

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

12th May 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.

14/0287/P/FP Information Press Ltd Southfield Road Eynsham	3
14/0319/P/FP 24 High Street Witney	7
14/0349/P/FP The Cottage 2 Narrow Hill Witney	9
14/0359/P/FP Calais Oak Farm Aston Road Bampton	12
14/0445/P/FP Hollybush Inn 35 Corn Street Witney	15
14/0446/P/LB Hollybush Inn 35 Corn Street Witney	18
14/0498/P/S73 Morrisons Black Bourton Road Carterton	19

14/0287/P/FP Information Press Ltd Southfield Road Eynsham	
Date	26/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	EYNSHAM
Grid Ref:	443054,208623

APPLICATION DETAILS

Erection of waste paper extraction plant. (Retrospective).

APPLICANT

Berforts Information Press Ltd, Southfield Road, Eynsham, Oxfordshire, OX29 4JB.

BACKGROUND INFORMATION

This planning application is seeking retrospective planning permission for the erection of plant used for waste paper extraction and compression. The plant is located to the rear (northern elevation) of that part of the industrial unit used for the binding and finishing process in association with the lithographic printing business based at the premises. At the time of installation the applicants believed that the plant was 'permitted development' as no additional floor space had been created. Planning permission is however required due to a condition imposed on the enabling consent for the present operators (W2000/0499) which restricts such development without the need for planning permission. The siting of the plant came to light as a result of a complaint to the Council alleging that a quite loud droning, humming noise was coming from the industrial estate.

The application is accompanied by an acoustic engineers report.

I PLANNING HISTORY

W2000/0499- Conditional planning permission granted for 'Part demolition of existing storage areas. Erection of two storey extension to existing building to form new warehouse and print production facilities (Class BI use) and additional car parking.

2 CONSULTATIONS

2.1 Parish Council

"No objections."

2.2 OCC Highways

"No objection."

2.3 WODC Environmental Health

"No objections subject to conditions."

The suggested conditions are as follows:

- *3m high acoustic fencing be sited to the rear and two exposed sides of the plant;*
- *That the use of the plant be restricted to Mon – Friday 0700 – 2259hrs, Sat 0700 – 2259hrs and Sunday and Bank Holidays - Nil use."*

3 REPRESENTATIONS

Comments have been received from David and Debbie Seeney of 'The Sidings', Station Road, Robert and Jennie Hoare of 'Chillbrook Cottage' Station Road and Mr and Mrs H Timms of 'The Signal Box'. Station Road. Their comments are very briefly summarised as follows:

- Intrigued that a 3 metre acoustic fence may be installed. Since the prevailing wind direction is south west, will 3 metres high be adequate bearing in mind the noise emitting from the machinery? Why not ask the manufacturers to address the problem. From the application it appears that the applicant considers the plant can be operated to suit them. We object.
- It is extremely large and ugly;
- Last summer when it was running day and night it was clearly audible from our bedroom in the night and our garden in the day. The noise is like a jet engine in the distance. Believe that the plant has not run much since our last complaints and I assume they have kept quiet whilst they re-apply for planning permission.
- The waste paper compactor was installed just over a year ago. After intervention by the Environmental Health Dept we were informed that some sort of exhaust silencer would be added, additionally it transpired that planning permission should have been sought. Noise levels improved but there was also a reduced usage of time. However, we are aware of an almost constant background hum.
- We are frustrated that sound studies have focussed in volume rather than residential hum, and that readings were taken in Pink Hill and did not apparently include Station Road. Due to prevailing winds, noise from the industrial estate tends to funnel into Station Road, particularly behind the houses on the west side.
- We note the new application mentions possible installation of sound absorbing fence, which may or may not improve the residual hum, though its positioning may have more benefit to Pink Hill than to Station Lane;
- We find the proposed hours of operating the plant unacceptable;
- Station Road and Pink Hill, though adjacent to the industrial estate are semi rural, which outside of the normal working day is usually very quiet. Any noise therefore occurring in the evenings, overnight and at weekends, is very penetrating and noticeable. We feel that we should be able to use our home without the residual background hum ,in the evenings and at weekends;
- Our only protection remains the planning process, and whilst not objecting to the installation of the compactor entirely, we urge that tighter time restrictions are imposed on its use, particularly on Saturdays, Sundays and Bank Holidays.

