”

2.2 WODC Env Health

“Placing the proposed chair under the covered walkway would deprive pedestrians of weather protection.”

2.3 WODC Architect

“The proposed seating area would interrupt the arcade.”

2.4 OCC Highways

“No objections.”

3 REPRESENTATIONS

Letters/e-mails have been received from Jennifer Pyke-Holmes of Burwell Meadow, Jim and Rose Ashby of Cassington, Richard Dos Reis, Larry Bowes, Jan Bowes, Bryan Bateman of Blewbury and Janette Reed who owns a business nearby. It is considered that the main points raised may be summarised as follows:

- Witney does not need another coffee shop.
- It will be like Burford and its domination by antique shops.
- There are already too many coffee shops for the size of the town.
- What about the impact on small independent cafes?
- Obstruction to pedestrians from the seating area.
- There are more places to eat and drink than Oxford or Swindon.
- Stop Witney becoming a cloned town.
- Concerned at impact on Cafe Bakehouse.
- Original development is award winning and carefully designed and this will degrade that ambience.
- Adverse precedent will be set.
- There have been no previous issues finding retail tenants.
- Much of the supporting statement is general in nature.
- Evans is a profitable business and one of the reasons why we visit Witney.
- The issue of increasing dwell time is met by the existing coffee shop.
- Policy support is national and not directly relevant to Witney.

- Outside seating area will inhibit pedestrian flows.
- Costa fits neatly into a corner.
- Outside seating areas causes litter and attracts smokers.
- Aisle width ignores the presence of the bench within the walkway.
- Witney has a high retail occupancy and independent cafes.
- Applicants have overstated their case as regards the unsuitability of the shop for retailing.
- Would be better located in Marriotts Walk.
- Site is ideal for retailing clothing.

4 APPLICANT'S CASE

Writing in support of the application the agents advise (in summary) that:

- There is a strong commercial requirement to explore alternative options for the unit which would enhance the customer experience of the Woolgate.
- A3 use have an important role to play in enhancing vitality and viability and legitimately form part of a primary shopping frontage area.
- There is increased policy and political support recognising that shopping centres are now much more than just retail use.
- The proposal is not a loss of retail use but introduction of a mixed A1/A3 use.

5 POLICY

Policies SH3 along with the advice of the NPPF are considered to be of most relevance. SH3 in general terms seeks to maintain retail use in primary frontages the proposed alternative use would be of benefit to the shopping activities in the main frontage.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

The principle of the use of the premises for a mixed use
The visual and pedestrian impact of the outside seating area

Principle/land designation/Policy

- 6.2 It will be noted from the representations that a number of business and other respondents have queried the need for a further coffee shop in the town and cited concern as to the potential impact upon existing traders. Section 2 of the NPPF seeks inter alia to ensure that Town Centres should be supported and that the planning system should promote competitive town centres that provide customer choice and a diverse retail offer. In your officers opinion the retention of a retail element providing a new use that will encourage shoppers to stay longer in the town centre achieves the first aim and complies with policy SH3. The concerns about town centre based competition to existing similar uses is not an issue that could be used to justify refusal as it is in fact promoted as competition that will ultimately benefit the consumer.
- 6.3 With regard to the loss of this particular retailer/sector of retailing this is not a matter that the planning system can control. The principle of the use of the site as a coffee shop is therefore considered policy compliant.

