

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

16th June 2014

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**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

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13/1494/P/OP Land between Saxel Close & Aston Village Hall Aston	
Date	17/10/2013
Officer	Mr Phil Shaw
Officer Recommendation	Grant, subject to the applicant first entering into a legal agreement
Parish	ASTON, COTE, SHIFFORD AND CHIMNEY
Grid Ref:	

APPLICATION DETAILS

Residential development comprising 38 dwellings. Formation of vehicular & pedestrian accesses.

APPLICANT

Rebecca Christine Florey & Jonathon Jones, c/o Agent.

BACKGROUND INFORMATION

Members will recall that this application has appeared before them on two previous occasions and that it was deferred last time that it was considered on the basis that the requirement of Thames Water that the sewage system be upgraded may render the scheme unviable or that the necessary works may take place beyond the lifetime of the application thereby rendering the contribution to the 5 year land supply irrelevant. Members are advised to review the full report and minutes of the April sub committee for more details and background. This report considers in more detail the sewage infrastructure issue which was the reason that the application was not determined when last considered.

1 PLANNING HISTORY/CONSTRAINTS/CONSULTATIONS/REPRESENTATIONS

See earlier reports.

2 APPLICANT'S CASE

2.1 Writing in response to the issue of the capacity of the sewage system the agent advises (in summary):-

- We are happy to abide by the TWU requested condition requiring the submission of a drainage strategy and off site works.
- The proposed SUDS system will reduce the ingress of surface water into the foul system.
- We are happy to pay to upgrade the existing pumping station or to install a second pumping station to further buffer foul flows.
- Developer accepts that works cannot start on the houses until the sewage impacts are agreed by the LPA and TWU.
- Once approved a separate process of consent is needed with TW to connect to the sewer so they will have a further opportunity to assess the remedial works.
- TW will check the installed system to ensure that it complies with the approved details.
- Grampian conditions are standard and quite usual for sewage works.

2.2 In addition the applicants commissioned a further specialist Foul Drainage Assessment following the last meeting. The summary to this document is appended as appendix A to this report and a full copy can be viewed upon request to the case officer. The agent considers that the main points raised are as follows:

“The existing village of Aston with 563 dwellings has a peak foul flow of approximately 32.11 l/s. The proposed village of Aston with 601 (including the addition 38 dwellings) would have a peak flow of approximately 33.1 l/s

Consequently the impact of the proposed development is considered to be low

There are 3 viable drainage solutions to mitigate the proposed development foul water flow.

Option A - Direct connection to the existing 150mm diameter public sewer, upgrading the existing pumping station if required. Ball park cost of this -£35,000

Option B - Direct connection to the existing 150mm diameter public sewer, via an onsite pumping station, significantly reducing the peak foul water flows, creating a buffer before pumping at a lower rate to the existing sewer. Ball park cost for this £30,000

Option C - Installing a package treatment plant for the proposed development that does not discharge to the public sewer. Ball Park cost £60,000.

Through the implementation of SuDS, the proposed development will reduce the surface water entering the foul sewer to the south of the site. This reduction in surface water entering the pumping station will free up capacity that should be used to accommodate foul water, increasing the efficiency of the existing pumping station, providing betterment.

The appropriate foul water discharge solution would be negotiated with Thames Water after they have conducted a sewer network capacity study, once an outline planning approval has been granted. The FDA has demonstrated, alternative and practical options that are available to deal with the foul drainage on the site.

The Foul Drainage Assessment has demonstrated that any foul drainage works, which may be required by the proposed development, are unlikely to have an impact on the viability or the deliverability of the development within the next 5 years.”

3 POLICY/PLANNING ASSESSMENT

3.1 See earlier report.

Updated position/Conclusion

3.2 The agent has sought to address the reason that the application was deferred when last considered and has come to the conclusion that there are 3 possible means to address the sewage capacity issue and that none of them would result in issues of viability or extended delay.

Members are reminded that the agent has tabled the following as suggested Heads of Terms of a section 106 agreement:

Oxfordshire County Statutory Obligations

Transport

New Bus Shelter £8,000

Improvement to bus service £30,000 **Total £38,000**

Education

Primary School infrastructure £115,820

Secondary School infrastructure £123,301

SEN provision £6,131 **Total £245,252**

Community Infrastructure

Adult Learning £1,008

Waste Management £5,760

Libraries £7,650

Museum Resource Centre £450

Day Care £7,700 **Total £22,568**

+ Administering and monitoring £3,750

District Contributions Affordable Housing - 50% on site affordable housing

Community facilities £17,062 Play facilities £10,642.28 **Total 27,704.28**

Thames Valley Police ANPR Camera £11,000 Bicycles £800 **Total £11,800**

Set of Flood Mitigation Measures as set out in Drawing No: 213015-005 PI

SUDs – (Parcel of land within the blue line) The inclusion of an infiltration basin as shown within the area within the blue line. (Subject to appropriate consents)

Aston Village Hall - Flood mitigation to minimise flood water damage by providing flood resistance to the Village Hall as indicated on Dwg No: 213015-005: Flood barriers, flood seals to doors and low level windows, waterproof seal to the external walls and internal floors, air brick covers, self inflating non sand bags, non return valves fitted to public sewers.

Funding towards dredging of Bull Lane ditch – See Dwg No -213015-005 PI (Subject to appropriate consents)

Further Highway contributions (See Document PI)

Provision of a Zebra crossing on Cote Road. The applicant has entered into discussion with Oxfordshire County Highways on the appropriateness of providing a raised Zebra crossing near to the school. (Subject to appropriate consents)

- 3.3 In addition to meet the Parish Council request for a multi-use games court, a bike/skate park and solar panels for the village hall an additional sum of £20,000 towards these community facilities would also be required.
- 3.4 Your Officers consider that this package of measures represents an appropriate mitigation of the likely impacts of the development.
- 3.5 The proposal is contrary to policy H6 in that it is not rounding off within the village but is rather an extension to its built up limits. However in terms of the principle of the development the key issue is whether the Council is able to demonstrate a five-year supply of deliverable housing land in accordance with the NPPF. In the absence of same the advice of the NPPF is to approve developments unless the harms substantially and demonstrably outweigh the benefits of so doing. In that regard, whilst there were residual concerns regarding flood impact and the setting of the edge of the village/conservation area these are not considered such as would be likely outweigh the benefits if the Council can not demonstrate a 5 year land supply- particularly in the case of the flooding because the relevant technical bodies are not objecting. The sewage issue appears to have been satisfactorily addressed.
- 3.6 In light of the foregoing, having considered the relevant planning policies, the provisions of the NPPF and all other material considerations, your officers consider that the proposed development is acceptable having regard to the housing land supply position as set out.

RECOMMENDATION

Approval, subject to a legal agreement on the terms set out above and to the following conditions.