4 APPLICANT'S CASE

- 4.1 Information Press Ltd is a long established lithographic printers. Their existing processes encompass design, typesetting, printing, finishing and distribution of various printed items.
- 4.2 The current application is for the retention of a waste paper extraction unit which services the binding machine within the post – printing area of the premises and for additional sound attenuating fencing. During the binding process papers are mechanically trimmed by guillotine and due to the rapid throughput the paper has to be extracted via ductwork to a compressing unit. There the paper is compacted and ejected into a large RORO container. The container is picked up and replaced by lorry when necessary. The footprint of the compactor and extractor unit is approximately 5 msq. Prior to the installation of the unit waste paper was collected in small capacity wheeled containers. The paper waste was loaded manually and was not compacted.

Employing this method the containers had to be collected and replaced more frequently. This resulted in repeated vehicle movements not only within the site but also on local roads.

- 4.3 In order to help improve production to meet tightening deadlines it was decided to modernise the binding process. This necessitated the implementation of a much faster method of collecting waste from the trimming operation and the new extraction and compression unit was installed in 2013. After the unit was commissioned additional sound attenuators were fitted.
- 4.4 The unit occupies a very small footprint and has no detrimental effect on car parking arrangements or pedestrian movement around the site. With the major expenditure on additional sound attenuation the operation of the unit is not believed to adversely impinge on the amenity of local commercial or residential properties.
- 4.5 Following discussions with Environmental Health Officers it was agreed that a full noise impact assessment should be commissioned. Acoustic consultants were appointed to carry out a detailed assessment of the noise levels and to make recommendations on mitigation.
- 4.6 The full report including recommendations is included with the application. It was found that erecting a 3 metre high sound barrier in front of the plant would achieve the noise reduction required to meet current standards and proposals for an acoustic fence have been included as part of the application.

Conclusion of 'Impact Acoustics' consultancy report

- 4.7 The noise emissions from the installation have been assessed in accordance with BS41 42:1997. It was found that operation during the 24 hour period results in a conclusion 'of marginal significance' and indicates that this may have an adverse impact on the local community.
- 4.8 Therefore it is recommended that best practice means noise control measures are adopted to reduce the rating level in excess of 5dB for 24 hour operation.
- 4.9 Recommendation of an erection of a 3m barrier in front of the plant has been assessed in accordance with ISO9613-2 and modelled with SoundPLAN. It was found that when in use an insertion loss of >5dB was achievable and resulted in a conclusion of 'less than marginal significance' in accordance with BS4142. The conclusion is reinforced as all calculations are based upon worst case scenario with direct wind passage and meteorological conditions.

5 POLICY

Key policy in respect of this application is BE 2 of the adopted West Oxfordshire Local Plan 2011.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that there are two issues for consideration in respect of this proposal:

Impact of the plant on the visual amenity of the area

Impact of the noise generated by the plant on the residential amenity of nearby dwellings

Impact on visual amenity

- 6.2 By reason of its design and in particular its height and royal blue colour finish, the plant is clearly a noticeable addition to the rear of the industrial unit. However, it is seen within the context of an industrial estate against the backdrop of industrial units and as such it is not considered so discordant a feature as to warrant refusal on grounds of adverse visual impact.

Impact on residential amenity

- 6.3 The key issue in respect of residential amenity is that of noise impact on nearby dwellings and Members will note from the representations received that three properties within the vicinity of the site have complained regarding noise emissions.
- 6.4 In order to address these concerns an acoustic report has been submitted with the application which has been assessed in detail by your Environmental Services officer. Both the report and your technical officers assessment have concluded that if the plant is surrounded on three sides by a 3 m high acoustic barrier, the noise from the plant will be reduced such that it is no longer audible to the dwellings that are presently reporting noise issues.
- 6.5 Whilst not part of the recommendation contained within the acoustic report, your technical officer (Environmental Health) is suggesting that a condition restricting the use of the plant during night time hours and on Sundays and Bank Holidays should also be imposed in the interests of residential amenity.
- 6.6 In light of the above, the application is recommended for approval subject to conditions restricting the operating hours of the plant and the erection and maintenance of acoustic fencing around three sides of the plant within three months of the date of decision.