Design and impact on Conservation Area/pedestrian flows

- 6.4 The application as tabled proposes the segregation of an area under the covered arcade as a seating area for customers. Your officers consider that this arrangement is not acceptable in terms of the adverse impact upon pedestrians of the natural desire line under the canopy being blocked and, because it would look incongruous, this is similarly considered harmful to the appearance of the conservation area as it would appear as an afterthought- in contrast to the situation at Costa Coffee where the seating was logically and carefully sited in an existing alcove area away from the main flows. Your officers therefore suggested that the outside seating area be deleted but this is apparently not commercially possible.
- 6.5 Officers have therefore been in discussion with the applicants and the managers of the centre as a whole to ascertain if there is an alternative location that could provide some outside seating, would preserve/enhance the seating in the centre generally and would overcome the issues with the visual and pedestrian flows. It would appear that a potential solution is emerging involving the removal of an existing pedestrian bench (which is of itself somewhat of a hazard as it is located in the middle of the mall and is very unobtrusive when not in use) replacing it with a segregated seating area and providing further general seating elsewhere in the mall. These negotiations are ongoing and a verbal update will need to be given at the meeting.

Conclusions

- 6.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits as tabled but that amendments may be submitted that overcome the stated concerns. A full verbal update will be given at the meeting.

RECOMMENDATION

Provisional approval.

13/1663/P/FP I Colwell Drive Witney	
Date	26/11/2013/26/11/2013
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	WITNEY
Grid Ref:	434805,209014

APPLICATION DETAILS

Remove existing single storey extension. Erection of two dwellings and alterations to existing vehicular access.

APPLICANT

Mr and Mrs John Smith, The Cottage, Rosemary Lane, Bampton, Oxon OX18 2NF.

BACKGROUND INFORMATION

This application is for the removal of a single storey extension at the side of I Colwell Drive and replacement with two, two bed dwellings in the form of terraced development. Each of the dwellings has a rear garden commensurate with the size of the unit and two off street parking spaces each to the rear of the plots accessed off of Burwell Drive.

I PLANNING HISTORY

The most relevant history on the site is the refusal of outline planning permission for a two storey detached dwelling and garage under ref 88/1635. The primary reasons for refusing this outline application were concerns regarding overlooking, overdevelopment and lack of off street parking to serve both the existing and proposed dwellings.

2 Consultations

2.1 Town Council

“Witney Town Council objects to this application on the grounds that it is an overdevelopment of the site and not in keeping with the street scene and is therefore contrary to Policy BE2 of the WOLP. Witney Town Council also objects on the grounds that there is concern about the safety of cars moving on and off of the site onto a very busy road junction, and as such this is contrary to policy BE3 of the WOLP.”

2.2 County Highways

No reply to date.

3 REPRESENTATIONS

Letters have been received from Emma Hughes and Mark Moore of 204 Burwell Drive, Mrs J Holloway of 206 Burwell Drive and Rachel Brough of 3 Colwell Drive. Their comments are very briefly summarised as follows:

- Building two more houses on a corner plot will result in considerably more traffic movement;
- The increased density of the development on the site would result in the erosion of the present character and appearance of the locality as the present corner of this plot softens the urbanising effect of the existing estate development;
- The overdevelopment proposed with the narrower frontages of the two proposed dwellings will result in a contrived addition which will give an unbalanced appearance to this part of the estate in contrast to the established character of the area;
- The development would result in the intensification of traffic movements with additional vehicles backing onto the estate distributor road in a location where there are existing bus stops and close to the access point which serves the neighbourhood shopping centre leading to inconvenience to road users and pedestrians contrary to the interests of road safety at this already congested junction;
- This is a very busy road and it is often difficult for me to gain access to my own house with so many cars parking on the road. Two more houses would make things more difficult and the area look overcrowded;
- There would be more traffic movement on a very busy road. The car park is full and overcrowded especially when children are collected from schools. There is a children's crossing sign and a bus stop that would have to be moved;
- If building work was to take place where would they park vehicles to ensure that it has no impact on safety and blocking the roads further;
- To put parking spaces where the plan shows would mean that the bus stop would have to be removed as there is no other place along Burwell drive for it to go.