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.
- 2 Details of the appearance, landscaping, layout and scale, (herein called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 Development shall not be commenced until such time as a drainage strategy detailing on and/or off site drainage works has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
REASON: The development may lead to sewage flooding and to ensure that sufficient capacity exists to serve the development and avoid adverse impact on the local community.
- 4 Prior to the commencement of development a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. Where appropriate the details shall include a management plan setting out the maintenance of the drainage assets. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and shall be maintained in accordance with the management plan thereafter.
NB: It is likely that the details required to discharge the above condition will involve the extensive use of SUDS and should make provision for peak rainfall plus 30% and measures to be used should drainage features fail.
REASON To ensure proper provision for surface water drainage and ensure flooding is not exacerbated in the locality.
- 5 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before any of the dwellings are occupied.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 Development shall not begin until a construction phase management plan and travel plan have been submitted to and approved in writing by the Local Planning Authority and the approved plans shall be implemented prior to works commencing/the dwellings being occupied respectively.
REASON: In the interests of highway safety.

- 7 Prior to commencement of development, including site clearance, a detailed method statement incorporating the mitigation strategies set out in the reports accompanying the application and aimed at enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the biodiversity mitigation/enhancement measures shall be carried out in accordance with the approved details.
REASON: In the interests of biodiversity.
- 8 As part of the submission of the reserved matters full details of the water and energy saving measures to be employed shall be submitted.
REASON: To promote energy and water saving.

NOTE TO APPLICANT

You are advised that in the submission of reserved matters it is anticipated that the details should closely follow those set out in the plans accompanying this application and referred to in the accompanying reports. Full consideration will need to be given in the detailed design of the dwellings closest to the village hall to ensure that they give regard to potential noise generation from that source.

Appendix A

Assessment of Flood Risk from Public Sewers Sewers and highway drains

The majority of the public and highway gravity sewers in the vicinity of the proposed development site are located in or near the public highway. The Thames Water Asset Location Plans identify a pumping station just outside the western boundary of the site, which forms part of the public sewer network. Two gravity sewers drain to the pumping station, on the western side of the site. One flows from north to south and the other from south to north. The WODC SFRA does not have records of the site flooding due to surcharging of local sewers. The Parish Flood Report identified that five properties flooded in the Bull Street/ Church Lane area of the Parish. This was caused by one or a combination of the following: (i) Run-off from adjacent fields in Church Lane. (ii) Collapsed Highway Drain in Bull Street. (iii) Flooding of Great Brook. (iv) Water table rising through traditional porous floors.

The Parish Flood Report identified solutions, which included the repair of the collapsed highway sewer in Bull Street.

Local knowledge indicates that the 150mm diameter rising main shown on drawing 214020-007 has historically burst causing sewer flooding to fields. This rising main is located over 1 kilometre from the site, between the Thames Water sewage treatment works and the pumping station located to the west of Aston village, at Bampton Road.

There are no records of the site or properties in the vicinity being flooded due to surcharging of public foul sewers, this indicates that the risk of flooding at and around the site due to surcharging of local public foul sewers is Low. Thames Water has not objected to the development and confirmed that it would be acceptable for the proposed development to be connected to the public sewer, following a network capacity check and the identification of on and off site upgrading works.

All new drainage on site should be constructed to comply with the current Building Regulations Approved Document H and Sewers For Adoption Thames Water has not objected to the development and confirmed that it would be acceptable for the proposed development to be connected to the public sewer, following a network capacity check and the identification of on and off site upgrading works.

All new drainage on site should be constructed to comply with the current Building Regulations Approved Document H and Sewers For Adoption

Conclusions and Recommendations

The site is located to the south of Cote Road, the B4449, on the eastern side of Aston village. The site covers an area of approximately 2.60 hectares

The existing site includes a single field of agricultural land, which is surrounded by hedgerows and covers an area of approximately 26000m² (2.60 ha). The proposed outline residential development includes the construction of 38 residential dwellings, associated infrastructure, including Sustainable Drainage Systems (SuDS) and amenity open space adjacent to the boundaries of the site. Surface water from the existing site currently flows, at the Greenfield run-off rate, into the Bull Lane Ditch and the Cote Ditch via overland flow and existing surface water drainage ditches.

There are public foul sewers in the vicinity of the site, which are located in the public highways and also running across the site into a pumping station located just outside the western site boundary.

There are no records of the site or properties in the vicinity being flooded due to surcharging of public foul sewers, this indicates that the risk of flooding at and around the site due to surcharging of local public foul sewers is Low. The existing village of Aston with 563 dwellings has a peak foul flow of approximately 32.1 l/s.

The proposed village of Aston with 601 dwellings would have a peak foul flow of approximately 33.1 l/s. Consequently, the impact of the proposed development is considered to be Low. The FDA has identified 3 viable solutions for the mitigation of the proposed developments foul water flow:

Solution A would be a direct connection to the existing 150mm diameter public sewer that passes through the site to the pumping station adjacent to the western boundary. This would include up-grading works to the existing pumping station if required.

Solution B would be a direct connection to the existing 150mm diameter public sewer that passes through the site to the pumping station adjacent to the western boundary, via a new on-site pumping station, which has 24 hour storage capacity for the proposed development. This would significantly reduce the peak foul water flows, as it would provide a buffer before pumping at a lower rate to the existing sewer. That is the new pumping station would discharge the daily flow of 36.9m³ throughout the day at a much lower flow rate, rather than at two peak times in the day.

Option C would be to install a package treatment plant for the proposed development that discharges to watercourse rather than the public foul sewer. Water is treated by a below ground treatment plant, which treats foul water to a quality that is suitable for discharge to watercourses. No flow would be discharged to the public foul sewer. The treatment plant could be offered for adoption to form part of the public sewer network.

Following the planning phase, during the early detailed design phase a sewer network capacity study would be carried out in accordance with the Grampian Condition imposed on the proposed development by Thames Water. The study would identify any lack of capacity in the sewer network, which would confirm the appropriate foul water discharge solution to ensure that there would be no detrimental impact caused by the proposed development. Consequently, the residual risks after mitigating up-grading works have taken place, are considered to be negligible. This FDA has demonstrated that any foul drainage up-grading works, which may be required by the proposed development, are unlikely to have an impact on the viability of the deliverability of the development within the next five years.

14/0055/P/FP The Conference Centre Minster Lovell Mill Old Minster Lovell	
Date	16/12/2013
Officer	Mr Phil Shaw
Officer Recommendation	Approve
Parish	MINSTER LOVELL
Grid Ref:	431750,211361

APPLICATION DETAILS

Erection of two storey building to provide 6 bedrooms, 2 suites, terrace and lobby to existing garden room. Removal of garden wall.

APPLICANT

Havana West Limited, The Old Swan, Old Minster Lovell, Oxon, OX29 0RN.

BACKGROUND INFORMATION

This application relates to a site located at the main conference centre and seeks to create a new structure on the site of a former mill building. Members may recall that consent has previously been granted for similar works but that these schemes remain unimplemented. The application as originally tabled was not acceptable to the EA and a further Flood Risk Assessment was required. Amended elevational details were also requested to address some design issues. The amended FRA and design have been the subject of further consultation with relevant bodies and the Parish Council.

The scheme as originally approved aimed to provide a new main restaurant facility for 120-150 guests but the proposed use has changed in these proposals as the restaurant at The Old Swan has recently been improved. The scheme now proposes 5 duplex suites of 9 bedrooms on the approved footprint and the architectural amendments include deletion of open balconies, new dormer windows, reduction in height of some of the main windows and rationalising the disposition of rooflights.

1 PLANNING HISTORY

Consent for a similar design used for a different purpose secured consent under application ref 10/1058 with an earlier such proposal securing consent under 08/1749.