RECOMMENDATION

Grant subject to the following conditions:

- 1 Within three months of the date of this decision notice the retrospective plant, the subject of this application, shall be enclosed on three sides by the erection of a three metre high acoustic fence, the precise siting and design of which shall first be approved in writing by the Local Planning Authority. The said approved acoustic screens shall be maintained and retained as such thereafter.
REASON: In the interests of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 2 The operation of the plant hereby approved shall be limited to the following hours:
Monday to Friday 0700-2259hrs
Saturday 0700-2259hrs
Sunday and bank Holidays - Nil
REASON: In the interests of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/0319/P/FP 24 High Street Witney	
Date	05/03/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435651,209817

APPLICATION DETAILS

Alterations to convert the first floor flat into two apartments and existing storage area into one apartment (to include provision of two car parking spaces).

APPLICANT

Hobart International Ltd, 5 Lecky Street, London, SW7 3QP.

BACKGROUND INFORMATION

This application seeks alterations to convert the first floor flat into two apartments and an existing store area into one apartment. The application also proposes two parking spaces to serve the residential use on land to the rear of the site.

1 PLANNING HISTORY

- 1.1 13/1530- Planning permission granted for conversion of the first floor into two apartments and an existing storage area into one apartment. Given the town centre location permission was given without the provision of off street parking spaces.
- 1.2 14/0046- Planning permission was refused for 'Alterations to convert the first floor into two apartments and existing storage area into one apartment (to include provision of three car parking spaces)'. The reason for refusal was as follows:

'By reason of the physical constraints of the site in terms of both width and the walled enclosures, the car parking spaces as proposed will be difficult to manoeuvre in and out of to the inconvenience of the occupiers of the flats. As such, the development is considered contrary to policy BE2 of the adopted West Oxfordshire Local Plan 2011.'

2 CONSTRAINTS

The site lies within the Conservation Area and part of it lies within the floodplain. A number of trees in the vicinity are the subject of a TPO and there are listed buildings within 20m.

3 CONSULTATIONS

3.1 Town Council

"Witney Town Council objects to this application on the grounds that there is insufficient parking shown on the supporting documents and is therefore contrary to policy BE3 of the WOLP. The Town Council would like to see one space per property and some for visitors."

3.2 OCC Highways

"Given the town centre location, no objection. The proposal, if permitted will have no significant effect on the local road network."

4 REPRESENTATIONS

None received.

5 APPLICANT'S CASE

“Although planning permission was granted without the provision of car parking, the application was taken to committee because there was concern over this lack of on site facility.

The report to committee pointed to the lack of a provision of car parking spaces on site (6 spaces required).

Further to this concern the applicant has felt that an application should be made for the provision for two car parking spaces. These would be accommodated in head- on pattern...

The refuse store and cycle racks will be slightly altered to cater for the two car parking spaces. Protection of the trees on the site will be undertaken.”

6 POLICY

Key policies in respect of parking provision to serve the residential units are BE2, BE3 and BE5.

7 PLANNING ASSESSMENT

7.1 In light of the fact that conditional planning permission has been granted for the three residential units under 13/1530 without off street parking provision, given the town centre location and having regard to reason for refusal 14/0046, the key issue for consideration in respect of this application is as follows:

- Whether or not the provision of two car parking spaces within the rear yard can be accommodated in such a way, given the sites constraints (walled enclosure), that maneuvering in and out of the spaces is neither difficult or inconvenient to users .
- The impact of the provision of the car parking spaces on the arboreal aspect of the rear of the site in terms of preserving/enhancing the Conservation Area.

7.2 In comparison to the earlier application for three spaces on the land this application for two spaces results in a layout that is satisfactory with regard to the ability to manoeuvre in and out of the spaces with ease. In addition a paved footpath route is to be provided through the rear yard for the convenience of pedestrians using the flats.

7.3 As part of the proposal the applicant is proposing a scheme for protecting the trees on the land to ensure that the arboreal aspect of the rear of the site is preserved through the development process.

7.4 In light of the above this latest application has, in your officer's opinion, overcome the earlier reason for refusal and as such is recommended for conditional approval based on the conditions attached to 13/1530.