4 APPLICANT'S CASE

The applicant's case is very briefly summarised as follows:

- Form and scale- The dwellings will be constructed of matching materials. The front wall is set back to provide a break in the roofline and the new dwellings will be subordinate to the original dwelling;
- Access and Parking- The existing and proposed dwellings will have 2 parking spaces each. The County Engineer at pre app stage has raised no objections. Pedestrian rear access to the rear gardens will be via the parking area at the rear. The new vehicular access to the front of number 1 will be surfaced with rolled gravel;
- Planning Policies- compliant with the NPPF. The proposal is compliant with policies BE2, BE3 and H7 of the Local Plan;
- Conclusion- The new dwellings will be positioned on the site to ensure that there is no overlooking or overshadowing of adjacent properties. The scheme complies with the relevant policies and should therefore be granted permission and will help the district council in meeting government targets.

5 PLANNING ASSESSMENT

- 5.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

Compliance with housing policy in principle

Impact of the development on the character and appearance of the area

Impact of the development on the amenity of adjoining occupiers

Impact of the development on highway safety

Compliance with Housing Policy

- 5.2 The most relevant housing policies of the West Oxfordshire Local Plan are H2, H7 and H11. In this regard the proposal is considered to be policy compliant in that it constitutes 'rounding off' within the existing built up area and given the location of the site within Witney it does not attract an affordable housing contribution.

Impact of the development on the character and appearance of the area

- 5.3 The terraced form of the proposal reflects other development in the vicinity of the site and the design, scale, materials and details of the proposal are similarly considered characteristic of the sites context. Whilst concern has been expressed in both the consultation response from the Town Council and representations received, that the proposal is an overdevelopment of the site, officers do not consider that the redevelopment of the plot for two modest dwellings will 'materially' impact on the open character and appearance of this part of the estate. Both of the dwellings will be served with front and rear gardens providing space around each plot and the gable end of 'plot 2' sits further back in the street scene than the front elevation of 206 Burwell Drive, thus not appearing overly intrusive.

- 5.4 Further in respect of character and appearance of the area, the applicant's agent has confirmed that as part of the application the enclosure to the site, which is presently and proposed as a close boarded fence, is to be upgraded to a brick wall in materials to match the dwellings in the vicinity of the plot.

Impact on the amenity of adjoining occupiers

- 5.5 The most directly affected property in this regard is 206 Burwell Drive, the garden of which is already overlooked by first floor windows serving 1 Colwell Drive. The additional first floor windows serving the two new dwellings will primarily look onto the gable end of 206 and a single storey garage. In your officers opinion, given that the gable is blank at first floor level there will be

no adverse overlooking from the new dwellings in respect of 206 Burwell Drive. Further given the separation distance between the new dwellings and 206 the proposal will not either overbear or overshadow the neighbouring property. Bearing in mind the above the development does not, in your officers opinion adversely affect the amenities of any of the neighbouring properties.

Impact on Highway Safety

5.6 At the time of writing OCC Highways consultation response remains outstanding. Without highways views it is not possible to definitively recommend the application at the time of writing. It is anticipated that the comments of the County Engineer will be available for consideration at the Sub Committee meeting.

Conclusion

5.7 In light of the above your officers are making a recommendation of provisional approval subject to County Highways not objecting to the proposal. A formal recommendation with suggested conditions/reasons for refusal (if County Highways raises objections) will be given at the meeting.

RECOMMENDATION

Provisional approval.

13/1689/P/AC The Old Chapel Union Way Witney	
Date	27/09/201304/12/2013
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	434583,209975

APPLICATION DETAILS

Erection of one freestanding sign.

APPLICANT

Mrs Emma Skinner, The Old Chapel, Union Way, Witney, Oxfordshire, OX28 6HD.

BACKGROUND INFORMATION

This application is for a modification to an existing freestanding sign approved under 13/0273, located on an area of landscaped grass verge adjacent to the main road and at the access point to Union Way.

This application is for a sign of the same dimension and background colour (double cream) but with black lettering and a red logo as opposed to blue and magenta lettering. In addition the siting of the sign is as originally approved.