2 CONSTRAINTS

The site lies within the Conservation Area and Cotswold AONB and parts of the complex lie in flood zones 2 and 3. Water voles are noted as being in the vicinity and listed buildings lie within 20 m of the site.

3 CONSULTATIONS

3.1 Town Council (initial comment)

“Minster Lovell Parish Council strongly object to the application as it is considered contrary to the following policies:-

National Planning Policy Framework

56 *Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.*

It is considered that the south elevation, specifically the design and configuration of the windows is inferior to the design of Minster Mill and is alien to the character and style of Old Minster Lovell.

- 60 *Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.*

The proposed design although original, most definitely does not reinforce local distinctiveness.

- 61 *Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.*

There is no connection between ‘people and places and the integration of new development into the natural, built and historic environment’. The design is incongruous with the surrounding buildings, both inside the Mill property and outside, in Old Minster Lovell.

West Oxfordshire District Council – Conservation Area Character Appraisal

WODC’s Appraisal for Minster Lovell (specifically discussing Minster Lovell Mill) states that “the buildings employ vernacular materials (such as local stone, slate) and merge cleverly with a number of existing stone structures.” It is felt that this application will not continue to reflect this design of Minster Lovell Mill.

West Oxfordshire Local Plan 2011

- BE2–a) *The proposal is not well-designed and does not respect the existing pattern and character of the surrounding area.*

- BE5 *The special architectural, historic and environmental character and appearance of the Conservation Area will not be preserved or enhanced. The character and appearance will be eroded by this introduction of unsympathetic development.**

- BE8 *This development will ‘stand out’ and be visible from the main road thereby detracting from the setting of neighbouring listed buildings (The Old Swan, Causeway Cottage etc).*

- NE4 *Major development will not be permitted in the AONB – the application is not in the public interest and an exception to this policy is not justified.*

- NE11 *Minster Mill’s sewage treatment works and associated pumping station needs to be repaired and upgraded to cope with the existing demand and future increases in visitor numbers. Unpleasant odours from the pumping station have been experienced in the area for some considerable time now and it was noted during last years’ winter that sewage appeared to have leaked onto the meadow. The Environmental Health Authority will be contacted in this respect, unless prompt action is taken to stop this problem.*

- H2-a), b) f) *The historical character and appearance of Old Minster Lovell will be eroded and adversely impacted if this application is granted.*

- E7 *This application is not commensurate with the scale and character of the locality and should not be granted.*

Minster Lovell Parish Council wish to kindly remind WODC that Old Minster Lovell already has an unsympathetic eyesore being the flagpole, erected by the owners of Minster Mill & The Old Swan. Residents feel angry and upset that it still remains in the Village due to the time being taken by the Planning Inspectorate to undertake the Appeal.

3.2 Town Council (amended proposals)

“Minster Lovell Parish Council wish to make no comment regarding the proposed amendments to the application dated 13 May 2014 (14/0055/P/FP). The PC’s initial response is attached for ease of reference. The Council look forward to receiving details of the foul water drainage scheme as per the conditions of 14/0144/P/FP – please forward these in due course.”

3.3 Environment Agency

“We withdraw our objection subject to a condition that the development shall only be carried out in accordance with the revised FRA, that a trash screen is provided, that any contamination found is dealt with, that a drainage scheme is agreed and a note requiring the applicant to ensure that any increase in the volume of sewage effluent dealt with by the on site plant is within the operational capacity of the plant.”

3.4 OCC

“Proposal will generate less traffic than the previous consent and have a lower demand for parking - No objection.”

4 REPRESENTATIONS

None received at the time of agenda preparation.

5 APPLICANT’S CASE

Writing in support of the proposals the agent has tabled a revised FRA and revised Design and Access statement which may be viewed in the usual manner. It is considered that the key points raised may be summarised as follows:

- The amended design and FRA address all known concerns.
- Substituting 9 bedrooms for a 130 seat restaurant and commercial kitchen should reduce pressure on the village and its environs.
- The site is in flood zone 2 with a small element in zone 3.
- The development is appropriate for its location and provides adequate levels of flood protection.
- Floor levels sit above 1:1000 year predicted flood levels by 1.39 m.
- Minimal flood storage capacity is lost.
- A trash screen can be provided to prevent the likelihood of culverts becoming blocked.

6 POLICY

It is considered that policies BE2, BE5, BE8, NE4, NE15, E7, TLC1 and TLC3 of the WOLP and the provisions of the NPPF are considered to be of most relevance.

7 PLANNING ASSESSMENT

- 7.1 Given the fall back position of the previous consents for development of broadly similar form but a different use on the site and 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:

- Whether the proposed alternative use will give rise to additional harms not previously considered/approved

- 7.2 Officers will compare the as approved and as proposed plans as part of the presentation to Committee. However, in that the scheme involves rebuilding a structure where one previously existed and where consent has been given on two further occasions for a similar built form it is considered acceptable in principle. Whilst there were some concerns originally regarding the architectural form these have now been addressed- as have the objections of the EA that the FRA had not been suitably updated. The revised built form is therefore considered acceptable.
- 7.3 With regard to the proposed use as letting rooms the policies of the local plan and provisions of the NPPF seek to allow businesses to expand, to support rural enterprise and tourism and to allow diversification of rural businesses. In that regard the use is considered acceptable. Additionally the substantial reduction in car flows, car parking demand and sewage demand are all likely to be of benefit in comparison with the approved schemes. Subject to the conditions suggested by the EA, conditions to limit the nature of the accommodation, architectural detailing, materials, drainage etc it is considered that the scheme is acceptable.

Conclusions

- 7.4 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

Approve.

- 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 details and plans accompanying the application but as modified by the applicant's letter(s) and plans dated 10/5/2014.
REASON: The application has been amended by the submission of revised details.
- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by OPUS, reference V-R6125-R01 dated March 2014 and the following mitigation measures detailed within:
 - Finished floor levels set at no lower than 89.8m above Ordnance Datum in accordance with Section 6.1 of the FRA.REASON: To reduce the risk of the proposed development and future occupants.
- 4 No development approved by this planning permission shall take place until such time as a scheme to provide and maintain a trash screen to the upstream face of the proposed structure has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON: To reduce the risk of flooding by ensuring blockages can easily be removed from the watercourse.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: The previous use of this site as a corn mill may have resulted in contamination of the underlying soils. Whilst we appreciate that some time has elapsed since the mill was demolished and natural attenuation is likely to have occurred, removal of existing foundations during construction of the new building may mobilise hidden contamination.
- 6 No development approved by this planning permission shall take place until such time as a scheme to dispose of surface water (that should ensure that no soakaways are constructed in contaminated land) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
REASON: The development site is located above a major aquifer (Limestone) and the previous uses of the site as a mill may have resulted in contamination of soils.
- 7 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 4 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.
- 8 Before building work commences, a schedule of materials to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 9 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), eaves/verges, ridges, chimneys and rainwater goods at a scale of not less than 1:20 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.

NOTE TO APPLICANT

The applicant should ensure that any increase in the volume of sewage effluent generated by the development and discharged via the package treatment plant is within the conditions of an existing discharge consent. Also, that the operational capacity of the treatment plant is sufficient to treat an increased volume within the conditions of the discharge consent.