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 Notwithstanding the submitted details full details of the following (including the timetable for implementation) shall be agreed in writing by the Local Planning Authority prior to development commencing and the agreed details shall be implemented prior to first use of any of the units hereby approved:
 - The repair of the boundary walls.
 - The upgrading of the rear hard surface including the marking out of car parking spaces and the provision of a pedestrian access.
 - The tree protection measures during building works.
 - The energy and water saving measures to be employed.
 - Wildlife/biodiversity enhancement measures to be used.
 - The stone to be used in the re facing/extending of the East Elevation of the single unit.
 - The screening of the bin stores.
 - The design and location of the cycle parking.
 - The detailed design of the new dormers at a scale of not less than 1: 20.REASON: The details were either not provided or were considered inappropriate.
- 3 Other than as modified above the development be carried out in accordance with the plans, letter and reports that accompanied the application.
REASON: For the avoidance of doubt as to what is approved.

14/0349/P/FP The Cottage 2 Narrow Hill Witney	
Date	07/03/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435919,210419

APPLICATION DETAILS

Erection of single storey extension and porch.

APPLICANT

Mr and Mrs David Salter, 17 Moorland Close, Witney, Oxon, OX28 6LN.

BACKGROUND INFORMATION

The application is to be heard before the Committee, as the agent who has submitted the application is related to a member of WODC staff.

1 PLANNING HISTORY

W83/0131 – Re-cover front roof slope with plain concrete tiles – Grant.

2 CONSULTATIONS

2.1 Town Council

“No objection.”

2.2 OCC Highways

“The proposal, if permitted, will not have a significant effect on the adjacent highway network.”

3 **REPRESENTATIONS**

One letter received from Katharine Davis of 12a West End. The comments have been summarised as:

- The second location plan is out of date. The boundary does not come up to meet 12a any more. We purchased some land from the previous owner to widen our driveway.
- It's hard to picture how close the new proposed extension will be to the boundary. I will have a chat with our neighbour and ask him to show the full extent of the extension to my husband and I, with a tape measure on the ground.

4 **POLICY**

The most relevant policies of the West Oxfordshire Local Plan 2011 are considered to be:

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy BE5 – Conservation Areas
Policy H2 – General residential development standards

The NPPF has also been referred to.

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:

Principle of Development
Impact to neighbouring properties
Impact to the host dwelling & Conservation Area
Highways & Parking

Principle of Development

5.2 The application relates to an unlisted property in a roadside setting within the Conservation Area. The proposed development consists of a gable porch and a single storey extension. Officers consider that the principle of such extension is acceptable in this location.

Impact to neighbouring properties

5.3 The property is screened from Narrow Hill by a high stone wall, although glimpses of the property can be viewed from the road. The proposed porch will be to the front of the dwelling and due to its proposed modest scale and it being set away from the adjacent neighbouring property; officers consider that the residential amenities of this property will not be adversely affected in terms of loss of light/privacy.

- 5.4 The rear extension is also considered to be acceptable in terms of its impact to the adjacent dwelling at no 12a. Officers have assessed the impact of the extension to the relocated boundary of no 12a and officers consider that the extension will be set away sufficiently as to not adversely affect the residential amenities of no 12a.

Impact to the host dwelling & Conservation Area

- 5.5 Officers consider that both the porch and extension are of a modest scale and design which will visually improve the host dwelling. The proposed materials will match the existing property and as such officers do not consider that the extensions will adversely affect the visual amenity, character and appearance of the Conservation Area.
- 5.6 In terms of the design, there is a slight discrepancy with the rear extension which officers are seeking to rectify, but this does not affect the overall design of the proposal. Revised plans are expected to be received prior to the Committee meeting where officers will update Members.

Highways and parking

- 5.7 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.

Conclusions

- 5.8 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 plan(s) accompanying the application as modified by the revised plan(s) deposited on *** (to be added once plans received)***
REASON: The application details have been amended by the submission of revised details.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the extension and porch shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.

- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors & windows (including cills and heads) at a scale of not less than 1:20 with joinery details at 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

14/0359/P/FP Calais Oak Farm Aston Road Bampton	
Date	12/03/2014
Officer	Mrs Kim Smith
Officer Recommendation	Provisional Approval
Parish	BAMPTON
Grid Ref:	432768,202845

APPLICATION DETAILS

Conversion of existing stable block to create self contained holiday let.

APPLICANT

Mr Mark Booty, Calais Oak Farm, Aston Road, Bampton, Oxfordshire, OX18 2BW.