1 PLANNING HISTORY

13/0273- Advertisement consent granted for the erection of a freestanding sign in respect of an accountancy firm operating from 'The Old Chapel', Union Way.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council has no objection to this application on the condition that the sign is in the same location as the current sign and is the same colour as the existing sign.”

2.2 County Highways

“No objections.”

3 **REPRESENTATIONS**

Mrs Joan Henderson of 55 Wilkinson Place has objected. Her comments are briefly summarised as follows:

- I objected to the sign before my reasons have not changed.
- The car park has never been big enough. They have always used the driveway between Tower Hill and Wilkinson Place as their parking space and claim to own the driveway as their car park.
- With the new sign, more cars are coming here and now we have car parking three abreast in the driveway. The post man has been unable to get through on his bicycle and young mothers unable to get through with buggies.
- I know that this letter won't make any difference to what you do, I just want to make my point of view as a resident.

4 **PLANNING ASSESSMENT**

4.1 The principle of a sign of the size and siting proposed in this location to advertise one of the businesses operating out of 'The Old Chapel' has already been established under 13/0273.

4.2 The amended colouring of the lettering(replacement of blue and red with black) and logo proposed as part of this application are considered by officers to result in a more 'quiet', less intrusive sign than that approved under 13/0273. Thus, the impact of the sign on the visual amenity of the predominantly residential area is considered acceptable.

4.3 In terms of public safety, County highways have raised no objections.

4.4 The comments raised by the occupier of 55 Wilkinson Place in respect of land ownership and parking difficulties are noted, however, they cannot be addressed through this application for advertisement consent. An informative reminding the applicant of the personal property rights of neighbours, landowners and other interested parties has been attached to the decision notice in this regard.

RECOMMENDATION

Grant subject to the following condition:-

- I This consent shall operate for a period of five years from the date of this notice.
REASON: By virtue of R.13 (5) of the above regulations.

NOTE TO APPLICANT

This grant of advertisement consent does not override the personal property rights of neighbours, landowners and other interested parties.

13/1703/P/OP 18 & 20 Woodstock Road Witney	
Date	06/12/2013 06/12/2013
Officer	Mr Phil Shaw
Officer Recommendation	Provisional approval
Parish	WITNEY
Grid Ref:	436280,210612 436249,210590

APPLICATION DETAILS

Erection of replacement dwelling and three new dwellings together with garaging to serve both new & existing (no 20) properties.

APPLICANT

Mr & Mrs Clark and N Seacole, 18 - 20 Woodstock Road, Witney, Oxfordshire, OX28 1DT.

BACKGROUND INFORMATION

Members will recall that this site has recently been the subject of a number of applications for redevelopment. Conservation Area Consent was given for the demolition of the existing dwelling on site but planning permission was refused for redevelopment on two occasions on the basis that the number of dwellings proposed (previously 5 in total) would harm the amenity of the area and of neighbours. This scheme seeks to address those concerns by omitting one of the units as was suggested by a number of Members in the debates on the earlier proposals. It is an outline proposal but all matters are detailed except for the landscaping scheme.

The applicant is known to officers as a result of his former employment by OCC.

1 PLANNING HISTORY

13/0762 Demolition of existing house approved.
13/0762 and 13/1333 both refused due to the number of units proposed.

2 CONSTRAINTS

The site lies within the recently extended conservation area.

3 CONSULTATIONS

3.1 Town Council

“Has concerns about the additional traffic generated by the dwellings and the creation of an additional entrance which is contrary to policy BE3 of the WOLP. The Town Council would also like to request that developers are asked to plant mature trees to replace the ones they are felling in locations to be chosen by the Town Council.”

3.2 OCC Highways

“No objection subject to conditions.”

3.3 WODC Engineers

“No objection subject to conditions.”

4 REPRESENTATIONS

None received at the time of agenda preparation. The consultation period does not expire until 9/1/14 and any representations received will be reported verbally at the meeting.