Due to the proximity of the site to the River Windrush all works carried out in connection with this development should comply with our pollution prevention guidelines (PPG5): 'Works and maintenance in or near water'. Copies and future information are available from us or from

Flood Defence consent

Under the terms of the Water Resources Act 1991 and the Thames Regional Byelaws 1981 any works in, over, under or within 8 metres of any main river will require the prior written consent from the Environment Agency.

We ask to be consulted on information submitted in support of the discharge of our requested conditions.

14/0273/P/S73 Land off Abbey Street Eynsham	
Date	24/02/2014
Officer	Mrs Kim Smith
Officer Recommendation	Refuse
Parish	EYNSHAM
Grid Ref:	443252,209204

APPLICATION DETAILS

Non compliance with conditions 2, 14 & 15 to allow roof lights on west elevation to be opening and clear glazed. The north gable shall retain the Juliette window.

APPLICANT

J G Pimm & Sons Ltd, Abbey Street, Eynsham, Oxon, OX29 4TB

BACKGROUND INFORMATION

Planning permission was granted under reference 13/1453 to demolish a range of existing garages and erect a new garage block and computer recovery suite with two flats above. Planning permission was granted subject to conditions which required the roof lights on the western elevation to be fitted with obscure glazing and fixed shut and a window and balcony in the north elevation to be deleted.

This application is seeking to retain the window and balcony and allow the roof lights to be clear glazed and opening.

1 PLANNING HISTORY

09/0781- Erection of new garages to incorporate first floor computer recovery suites and one bed flat- Conditional planning permission granted.

12/1015- Erection of new garages to incorporate first floor computer recovery suites and one bed roomed flat- Conditional planning permission granted.

13/1463- Demolition of existing garages. Erection of new garage block and computer recovery suite with two flats above.

2 CONSTRAINTS

The site is located within the Conservation Area and the range of barns to the rear is listed.

3 CONSULTATIONS

3.1 Parish Council

"No objections."

4 REPRESENTATIONS

- 4.1 Comments have been received from Mr and Mrs Parrinder of 7 Abbey Farm Barns, Linda and Nick Sigurdsson of 4 Abbey Farm Barns, Paula Maddison and Richard Carter of 5 Abbey Farm Barns, John and Andrea Cahill of 6 Abbey Farm Barns and RC Hall of 3 Abbey Farm Barns. Their comments are very briefly summarised as follows:

- The conditions should continue to be applied to avoid significant increased overlooking and loss of privacy and the potential for 24/7 noise and disturbance;
- We disagree that the height of the west facing roof lights at 1800mm above FFL is sufficient to avoid overlooking. Many people are taller than this and could easily see into the living rooms and bedrooms of 3, 4, 5 and 6 Abbey Farm Barns. Also the residential use of the first floor increases the chances of overlooking and noise emission from the open windows in warmer weather. For these reasons we think the windows should have only obscured glass and limited opening for ventilation only;
- The Juliette window will overlook the garden and windows of 3 Abbey Place and the rear windows of houses in Abbey Place;
- To allow the application would seriously affect our privacy, impact on the local environment and detract from the 'listed building' status of the barns;
- We have 4m high ceiling windows in our property at the east, on both the lower and upper floor, facing the proposed new building. This means that we are particularly susceptible to being overlooked at the rear of our property from the new building, particularly in our master bedroom, with the full length windows. Opening and clear glazed windows in the new property would mean that our privacy would be significantly reduced;
- We support the obvious solution of obscured glass and a restricted opening to prevent noise and overlooking;
- Another solution may possibly be to reposition the roof lights at the top of the roof close to the apex;
- The application has an increase in the number of roof lights from 2009 and 2012 to seven now. Consequently any problems are being increased not decreased.
- The photographic evidence submitted with the application proves very little. Photo A is taken some feet back from the mock window frame and by a still camera looking directly forward. A person could and would stand or sit right up to the window and be able to move his/her head through 180 degrees, to say nothing of the fact that the proposed Juliette window allows for full opening and has railings, so in theory would allow people to lean out and see much more than from a normal window.
- The applicant argues that the window is an important feature on an otherwise bare stone gable. I would disagree;
- It seems to me that in order to give these properties enough light and to make them habitable and also attractive to buyers, they need both the roof lights and the Juliette window and this is at the expense of the privacy of nearby neighbours;
- The old garage block off Abbey Street does need to be updated or even removed, but I am not sure at all that it should be replaced by a two storey structure such as this. It does not seem to be in keeping with the whole area.

5 APPLICANT'S CASE

5.1 The applicants supporting statement advises in a précised form as follows:

There have been three planning permissions granted for the site. Condition 2 of the last approval refers to the implementation of condition 14 and 15;

In respect of condition 14 we have designed the roof lights to be at such a height from FFL in the proposed flats so as to make it impossible to look directly out of them. Consequently the applicant wishes to keep these clear glazed and rotatable to facilitate cleaning. No such condition was placed on these roof lights under 09/0781 or 12/1015 when they were relating to a place of work and we would argue that a private dwelling generates no greater risk of any overlooking;

In respect of condition 15 the 'Juliette' window shown on our proposal will NOT result in any unreasonable overlooking of the adjacent barn conversions. It can be seen from photographs attached that this window looks directly up Abbey street and because of existing tree screening it does not look directly over any part of that development. Architecturally the window is an important feature on what would otherwise be a bare stone gable and the living space involved need this aspect and daylight provided.

6 POLICY

The key policies of the adopted West Oxfordshire Local Plan are BE2 and H2.

7 PLANNING ASSESSMENT

- 7.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issue in respect of this application is the impact of the development on neighbour amenity by way of overlooking.
- 7.2 The Juliette balcony and full length window is located at first floor level in the northern elevation of the building. Whilst it is true to say that the window looks directly down the street it is located at first floor level approximately 16.6m from the rear elevation of 1 Abbey Street and in close proximity to the rear garden and rear elevation of a residential conversion at Abbey farm Barns. Given that it lights a living room (a main living space) and that it would be possible to stand /sit against the full length window with the Juliette balcony and survey the street scene, by reason of the close proximity of the neighbouring residential properties at Abbey Street and Abbey Farm Barns, officers consider that the proposal results in unacceptable levels of overlooking. As such, this element of the proposal is considered contrary to policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011.
- 7.3 In respect of the roof lights, the scheme approved under 13/1463 was approved with seven fixed and obscure glazed roof lights along the western elevation which directly abuts the gardens and rear elevations of the residential conversions at Abbey Farm Barns. The earlier schemes, cited in the planning history, had five roof lights along this elevation. In addition, a condition was attached taking away permitted development rights for further roof lights along the western elevation to 'avoid future overlooking'.
- 7.4 This proposal to have the seven roof lights that have been approved in principle under 13/1463, (but clear glazed and opening with a lower cill level of 1.8 m above FFL) is also considered unneighbourly by officers. The roof elevation with the roof lights directly abuts the gardens serving the barn conversions. In addition the rear elevation of the barn has a number of glazed openings serving the residential uses. Even with a lower cill level of 1.8m above FFL for the roof lights, there is the potential for actual overlooking of the rear elevation of the barn conversions which is heavily glazed. Further, there is highly likely to be a perceived level of overlooking from the occupiers of the barn. In light of both the actual and perceived levels of overlooking, officers consider that non compliance with condition 14 of 13/1463 on the basis of this application is contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 in that it unacceptably harms the residential amenities of those living in the barn conversions.