BACKGROUND INFORMATION

This application proposes a change of use of a stable block on the land to a two bedroomed holiday let unit. The building is to be clad in timber and the roofing material changed from corrugated metal sheeting to tiles. A garden area and on site parking is proposed to serve the unit. The site is located adjacent to yard area serving the equestrian use on the land. The proposal is part of the diversification of the current DIY livery business that operates from the land. Due to the current economic climate the business is operating under capacity and the emerging holiday market has been identified as a suitable way to diversify the unit and support the viability of the existing business.

The application is made on behalf of a Member of the Council.

1 PLANNING HISTORY

The planning history on this site illustrates that the site has been continually been used as a livery, with development over the last 20 years taking place to support the expansion of the use.

2 CONSULTATIONS

2.1 Parish Council

No reply to date.

2.2 OCC Highways

No reply to date.

2.3 West Oxfordshire District Council - Engineers

No reply to date.

2.4 WODC- Tourism

Supports the application stating as follows:

“From a tourism point of view we would welcome the addition of good quality self catering accommodation in the District as we have seen a significant decline in this type of property over recent years .Equestrian tourism is also a growth area for tourism and there are very few facilities locally or in the surrounding areas that would cater for this so the addition of this facility would enable the area to attract more of this type of visitor who would of course in turn spend money in the local economy. The addition of this facility would further enhance the offering that we have here in West Oxfordshire to visitors.”

2.5 Environment Agency

“In the absence of an acceptable FRA we object to the grant of planning permission and recommend refusal on the basis of the following reasons:

The FRA submitted with this application does not comply with paragraph 9 of the Technical Guide to the NPPF. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA locates the proposed site in Flood Zone 2 and our maps show the site within Flood Zone 3.

Overcoming our objection.

We therefore require evidence that the site does lie within Flood Zone 2 or a revised FRA addressing all the issues associated with a conversion to a more vulnerable usage in Flood Zone 3.”

3 REPRESENTATIONS

Neighbours notified.

No representations received at the time of writing.

4 APPLICANT’S CASE

4.1 A detailed supporting statement together with a Flood Risk Assessment has been submitted in respect of the application which is available to view on the Councils website.

4.2 In a very précised form the applicant’s case is as follows:

- The existing DIY livery business that is based on providing a service to local clients is operating under capacity due to the current economic climate. In order to respond to this issue a specific and emerging holiday market has been identified as a suitable way to diversify the unit and to support the viability of the existing business;
- Equestrian holidays based on riding horses provide on site or as a ‘bring your own horse’ option is a growing and developing market. Many horse owners wish to holiday with their families and horses but need a location which can provide stabling alongside holiday accommodation with nearby access to bridleways. The conversion of one of the existing stables would allow such holidays at Calais Oak Farm. The accommodation would also provide the opportunity for families of young riders at Aston Stud to visit and stay on the site as well.

- The conversion will be built with disabled access which will meet all criteria for use by disabled guests. Calais Oak Farm has associations with Riding for the disabled, and recognises that many children and adults benefit from association with horses and see no reason this should not be carried forward in a holiday context.

5 POLICY

The key policies in respect of this proposal are H2, BE2, BE3, and TLC2 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF, in particular, paragraphs 28 and those contained in Section 10.

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 principal of conversion to a holiday let
Flooding issues

Principal

- 6.2 The proposed development is considered compliant with Local Plan policy for the conversion of existing buildings to holiday let accommodation, in that it is capable of conversion to visitor accommodation without excessive alteration or rebuilding. In addition it is of a scale appropriate to its setting and adequate off street parking can be provided to serve the use.
- 6.3 In addition the proposal accords with paragraph 28 of the NPPF which seeks to promote the development and diversification of land-based rural industries.

Flooding Issues

- 6.4 At the time of preparing the report there is a technical objection from The Environment Agency in respect of the FRA that has been submitted with the application. The applicant's agent hopes to address the concerns raised prior to the date of the Sub Committee such that the technical objection will be withdrawn.

Conclusion

- 6.5 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 subject to the Environment Agency withdrawing its objection. If the technical objection is withdrawn conditions based on the following are recommended:
- Samples of materials to be used in the external elevations of the building
 - Holiday let condition
 - Compliance with any FRA requirements
 - Parking to be provided in accordance with the approved block plan

RECOMMENDATION

Provisional Approval.

14/0445/P/FP Hollybush Inn 35 Corn Street Witney	
Date	26/03/2014
Officer	Sarah De La Coze
Officer Recommendation	Provisional Approval
Parish	WITNEY
Grid Ref:	435428,209560

APPLICATION DETAILS

Alterations and erection of single storey rear extension and bin store.