5 APPLICANT'S CASE

Writing in support of the revised proposals the agent has tabled much of the supporting information that was considered on the last two occasions and which may be inspected in full on line. The revised summary indicates that:

“The proposed development is for four homes and has been redesigned to address the previous reasons for refusal. The revised scheme has been reduced in density and is now only for a net increase of three properties. It has been carefully designed and laid out to ensure it will not harm the Conservation Area, the amenity of neighbours, or highway safety. The scheme pays special regard to both the Witney and Cogges Conservation Area Character Appraisal and the West Oxfordshire Design Guide. Together with the removal of the existing chalet bungalow at no. 18, the proposed development will enhance the character and appearance of the Conservation Area and provide much needed new homes in a highly sustainable location.

The proposal, therefore, accords with Government policy as set out in the National Planning Policy Framework, the Council's existing and emerging planning policies, the Witney and Cogges Conservation Area Character Appraisal, and the West Oxfordshire Design Guide.”

6 POLICY

Policies H2, BE2, BE5 and H7 along with the advice of the NPPF are considered to be of most relevance.

7 PLANNING ASSESSMENT

- 7.1 Taking into account the representations of the interested parties, planning policy and other material considerations and given that the previous refusal reasons identify the issues that led to the withholding of planning permission, your officers consider that the main issues are:

The impact upon the conservation area
The impact on neighbours

Design and impact on Heritage Assets

- 7.2 In that there has been a considerable amount of debate regarding this site during the course of last year the revised scheme will be presented in detail as part of the consideration of the application.
- 7.3 Essentially the scheme now proposes the replacement of the existing house with a much more appropriate dwelling constructed in natural stone with a blue slate roof. A new house will be constructed in the infill plot between 20 Woodstock Road and its replacement house - again in natural stone with a blue slate roof. The building line is respected as is the flat fronted nature and plot spacing of the Woodstock Road. The boundary wall will be largely retained and the new garden walls proposed are in natural stone. Existing driveways will be used to access the proposed replacement dwelling and the new private drive to the rear and OCC are happy that with suitable conditions that the access arrangements will not compromise the retention of the street trees. The deletion of a unit to the rear of the frontage units has enabled a more loose knit character to be created with the single two storey unit mirroring the disposition of 2b The Crescent in its relation to the frontage units. The large trees to the site boundaries and the rear of the site are

retained and new planting can be secured by condition. It is not considered that off site planting as suggested by the Town Council could be justified in that the trees to be felled are largely not widely visible in the public domain. The exception is a walnut to the frontage that needs to be felled any way as it is dangerous. A number of new trees are illustrated as being provided on site.

- 7.4 Your officers are satisfied that the frontage development will enhance the conservation area and the lower key character of those to the rear along with the proposed planting will preserve it such that overall there will be a small net benefit.

Neighbourliness

- 7.5 The chalet bungalow proposed to the rear of the site has been designed and orientated such that it will not in your officers opinion give rise to unreasonable levels of amenity to the occupiers of 2b The Crescent which is the most affected property. The reduction in density means that the land over which this property looks is now less densely developed/more spacious reducing further the potential for harm from overlooking, overbearing, overshadowing etc. Other neighbours are sited at sufficient distance that the impact on residential amenity is not such as could justify refusal as the usual privacy standards are considerably exceeded and the retained tree screen will further reduce any adverse impacts.

Conclusions

- 7.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable in principle and addresses the stated refusal reasons. However, at the time of agenda preparation the consultation period has yet to expire and so a verbal update and formal recommendation will be made at the meeting. This is likely to be a recommendation for approval subject to conditions to cover the following matters:

- Time limits for submission of reserved matters.
- Compliance with approved plans.
- Materials.
- Tree protection.
- Highways.
- Architectural details of the dwellings.
- Boundary wall sample panel.
- Removal of PD rights for extensions and garden buildings for plots 3 and 4.
- Drainage.
- Energy/water saving measures.
- Ecological enhancements.