Conclusions

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

RECOMMENDATION

Refuse for the following reasons:

- 1 By reason of its close proximity to the rear outlook and gardens serving the adjoining barn conversions and 1 Abbey Place, the window opening and Juliette balcony which serves the main living room of the first floor flat, will result in unacceptable overlooking of the neighbouring properties to the detriment of the residential amenity of the occupiers. As such, the development is considered contrary to policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011
- 2 By reason of their number, the height of the lower eaves above finished floor levels, the non fixed nature and the clear glazing, the roof lights result in an unacceptable level of actual and perceived overlooking of both the gardens and living spaces of the adjoining barn conversions to the detriment of the residential amenity of the occupiers. As such, the development is considered contrary to the policies H2 and BE2 of the adopted WOLP 2011.

14/0485/P/FP Fox Inn Main Road Stanton Harcourt	
Date	02/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	STANTON HARCOURT
Grid Ref:	441232,206093

APPLICATION DETAILS

Change of use of public house to dwelling.

APPLICANT

Mr Nasser Salehi, Fox Inn, Main Road, Stanton Harcourt, Oxfordshire, OX29 5RR.

BACKGROUND INFORMATION

This application is for a change of use of 'The Fox' public house and its associated curtilage to a dwelling. It is for a change of use only and no external alterations are proposed to the building as part of this application.

'The Fox' is one of two public houses serving the settlements of Stanton Harcourt and Sutton. Whilst 'The Fox' has ceased trading for some time, the other public house, 'The Harcourt Arms' is presently trading.

The site is in a prominent position within the Conservation Area.

I PLANNING HISTORY

12/1480- This application was for a change of use from public house to a dwelling. The application was refused against officer recommendation for the following reasons:

1. An Insufficient level of accounting information showing returns/losses, over a reasonable period(3 years or more) has been provide to demonstrate to the satisfaction of the LPA that the existing use is no longer viable. The proposal is therefore contrary to policy TLC12 of the WOLP 2011.

2. The financial information provided is not considered to demonstrate to the satisfaction of the LPA that under sound financial planning organisation that the commercial venture could not run in a more efficient, commercially viable manner. The proposal is therefore, contrary to Policy TLC12 of the WOLP2011.

3. By reason of the loss of a public house to serve the population catchment area of Sutton and outerlying areas of Stanton Harcourt, it has not been demonstrated to the satisfaction of the LPA that accessible or alternative provision will remain within the locality. The proposal is, therefore, contrary to Policy TLC12 of the WOLP2011.

2 CONSTRAINTS

The site lies within the Stanton Harcourt Conservation Area.

3 CONSULTATIONS

3.1 Parish Council

“The Parish Council have given careful consideration to this application. We have no objections, based on the fact that we feel there is no prospect of this property becoming a public house again.”

3.2 OCC Highways

“The proposal if permitted would have no significant effect on the adjacent public highway. No objection.”

3 REPRESENTATIONS

Nigel Elliot, James Sutton of ‘The Burrows’, New Road, Sutton, Matthew Hare of ‘The Lodge’ Cogges Lane, Stanton Harcourt and Colin Wells of 3 Burr Close, Sutton have all written in support of the application. Their comments are briefly summarised as follows:

- There is no way that our village can support two pubs;
- It may in fact struggle to support one pub;
- We have already combined the village shop and post office into the Harcourt Arms, and in this format it stands the best chance of staying open and providing this vital village facility;
- Spreading the limited demand for eating and drinking out within the village across two pubs has already been proven not to be commercially viable;
- I live at ‘The Burrows’ and wish to register our strong support for the application;
- After many attempts by a number of landlords ‘The Fox’ has proved to be non viable from a commercial perspective as a public house. It has now been closed for an extensive period of time with no real effect on village life;
- The remaining public house and village shop is struggling to survive and I think it best that the village concentrates on supporting the Harcourt Arms as the more viable pub/restaurant shop location in the heart of the village and the uncertainty of the ‘Fox’s’ future is removed from the equation;
- The current owners have already carried out some essential repairs to the Fox building and it is already looking much better;
- Granting a change of use will enable the current owners to complete the work on the building and grounds and greatly improve the look of the site and make it more in keeping with the village;
- I have lived in Stanton Harcourt for seven years- When we arrived ‘The Fox’ was being cared for by a competent landlord, but it was evidently in terminal decline;
- The tenancy was then taken over, whose energetic approach restored ‘The Fox’ to what promised to be a sustainable business. Inevitably reality, in terms of income versus expenditure, caused the landlady to move on to alternative premises;
- The next tenants ran in to difficulties very quickly and the business collapsed;
- It is possible that the Parish Councils’ objections to previous applications for a change of use have been influenced by an ambition that ‘The Fox’ could be endorsed as a Community Asset.

4 APPLICANT'S CASE

4.1 The application is accompanied by a detailed supporting statement, the salient points of which are summarised below. A full copy of the supporting information is available on request.

- The development fully complies with the over-riding policy requirements of the NPPF, as well as Policy TLC12 of the West Oxfordshire Local Plan 2011;
- The premises have been marketed and advertised for a continuous period of three years across a broad range of mediums and no other offers have been followed through for ongoing pub use;
- Reductions in rent and business rates have neither improved profitability of the business or encouraged enquirers to take over the freehold;
- The submitted accounts, covering two separate financial years, clearly show the business as a public house is not viable;
- 'The Fox' has experienced substantially high turnover of owners and managers in a short period of time; indicating that business is no longer a commercially viable venture;
- It has been demonstrated that a concerted effort has been made by owners of the pub to try and diversify and turn the business round;
- Stanton Harcourt and Sutton continue to be served by an equal and accessible alternative, The Harcourt Arms;
- The local population is not large enough to sustain two pubs;
- The applicant has various fallback positions whereby the pub use would legitimately be lost regardless;
- The change of use will enhance the character of this part of the Conservation Area.

5 POLICY

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

Policy BE2: General Development Standards;
Policy BE3: Provision of Movement and Parking;
Policy BE5: Conservation Areas;
Policy TLC12: Retention of existing Community Services and Facilities.

Paragraphs of the NPPF

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 for consideration is whether or not, following the refusal of planning permission for the same development under 12/1480, that the reasons for refusal have been addressed through this latest submission.

In this regard the salient points are as follows:

1. Has this application submitted enough accounting information to evidence that the use is no longer viable?
2. Has it been evidenced through the financial information submitted with this application that the business could not be run in a more commercially viable manner?
3. That there is accessible, alternative provision of a public house to serve the population of Sutton and outlying areas of Stanton Harcourt.