APPLICANT

Mr J Champion, 35 Corn Street, Witney, Oxon, OX28 6BT.

BACKGROUND INFORMATION

The application relates to a Grade II Listed Building located within a Conservation Area.

The application seeks planning permission for various alterations to the existing public house, a rear extension and the erection of a bin store. The merits of the Listed Building Consent (14/0446/P/LB) will also be considered as part of this report.

I CONSULTATIONS

1.1 Town Council

“Witney Town Council wishes to raise concerns that the drawings for this application only show the proposed layout and not the existing layout which makes it impossible to differentiate the two. The Town council also has concern at the loss of open air facilities.”

2 REPRESENTATIONS

No representations have been received.

3 APPLICANT’S CASE

The applicants’ design and access statement is summarised as follows:

The owners wish to extend the premises to improve the customer experience by providing additional internal space whilst providing a direct and internal link to the barn at the rear.

The current courtyard is of a sufficient size to facilitate such an extension whilst retaining sufficient outside space which is well used in the summer months.

The proposal will also allow for:

- The improvement of the female WC provision
- Better serving to barn and eating areas
- Larger kitchen and defined service area
- Open plan arrangement allows for different seating configurations

4 POLICY

4.1 The key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:

BE2 – General Development Standards
BE5 – Conservation Areas
BE7 – Alterations and Extensions to Listed Buildings
H2 – General residential development standards
TLC12 – Protection of Existing Community Services and Facilities
E7 – Existing Businesses

4.2 In addition, the National Planning Policy Framework (NPPF) is of consideration.

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:

Principle

Impact upon the character and appearance of the Conservation Area
Impact upon the character and appearance of the Listed Building;
Impact upon amenity of existing users and neighbouring properties

Principle

5.2 The application would see a public house located in a sustainable location altered and extended to serve the needs of the business. This principle is supported in policy E7 and TLC12 of the West Oxfordshire Local Plan.

Impact upon the character and appearance of the Conservation Area

5.3 The extension and bin store would be located to the rear of the property and would not be visible from the street scene. The extension will feature a flat roof with a number of windows and doors to allow light and access. The materials proposed will be a combination of render, timber cladding and a felt roof.

5.4 The application also proposes the removal of 3 trees from the garden. The trees are currently positioned in cramped positions in the garden. They are not considered to have a significant visual value as they are relatively small and positioned in areas close to the building or boundary wall, which does not allow for substantial growth without the potential for them damaging the walls. The removal of them to facilitate the development is therefore considered acceptable.

5.5 It is considered that the proposed removal of trees, erection of rear extension and bin store due to their position and scale would not have an adverse impact on the character and visual appearance of the conservation area.

Impact upon the character and appearance of the Listed Building

- 5.6 The original C17th and C18th building has been significantly altered and extended in the past. The proposed extension and related alteration works have virtually no impact on original or old fabric and, although they reduce the size of the courtyard, they do not give rise to any additional detrimental impact on the setting of the Listed Building or adjoining properties. It is therefore considered that the alterations would not have a detrimental impact on the fabric of the Listed Building.

Impact upon amenity of existing users and neighbouring properties

- 5.7 The extension would be of a scale that currently reflects the previous extensions and existing temporary structures on site. The site is enclosed by a boundary wall which provides screening from the neighbouring properties.
- 5.8 The public house is located in a mainly commercial street with the rear being located closer to residential neighbouring properties. The extension would reduce the outside space which in turn would reduce the potential for noise generated from the garden to the neighbouring properties.
- 5.9 The Town Council have raised concerns relating to the reduction in outside amenity space the pub will be left with. It is officers opinion that although there will be a reduction in outdoor garden space there is still sufficient outside space available to serve the pub. Policy TLC12 refers to maintaining existing community facilities and it is considered that if these extensions help the viability of the public house then they should be supported.
- 5.10 The proposal is considered acceptable in terms of ensuring amenity space for the building, it is also considered not to give rise to unacceptable harm in terms of overlooking, loss of light etc to the neighbouring properties.