RECOMMENDATION

Provisional approval.

13/1710/P/FP 35 Burford Road Witney	
Date	06/12/2013 06/12/2013
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	434848,210284

APPLICATION DETAILS

Construction of hydrotherapy pool and erection of pool building. (To allow increase in height and window size). (Retrospective)

APPLICANT

Mr Matthew Calcutt, 35 Burford Road, Witney, Oxfordshire, OX28 6DP.

BACKGROUND INFORMATION

This application has been submitted following receipt of a complaint that alleged that the building approved under reference 12/1311 was not being constructed in accordance with the approved drawings. Following investigation in to the complaint it has come to light that the building that has been constructed on the site is higher than approved. The approved height was 2.8 metres and the as constructed height, excluding three brick courses at the base of the extension, is between 3 metres to the front elevation and 3.15metres to the rear. The application has been submitted in an attempt to seek to regularise the building as constructed on the land.

1 PLANNING HISTORY

12/1311 Planning permission granted for the construction of a hydrotherapy pool and associated pool building.

2 CONSULTATIONS

2.1 Town Council

“Witney Town Council objects to this application on the grounds that there is insufficient detail on the plans to show what height was approved for the development and what the actual height built is.”

3 REPRESENTATIONS

Mr Carew- Gibson of 51 Davenport Road has written regarding the application on 27 December 2013 and 5 January 2014. His comments are briefly summarised as follows:

- I have now seen a copy of the amended drawing where a height dimension of 3 metres has been added between the red facing brickwork and the top of the building. This now doubtless brings the drawing inline with the building as constructed. However, as the top of this red facing brickwork where the new dimension is taken, is approximately half a metre above the base level of my fence. This makes the overall height of the building 3.5 metres, exactly the height I objected to and received assurances this would be reduced to a maximum of 3 metres;
- In August 2012 when I was informed about the planning application I mistakenly assumed this hydrotherapy pool was to be built two doors further along which I now know to be number 31 Burford Road .At this stage I raised minimal objections. At this time I was informed by Mrs Ford that the building would be set back 2 metres from the fence line, reduced in height to a maximum of 3 metres and that noise levels would be controlled;

- On returning from holiday I discovered my mistake and felt upset and annoyed when I realised that I was going to have this very large building just beyond my fence right opposite my kitchen and lounge windows;
- In September 2013 it became very apparent that the building was going to exceed the 3 metres maximum that I had been advised earlier. I made several calls to planning to establish what height was actually given on the approval. This has not been confirmed. I then contacted Mr Mynehan who agreed to investigate. Letters dated 30 Sept, 13 Oct, 31 Oct and 29 Nov all refer, the last stating that the height of the building as constructed was at variance with planning permission and that the applicant was submitting a retrospective planning application in an attempt to regularise the breach;
- This now leaves us to the current position where I am faced with a 11.5 metre concrete blockhouse right opposite my bungalow rear windows, a building which is more in keeping with a prison block than a hydrotherapy pool building, which to the uninitiated one thinks of housing a swimming pool that would normally be located below ground. One wonders why if the size and type of building was known, why was it not planned to be built nearer the house which was going to use it. Why build it next to my land, the furthest from the users house. Why was planning permission given in the first place? Was it because unknowingly I did not raise sufficient objection in September 2012;
- In my opinion the building is causing significant harm to the character and value of my property and the fact that the overall height which I complained about in September requires retrospective planning approval and is expected to be given .I find completely unacceptable.