Accounting information to evidence that the use is no longer viable

- 6.2 The application is accompanied by information which confirms that the site was actively and robustly marketed continuously for sale from November 2009 until its sale in August 2012 to the applicant. The key results of the marketing exercise were as follows:
- !0,000 hits on the website;
 - 300 telephone enquiries;
 - 310 brochure requests;
 - 65 initial interests recorded by the agents.
- 6.3 None of the recorded offers of interest resulted in an offer for continued use of the premises as a pub.
- 6.4 In addition to the above two sets of accounts have been submitted with the application for 2008/2009 and 2010/2011. Both sets of accounts demonstrate that for the two financial years accounted for the business was not profitable.
- 6.5 Further, the high turnover of tenants since 2002 is also an indicator of the unsuccessful nature of the business.
- 6.6 In your officer's opinion, the supporting information which includes detailed accounts, that has been submitted with the application, is sufficient to satisfy the terms of Policy TLC12 of the WOLP in that it demonstrates that the existing use is not viable.

Running the business in a more commercially viable manner

- 6.7 In order to address this reason for refusal information submitted with this application advises as follows:
- A concerted effort was made over a sustained period of time by different individuals to make the business a successful one. Despite all of their efforts the business failed;
- In running any business the owner would reasonably expect to draw a liveable salary from the turnover and employ staff to help running the business. This could not be done by the applicant alone. Whilst he owns the premises he does continue to repay a mortgage, even if rent is no longer applicable which also needs to be factored in to profitability;
- The site itself has no unused rooms or outbuildings to help enhance/diversify the business;
- The layout of the building limits the alteration internally to provide additional bar/kitchen/restaurant facilities and substantial investment would be needed to provide space for food covers to help induce profitability;
- As a result of the deterioration of the building over a number of years, significant investment will be required, further eroding potential profit to any business.
- 6.8 In light of the above factors that have been provided by the applicant, officers are of the opinion that the issues raised in reason for refusal 2 of 12/1480 have been addressed.

Accessible alternative provision

- 6.9 TLC12 is clear that where it can be demonstrated that there is adequate and accessible alternative provision, the loss of a public house is permissible.

- 6.10 In this regard Stanton Harcourt and Sutton are presently potentially served by both 'The Fox' and 'The Harcourt Arms' within a very small catchment area and serving a very small catchment population (latest Census records a population of 919 for Stanton Harcourt and Sutton). The loss of 'The Fox' would still leave existing provision at 'The Harcourt Arms' located within approximately 630 m of 'The Fox'. Given that there is a footpath link running from the top of New Road as it abuts Main Road all the way to 'The Harcourt Arms', officers consider that the alternative provision is both adequate and accessible and thus, the proposal is compliant with policy TLC12.

Conclusion

- 6.11 In light of the planning assessment above, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development, whilst regrettable 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargement, improvement or alteration to the dwelling is permitted.
REASON: In the interests of preserving the rural character and appearance of this part of the Conservation Area. (Policy BE5 of the adopted West Oxfordshire Local Plan 2011)
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no outbuildings shall be constructed.
REASON: In the interests of the open rural character and appearance of this part of the Conservation Area. (Policy BE5 of the adopted West Oxfordshire Local Plan 2011)
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within or surrounding the curtilage of the dwellinghouse hereby approved
REASON: In the interests of the open rural character and appearance of the area. (Policy BE5 of the adopted West Oxfordshire Local Plan 2011)
- 5 Prior to first use of the dwelling hereby approved details of the access, parking and turning arrangements to serve the dwelling shall first be submitted to and approved in writing by the Local Planning Authority and constructed as approved and retained as such thereafter.
REASON: In the interest of highway safety and the open rural character and appearance of the area. (Policies BE3 and BE5 of the adopted West Oxfordshire Local Plan 2011)

14/0492/P/FP Church Farm House Church Road North Leigh	
Date	01/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438589,213397

APPLICATION DETAILS

Alterations and erection of rear extension and detached garage, conversion of barn to dwelling and associated works.

APPLICANT

Mr Radulph Hart-George, The Old Rectory, Water Stratford, Buckinghamshire, MK18 5DX.

BACKGROUND INFORMATION

This application consists of three elements which are as follows:

A single storey extension to the rear of the existing dwelling;

Conversion and refurbishment of an existing single storey outbuilding to provide ancillary accommodation to serve the dwelling;

A two storey, freestanding garage and store building.

The application is accompanied by a design and access statement, an ecology report and an arboricultural survey and report.

The application has been referred to the Sub Committee at the request of Councillor Barry Norton for the following reason- 'I would appreciate this coming to Committee as Dr Harrison has issues with process and I can tell him he can public participate'.

1 CONSTRAINTS

Church farmhouse is a grade II listed building.

2 CONSULTATIONS

2.1 Parish Council

"It is difficult to visualise the kitchen extension from the drawings and elevations supplied however whilst it appears overly contemporary for the listed farmhouse it is attached to a 'service wing' on the rear of the property and should therefore be unsighted. The remaining work seems to be sympathetic and complimentary to the property.

We see no issue with the conversion of the barn to a granny annex and anticipate the joint heating system should ensure that it is not sold as a separate dwelling. For the avoidance of doubt however, we would recommend a condition preventing the barn being sold as a separate unit."

2.2 OCC Highways

"No Objection."

2.3 West Oxfordshire District Council- EHO

“No Objections.”

2.4 Thames Water

“No objection subject to an informative.”

2.5 OCC Archaeology

“No objection subject to a watching brief being maintained during the period of the construction.”

3 REPRESENTATIONS

Representations have been received from Paul and Sandra Harrison of Harcourt House, Michelangelo of Monte Cristo and J Wilks of Harcourt Cottage. Their comments are briefly summarised as follows:

- The plans and elevations of the proposed garage are not on the website;
- I strongly object to altering the house in view of its long history in the village;
- We have no objections to the construction of the garage or modifications to the barn but we object to the proposed rear extension;
- Our primary objection is overshadowing and overbearing;
- We estimate the extension to be 5.5m high and 7.8 m long;
- The overbearing and overshadowing are significantly exacerbated by several factors:
- By the location of Church Farmhouse to the south/south west of our house. The part of our garden closest to our house and our patio area, are already in the shadow of the existing Church Farm House in the morning. The sun would not emerge beyond the proposed extension, and give any sunlight until late afternoon. For example, last weekend, it would have been after 6pm before the sun was actually visible from the house or patio area. Even at the height of summer, there would be significant shading along much of the width of the garden throughout the afternoon;
- By the fact that the extension runs right up against our shared boundary wall- there is therefore no mitigation against the overbearing overshadowing effect;
- The effect of the extension on our property is exaggerated because Church Farm House is set back relative to our house such that the back of Church farmhouse is currently 9.5 m further back than ours. The proposed extension will increase this to 16.5 m-i.e. a substantial increase , as well as absolute amount;
- The effect of the height of the extension on our property is exaggerated because the back of our house and patio are at a lower level than Church Farmhouse;
- There is a tunnelling effect, because the large barn conversion (The Barn) which runs along the other side of our garden (one property further along), is parallel with the proposed extension;
- We would suggest that the extension is an inappropriate ‘scale of development’, given the location; given that Church Farm House and our property are both Grade II listed; and given that it is only intended to be a single –storey extension to enlarge the kitchen;
- An extension on the other side linking the property to the barn, would not raise the same issues- nor would it have major effects on any other neighbouring properties.

4 APPLICANT’S CASE

The application is accompanied by a very detailed design and access statement which includes a historical development report, an arboricultural survey and report and an ecological survey. The statement can be made available upon request.

5 POLICY

The key policies in respect of this application are BE2, BE3, BE7, BE8, BE13, H2, NE6, NE15 and relevant paragraphs of the NPPF.