Conclusions

- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development would not have a detrimental impact on the setting of the conservation area or the character or appearance of the listed building. Whilst officers acknowledge that the outside amenity space will be reduced the overall proposal 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 That the development be carried out in accordance with plan No(s) SK002 B, SK004 B, SK005 B, SK011 and SK012.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/0446/P/LB Hollybush Inn 35 Corn Street Witney	
Date	26/03/2014
Officer	Sarah De La Coze
Officer Recommendation	Provisional Approval
Parish	WITNEY
Grid Ref:	435428,209560

APPLICATION DETAILS

Internal and external alterations, erection of single storey rear extension and bin store. The application relates to a Grade II Listed Building located with a Conservation Area.

APPLICANT

Mr J Champion 35 Corn Street, Witney, Oxon, OX28 6BT.

BACKGROUND INFORMATION

SEE REPORT PREPARED FOR APPLICATION 14/0445/P/FP WHICH CONSIDERS THE MERITS OF THIS PROPOSAL

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 That the development be carried out in accordance with plan No(s) SK005 B, SK004 B, SK002 B, SK011, SK012.
REASON: For the avoidance of doubt as to what is permitted.
- 3 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. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 4 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. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all new windows and sliding folding external doors (including cills and heads) at a scale of not less than 1:20 with joinery details at 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/0498/P/S73 Morrisons Black Bourton Road Carterton	
Date	03/04/2014
Officer	Mr Phil Shaw
Officer Recommendation	Officer to report
Parish	CARTERTON
Grid Ref:	428091,206614

APPLICATION DETAILS

Non-compliance with condition 8 of planning permission 12/1217/P/FP to allow deliveries of stock to or from the store, or handling of stock outside, between the hours of 0600 and midnight Monday to Sat, and 0700 - 2300 hours on Sundays and bank holidays.

APPLICANT

Optimisation Developments Ltd, c/o Agent.

BACKGROUND INFORMATION

This application is a resubmission, with more supporting information, of a scheme that was refused permission under reference 13/1730. Rather than 24 hour operation it now seeks to extend the servicing times by an hour at each end of the day to start at 6am and finish at midnight Mon to Sat and an hour earlier Sundays and bank holidays.

The application has been referred to committee at the request of Councillor Howard. He advises:

"When Morrisons first applied to build their supermarket in Carterton, there was considerable public interest in the potential noise disturbance during the quiet hours.

This issue was recognised by Morrisons and when the planning application was approved, condition 8 was imposed (to which they agreed) to prevent noise disturbance. This application seeks to reverse this condition and will no doubt be of great concern to the public. If approved this has the potential for the other large stores in the town centre to wish to follow suit. Therefore, unless Morrisons has an alleviation plan or a scheme to mitigate disturbance the public will be most concerned.

Would please arrange for this application to be considered by the WODC Lowlands Planning Sub-Committee so that all concerns may be fully explored."

1 PLANNING HISTORY

The store secured consent under application ref 12/1217 and the use of 24 hours per day servicing was refused under ref 13/1730.

2 CONSULTATIONS

2.1 Town Council

No response to date.

2.2 WODC EHO

No response to date.

3 REPRESENTATIONS

An e-mail has been received from Cllr Mrs Crossland. The main points raised may be summarised as follows:

- When Morrisons recently tried to vary the hours for delivery to the Carterton store this was strongly opposed by all the Carterton members because of the detrimental effect likely to be caused to nearby residents. Getting a good night's sleep is already difficult enough, so near to RAF Brize Norton.
- Restrictive conditions were imposed on delivery times as part of the enabling consent for very good reasons. I see no cause to change these simply for the convenience of the supplier.
- Morrisons were aware of the limitations from the start and I trust you will uphold the original conditions for the good of the local people.

4 APPLICANT'S CASE

4.1 Writing in support of the proposals the agent advises as follows:

"We are seeking to vary this condition to slightly extend the hours of delivery to bring the store in line with other Morrisons stores around the country, to help improve the efficient operation of a foodstore from the premises. We suggest that the varied condition 8 be reworded as follows:

'Deliveries to the food store shall only take place between the hours of 0600 hrs and midnight Monday to Saturday, and 0700-2300 hrs on Sundays and bank holidays.'

The acoustic impact assessment accompanying this application sets out a full account of acoustic measures already in place at the Morrisons store, as well as further mitigation measures that can be implemented to provide comfort to the LPA that the amenities of local residents will be safeguarded.

Morrisons require extended delivery hours in order to ensure the efficient operation of their store. While we have previously sought 24 hours delivers, we are now seeking only a modest increase in delivery hours from 0600-2400 hrs Monday to Saturday, with no change to Sunday delivery hours.