4 PLANNING ASSESSMENT

- 4.1 Given that the principle of a hydrotherapy pool sited at the bottom end of the garden serving 35 Burford Road has been approved, the key issue in considering this application is the impact that the development 'as built' has on the residential amenity of the neighbours to the south at 51 Davenport Road.
- 4.2 In this regard, the usual planning matters for consideration would be whether or not the building unacceptably overlooks, overbears or overshadows either the house or the garden at 51 Davenport Road. In this case because the building is single storey in height and is set off of the boundary by a minimum of two metres and has no openings in the rear elevation, it cannot be considered unneighbourly in any of these respects.
- 4.3 The primary objection from the neighbour appears to relate to what the building looks like, describing it as 'an 11.5 concrete blockhouse.....more in keeping with a prison block than hydrotherapy pool building'. In this regard, the impact of the development as constructed needs to be considered against the fall back position that being that a 2.8 m high flat roofed building, 11.5 metres long has been approved adjacent to the neighbours boundary under 12/1311. Additionally, a building could potentially be constructed to a height of 3 m with an eaves of 2.5 m provided it was not within 2 m of the shared boundary without needing planning permission.
- 4.4 In your officers opinion, any additional visual impact arising from the increase in the height of the building can be overcome by the addition of soft landscaping between the rear of the pool building and the boundary with 51 Davenport Road. This could take the form of mature evergreen planting in pots which would provide a green screen which would soften the impact of the building when seen from the house and garden of the neighbouring property. The applicants agent has confirmed that the imposition of a condition to secure appropriate screening is acceptable. Such screening was not secured as part of the original grant of planning permission for the pool building. Further, in respect of this matter it would be difficult to refuse this application on the grounds of what the building looks like given that it is not visible from the public domain and given that no other 'material' harm is considered to result in terms of overshadowing, overbearing and overlooking.

4.5 In light of the above the application is recommended for conditional approval with landscape screening to be planted in the next planting season.

RECOMMENDATION

Grant subject to the following conditions:

- 1 The external noise emitted from mechanical plant associated with the development hereby approved shall be lower than the existing background noise level by at least 10dBA as assessed according to BS142:1997 at noise sensitive premises.
REASON: To protect the amenities of neighbouring properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 2 The pool building hereby permitted shall be used for purposes in connection with the residential use of the property and shall not be used for any commercial purposes.
REASON: In the interests of the living conditions of the immediate neighbours. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 3 That a scheme for the soft landscaping of the southern boundary of the site , shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision letter. The scheme shall be implemented as approved within the next planting season following the date of this consent and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To soften the impact of the development within it's context. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

13/1730/P/S73 Land At Black Bourton Road Carterton	
Date	10/12/2013 10/12/2013
Officer	Mr Phil Shaw
Officer Recommendation	REFUSE
Parish	CARTERTON
Grid Ref:	428096,206794

APPLICATION DETAILS

Non compliance with condition 8 of planning permission 12/1217/P/FP to allow deliveries 24 hours a day. Between the hours of 2300 and 0700 all warning sounders and refrigeration plant would be disabled.

APPLICANT

Optimisation Developments Ltd, C/O Agent.

BACKGROUND INFORMATION

This application relates to the recently opened superstore and seeks to allow the hours of delivery to be extended to the whole day. The hours when servicing or outside handling of stock were allowed were originally limited to 0700 – 2300 in order to safeguard the living conditions of existing and proposed neighbours.

I PLANNING HISTORY

12/1217- Consent was given for the superstore on the site.

2 CONSULTATIONS

2.1 Town Council

No response to date.

2.2 OCC Highways

“No objections.”

2.3 WODC Env Health

“The application does not specify the number of anticipated night deliveries, vehicle types or delivery durations. The application states that vehicles’ reversing sounders and refrigeration plant would be silenced, but it is unclear what reduction that mitigation would have on emitted noise levels. The trailer does mate to a dock, so there should be no externally generated noise from stock-handling. There remain a number of potential noise sources including:

- Vehicles: diesel engine operation, hissing air brakes, tyre squeal, cab door slams
- Personnel: voices, radios
- Building: roller door operation

In assessing the likelihood of night-time noise disturbance from this new activity, the main factors are considered to be as follows:

- The supermarket’s delivery yard is on the east façade of the store. There are homes to the east at 15 Black Bourton Road (40m away from line of vehicle movement) and 23 Black Bourton Road (30m away). There is also extant planning permission for an (as yet un-built) dwelling 10m south of the yard.
- The preliminary on-site vehicular approach to the yard, where there would be manoeuvring and then reversing starts, has an open aspect and noise would be uncontained. The final 20m (reversing) approach to the unroofed unloading dock is shielded by a 3m wall between the yard and houses to the east, so noise would be partially contained by that yard wall.