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:

1. The impact on the architectural integrity and setting of the listed building;
2. The impact on neighbour amenity;
3. Impact on highway safety;
4. Impact on archaeology, ecology and trees.

Impact on architectural integrity and the setting of the listed building

6.2 The conversion works proposed to the existing outbuilding in order to provide annexed accommodation to serve the house are considered sympathetic in terms of the proposed works to the outbuilding and to the setting of the listed building and thus can be supported at officer level.

6.3 The free standing two storey garage and storage block is located amongst a prominent group of trees located to the south east of the house. Both its pitched roof form and materials (wooden clad walls and artificial slate roof) are considered appropriate in context and given that the trees are to be retained as part of the scheme, it is considered that the building will be easily absorbed within the historic context of the site and not harm the setting of the listed house.

6.4 The single storey rear extension is of a simple gabled form in natural stone with folding doors in the flanking elevation, with a reconstructed stone slate roof and concealed gutters. The end gable is fully glazed. In design terms, whilst somewhat contemporary in its design detailing it is considered an acceptable addition to the listed building.

6.5 The internal alterations to the listed building which include minor changes, the most significant of which is the large opening to create the open plan kitchen diner are considered acceptable in listed building terms.

Impact on neighbour amenity

6.6 The immediate neighbour has raised concerns about the impact of the rear extension on their property raising concerns about overbearing and overshadowing. The extension is 5.1m to ridge and 2.3m to eaves and 8.3m long as it projects from the rear of the existing roof slope of the service wing.

6.7 The extension which runs along the south western boundary of the neighbour's property is set some distance away from the main living room windows and the more private part of the garden serving 'Harcourt House', in fact it is located approximately half way down the garden. Further, the wall of the extension, whilst visible from the garden serving 'Harcourt House', is in reality set behind the existing garden wall by approx half a metre, thus reducing any impact along the common boundary. The eaves height of the extension is only slightly higher than a standard 2 m boundary enclosure which would normally not require planning permission. In addition the roof line is moving away from the common boundary, once again reducing any impact on the middle section of the garden in terms of any overbearing or overshadowing impact.

- 6.8 The extension by reason of its proximity to the neighbours south western boundary will result in some additional overshadowing of the middle section of the garden, but it will not impact on either the windows or the private patio area serving that dwelling. As such, the residential amenity of 'Harcourt House' will not be so adversely affected by the development such that a refusal of planning permission is warranted or could be sustained at appeal.

Impact on highway safety

- 6.9 The County Highways officer has raised no objections to the proposals and has not required the imposition of any conditions.

Impact on archaeology, ecology and trees

- 6.10 The application has been accompanied by reports in respect of both the ecology of the site and the impact of the development on the trees on the site. Conditions have recommended in respect of the mitigation measures proposed in the ecology report and in order to ensure that the trees on the site are not adversely affected by the development.

- 6.11 The County Archaeologist has requested a 'watching brief' condition as the application site lies just to the south of a shrunken medieval village.

Conclusion

- 6.12 In light of the above, 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 That the development be carried out in accordance with plan No(s) PL002, PL010, PL011 (RevA), PL012 (RevA), PL013, PL014, PL015, PL016, PL017, 0664-02, 0664-03revA, 0664-04revA and ecological mitigation measures contained in the 'avianecology' report.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The roof(s) of the building(s) and extension hereby approved 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 architectural integrity of the listed building and its setting. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls of the extension hereby approved 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 listed building and its setting. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)

- 5 Prior to the commencement of development samples of the roofing and external walling materials to be used in the construction of the garage and store building hereby approved shall be submitted to and approved in writing by the LPA and the building shall be constructed in accordance with the said approved details.
REASON: In the interests of the setting of the adjacent listed building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details with elevations of each assembly at a min 1:20 with sections of each component at a min 1:5, roof lights, solar panels, verge and eaves details of the extension to the existing dwelling (including the cross gutter detail), rainwater goods including details of external finishes and colours, replacement greenhouse 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: In the interests of the architectural integrity of the listed building and its setting. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the elevation(s) of the extension to the listed house hereby approved.
REASON: To safeguard privacy in the adjacent property and the architectural integrity of the listed building. (Policies BE2, H2 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 8 The garage / store building and outbuilding converted as a residential unit hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied separately.
REASON: In the interests of the residential amenity of the existing dwelling and the setting of the listed building. (Policies BE2, H2 and BE7 of the adopted WOLP 2011)
- 9 No development shall take place until a programme of archaeological work has been carried out in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.
REASON: To afford the opportunity for archaeological investigations and recording during the development. (Policy BE13 of the adopted West Oxfordshire Local Plan 2011)
- 10 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011)
- 11 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: "Trees in Relation to Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To safeguard features that contribute to the character of the area and the setting of the listed building. (Policies NE6 and BE7 of the adopted West Oxfordshire Local Plan 2011)

14/0493/P/LB Church Farm House Church Road North Leigh	
Date	01/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438589,213397

APPLICATION DETAILS

Internal and external alterations to include erection of rear extension and detached garage, conversion of barn to dwelling and associated works.

APPLICANT

Mr Radulph Hart-George, The Old Rectory, Water Stratford, Buckinghamshire, MK18 5DX.

BACKGROUND INFORMATION

For background information, constraints, consultations, representations and policy see report under 14/0492.

I PLANNING ASSESSMENT

- 1.1 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 of the proposed development on the architectural integrity of the Grade II listed building and on the setting of the listed building.
- 1.2 The conversion works proposed to the existing outbuilding in order to provide annexed accommodation to serve the house are considered sympathetic in terms of the proposed works to the outbuilding and to the setting of the listed building and thus can be supported at officer level.
- 1.3 The free standing two storey garage and storage block is located amongst a prominent group of trees located to the south east of the house. Both its pitched roof form and materials (wooden clad walls and artificial slate roof) are considered appropriate in context and given that the trees are to be retained as part of the scheme, it is considered that the building will be easily absorbed within the historic context of the site and not harm the setting of the listed house.
- 1.4 The single storey rear extension is of a simple gabled form in natural stone with folding doors in the flanking elevation, with a reconstructed stone slate roof and concealed gutters. The end gable is fully glazed. In design terms, whilst somewhat contemporary in its design detailing it is considered an acceptable addition to the listed building.
- 1.5 The internal alterations to the listed building which include minor changes, the most significant of which is the large opening to create the open plan kitchen diner are considered acceptable in listed building terms.
- 1.6 In light of the above the application for Listed Building Consent is recommended for conditional approval.

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) PL002, PL010, PL011 (RevA), PL012 (RevA), PL013, PL014, PL015, PL016 and PL017.
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 The roof(s) of the extension and converted outbuilding 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 listed building and its setting. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 5 The external walls of the extension 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 listed building. (Policy BE8 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details with elevations of each assembly at a min 1:20 with sections of each component at a min 1:5, rooflights, solar panels, verge and eaves details of the extension to the existing dwelling (including the cross gutter detail), rainwater goods including details of external finishes and colours, replacement greenhouse 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: In the interests of the architectural integrity of the listed building and its setting. (Policies BE7 and BE8 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."