We believe that this demonstrates reasonableness and flexibility on Morrisons' behalf, and we trust the Council will weigh up the sustainability benefits listed below when considering this application, as well as the findings of the updated Environmental Noise Assessment accompanying this letter.

Extending the hours of delivery will incur numerous benefits for both the operator and the wider community, including the following:

- *Reducing congestion on the roads at peak traffic times*
- *Improving air quality*
- *Facilitating the delivery of the freshest produce for the benefit of customers*
- *Increasing the operational efficiency of the foodstore*
- *Reducing operating costs*
- *Lowering the associated carbon footprint of the store*

The noise report shows that there are high background noise levels at this location, this will help mask noise from deliveries. In addition the sensitive receptors in the vicinity are single-storey dwellings; this means that boundary walls will provide effective acoustic screening, thereby safeguarding the amenities of these properties. Acousticians normally survey noise levels at first floor windows, as noise can become a nuisance where sound passes over a boundary wall to affect receptors at higher levels. This is clearly not an issue at this location."

4.2 The summary of the acoustic report is appended below:

“It is recommended that the following noise minimisation measures shall be implemented at all times to reduce noise levels from service yard activity:

- *There will be adequate signage and instruction to ensure that all drivers and staff follow the noise management measures;*
- *All engines to be switched off as soon as vehicles are parked at the unloading dock;*
- *Subject to a full health and safety risk assessment, tonal reversing alarm systems shall not be used before 0700 hours and after 2200 hours;*
- *Whilst vehicles remain stationary in the service yard, no engines are to be left idling for more than 30 seconds;*
- *Refrigeration units are not to be operated whilst stationary in the service yard or access road;*
- *All delivery vehicles to be driven in as quiet a manner as possible, avoiding unnecessary engine revving;*
- *No radios or stereos to be left on in vehicles during deliveries or at other times;*
- *Staff to be instructed to work quietly when outside the store or in the service yard – only performing essential tasks where noise could be generated;*
- *All components of the delivery system to be maintained in good working order.*

With specific regard to deliveries occurring on Sunday mornings the following specific noise minimisation measures shall be implemented:

- *Deliveries which occur between 2300 and midnight and 0600 hours and 0700 hours shall only unload goods, with no empty cages/pallets being reloaded onto the delivery vehicle.*

The provision of these service yard noise reducing measures can be secured by imposition of an appropriately worded planning condition.

Sharps Redmore (SR) has undertaken an environmental noise assessment to consider whether the existing delivery hours at the Morrisons store at Black Bourton Road, Carterton could be extended without associated noise adversely affecting residential amenity.

This assessment has objectively demonstrated in the context of nationally recognised standards and planning guidance that predicted noise levels from delivery activity would not adversely affect residential amenity on the basis of deliveries between the following hours:

- *Monday to Saturday 0600 hours to midnight.*
- *Sunday 0700 to 2300 hours (as currently permitted)*

Noise from deliveries occurring between the above hours would comply with the requirements of the NPPF to avoid ‘significant adverse impact.’”

5 POLICY

Policies BE2 and BE19 along with the provisions of the NPPF are considered to be 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 issue is:

The impact of the additional hours upon residential amenity

The impact of the additional hours upon residential amenity

- 6.2 When last being considered, the store had only been trading for a comparatively limited period of time but had been the subject of some issues as regards to the impact upon neighbours, even with the enabling consent 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 had been tabled 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, the benefits in terms of smoothing the delivery hours/peaks were outweighed by the harms identified and resulted in the following refusal reason:

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.

- 6.3 In contrast this application has been accompanied by a detailed noise report undertaken by a firm of acoustic specialists. This concludes that whilst the noise levels will be slightly higher than desirable, the background levels of noise are even higher such that the “excess” will not be harmful as it will be lost in the background levels. Your officers are not technically competent to advise as to the veracity or otherwise of this finding but have sought advice from Environmental Health Officers who will provide a technical response. Additionally some of the teething problems associated with the store opening have now settled down and it is no longer proposed that unrestricted 24 hour operation be granted – but rather a much more limited extension of the existing hours.
- 6.4 Until such time as the views of EHO has been received it is not possible to make a formal recommendation. A verbal update will be given at the meeting.

RECOMMENDATION

Officer to report.