In the absence of noise data submitted with this application, I have referred to the earlier related application 12/1217P/FP which sought permission to build the supermarket. In that application’s noise annex (Sharps Redmore Partnership report July 2012, page 15), typical noise levels at 10m were quoted for vehicle arrival/departure of about 70 dB (L_{Aeq} [average noise level]) and 80 dB (L_{AMAX} [peak noise level]).

I have used that data to estimate the façade noise level from such deliveries at 15 Black Bourton Road which would be in the region of 58 dB (average noise level) and 68 dB (peak noise level). Passing through a bedroom window reduces the noise by about 13 dB, suggesting internal noise levels of 45 dB (average noise level) and 55 dB (peak noise level). British Standard 8233 suggests a ‘good’ night-time average internal noise level not over 30 dB and a peak noise level not over 45 dB. As the delivery noise is projected to be 15 and 10 dB over these standards respectively, I recommend this application is refused.”

3 REPRESENTATIONS

Letters of objection have been received from Michelle Fletcher of Hawkins House, Mr Hegarty of 15 Black Bourton Road and Mr Surrey of 28 Wycombe Way. It is considered that the main points raised may be summarised as follows:

- This will cause considerable noise disruption.
- The vehicle alarms make up only a small portion of the sound impact.
- Gates clanging, shouting, palette trolleys, transport cages, running engines all create noise.
- Levels of noise as existing wakes us up at 7am.
- Delivery vehicles often block residents drives as they wait to deliver.
- They sit outside with engines running.
- Causes vibration within the house.
- Parked lorries cause disruption to the roundabout.
- If the Coop can run without issues why cannot Morrisons?
- It would have a catastrophic impact upon us.
- We work long hours and my wife has health issues.
- We need a good nights sleep.
- We would claim compensation if this were approved.
- The lighting causes problems with sleeping as it is left on all night.

4 APPLICANT'S CASE

Writing in support of the proposals the applicants advise (in summary):

- This will enable the deliveries to be more evenly spread.
- It will lessen traffic impacts at peak shopping times such as Christmas and Easter.
- Servicer yard allows vehicles to unload through a delivery bay roller shutter door.
- All alarms will be disabled and the yard is shielded by a 3m high wall.

5 POLICY

Policy BE19 and the advice of the NPPF are of most relevance.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

The impact upon residential amenity

Neighbourliness, pollution and Environmental Health

- 6.2 The store has only been trading for a comparatively limited period of time but has clearly been the subject of some issues as regards to the impact upon neighbours, even with the current restrictions upon delivery/servicing times. The condition that was imposed upon the original consent was determined as a result of analysis of technical data but no such data has been tabled with this proposal to demonstrate that the originally imposed conditions were not correct. As such, and with the evidence of the neighbours as to the harms and the advice of the technical expert to refuse your officers do not consider that the benefits in terms of smoothing the delivery hours/peaks outweighs the harms identified and as such refusal is recommended.

Conclusions

- 6.2 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits.

RECOMMENDATION

Refuse for the following reason:

- I By reason of the likely noise impact at unsocial hours, the proposed increase in the hours when servicing is permitted is likely to give rise to unacceptable harm to the residential amenity of existing and proposed properties to the detriment of the occupiers of those properties and contrary to Policies BE2 and NE19 of the West Oxfordshire Local Plan and the advice of the NPPF.

NOTES TO APPLICANT

You are advised that there is an unrelated breach of the extant section 106 agreement for the store which should be addressed as a matter of urgency.