Members will recall that this application appeared before them at the last meeting but that additional representations were received after the application had been considered. In light of the fact that the consultation period had not expired it was decided that it was better to bring the application back to Members for reconsideration with all the relevant matters reported

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

"Object because out of hours noise from vehicles arriving, manoeuvring and unloading/loading will have an impact on local residents, especially those living in Butlers Drive and Wycombe Way/Black Bourton Road. In the initial planning approval HGV movements were the subject of delivery curfew restrictions to protect residential amenity in periods where ambient noise levels are low. If Officers are minded to grant approval for the application Council would like an assurance that Morrison's will implement and maintain the necessary protocols and procedures to lessen the impact of the changes on local residents. Council would also ask that a 6 month trial period is implemented to assess the detrimental impacts with full approval being reviewed at the end of that period."

2.2 WODC EHO

"The applicant's noise report indicates that delivery noise would exceed national standards. However it would itself be exceeded by the existing noise environment in the area (from road traffic and airfield activity). The delivery noise is not therefore considered likely to cause any Significant Observed Adverse Affects so, under the new planning policy guidance for noise, the activity is acceptable. The Guidance does however state that mitigation measures should be adopted. I recommend conditions to

- i) *limit opening from 0600- Midnight Mon to Sat and 0700 and 2300 on Sundays and Bank Holidays*
- ii) *require a noise delivery control regime to be implemented.”*

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.

Letters have also been received from Mr and Mrs Baker of 7a Butlers Drive and Mr Logan of 22 Wycombe Way. The comments may be summarised as follows:

- Noise and disturbance.
- All warning sounders and refrigeration should be disabled.
- We already suffer more noise with the transfer of more aircraft to Brize Norton.
- Our children have a medical condition that means they do not sleep well and are sensitive to Noise.
- Windows are kept open to prevent condensation.
- Windows face the application site.
- Proposal will increase noise, anxiety and health problems and affect the wellbeing of our Children.
- Previous record of overnight deliveries at COOP was unacceptable.
- COOP will want similar exemption.
- Will increase traffic at unsocial hours.
- Are COOP and Morrisons similarly limited?

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

- 5.1 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 Environmental Health Officers have provided a technical response which corroborates this view. 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 Neither Aldi nor COOP have any restrictions on opening hours and in that context the controls, even as proposed to be applied, are more onerous than the other stores –albeit that the Morrison’s store does have residential property in closer proximity. With the conditions requested by EHO the scheme is considered acceptable on its merits.

RECOMMENDATION

- 1 Deliveries to the food store shall only take place between the hours of 0600 and midnight Monday to Saturday and 0700 and 2300 on Sundays and Bank Holidays and at no other times
REASON: To limit the potential for noise harm to neighbouring properties.
- 2 A scheme for delivery noise control shall be agreed with the Local Planning Authority within 3 months of this approval and the store shall thereafter only be operated in accordance with the said agreed details
REASON: To limit the potential for noise harm to neighbouring properties.

14/0529/P/OP Land to the North of 71-81 Park Road North Leigh	
Date	11/04/2014
Officer	Mr Phil Shaw
Officer Recommendation	Refuse
Parish	NORTH LEIGH
Grid Ref:	439203,212961

APPLICATION DETAILS

Residential development of 20 dwellings with vehicular access and open space.

APPLICANT

Cover Construction Co Ltd Filkins Mill, Filkins, Lechlade, Glos, GL7 3RF.

BACKGROUND INFORMATION

The site is an agricultural field behind residential dwellings 71-81 Park Road. There is residential development to the west at Wilcote View, and open countryside to the north. The site is currently bisected by a footpath that connects Park Road with Church Road. The application would result in the realignment of this footpath.

The application seeks outline planning permission for a residential development of 20 houses with access taken from Park Road. Access to the site is detailed but all other matters are reserved. Illustrative plans detail a cul de sac of detached, semi detached and terraced dwellings grouped around a central green area with development projecting less far towards the escarpment edge than Wilcote View but further than the existing residential built form to the front and east of the site at this part of the village.

1 PLANNING HISTORY

- 1.1 13/1589 Construction of detached dwelling behind 71-81 Park Road Refused and appeal dismissed 3/6/2014 with the impact on the character of the edge of the settlement and the setting of the adjoining footpaths being key issues.
- 1.2 Previous applications for housing development in the mid 1980's were refused and dismissed at appeal and a proposal for a village hall on the land was withdrawn before determination.
- 1.3 The site has been tabled for inclusion in the SHLAA.

2 CONSULTATIONS

- 2.1 North Leigh Parish Council

“The parish considers this to be back land development, neither infilling nor rounding off and contrary to the local plan policies. They also have serious concerns about highway access at that point and the traffic that would be generated by such a development. The PC strongly resists building on this particular Greenfield site..”

2.2 OCC One Voice

“No objection subject to Highway conditions and S106 contributions to Education, Highways and property. However, Archaeology requires a field evaluation prior to determining the application.”

2.3 Thames Water

“Waste Comments

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.”

2.4 Environmental Health

“Have no objections.”

2.5 WODC Architect

“The proposed site sits on the very edge of the ridge occupied by the village, and it commands wide and long views across the falling countryside to the north. Conversely, there are of course long views of the site from the land to the north, particularly from Church Road and Boddington Lane – and notably from the vicinity of the Grade I listed church. There are also views of the site at various points along the very well used footpath that runs from the site to Church Lane. And it is notable that in these views from the north, the village edge is not hugely prominent – the built fabric is discontinuous, broken up by mature vegetation and by the buildings stepping back and forth. My feeling is that the proposed site extends somewhat too far to the north, and that in those longer views the infill between the existing development to the east and west would be very apparent. I think that this would give a much more solidly developed, more urban, feel to the village edge in these views from the north, with buildings becoming much more dominant in the landscape. In addition, and with respect to the impact upon the immediate village environs, I think that the gap in the existing development, with the field coming right up to the road (and through which the important footpath passes), make important contributions to the character of the settlement. Again, infilling

here would give a more urban feel. In summary, development here is problematic in principle, from our point of view.”

2.6 WODC Drainage

“No objection subject to conditioning surface water drainage incorporating SUDS.”

2.7 Crime Prevention Design Advisor

“No objection subject to condition requiring “Secured by Design” compliance.”

2.8 WODC Public Art

“Contribution of £4000 towards public art for community festivals and events.”

3 **REPRESENTATIONS**

3.1 50 letters received from local residents objecting on grounds summarised as follows:

- Site is very close to the sharp bend in the road and almost opposite Park Close.
- There are already 5 junctions in the vicinity and this would significantly add to the congestion and amount of traffic using Park Road.
- Parked cars already have difficulty negotiating Park Road as do buses.
- Park Road traffic is at capacity and is an accident waiting to happen.
- This development would seriously endanger other road users hinder traffic flow and create an increase in volume of traffic.
- Park Road is used as a rat run.
- 20 parking spaces is not sufficient, will be at least 30 cars.
- There is a significant level of pedestrian activity as footpath links eastern end of village with the church.
- The footpath has been there since at least 1833 and possibly since 1759 and locals do not want the course altered.
- These fields are an integral part of the village.
- The development is encroaching on the green belt, this area should be preserved not encroached upon.
- Will spoil views and character of the village.
- There is diverse ecology on site that will be affected.
- Trees and hedgerows will be affected (not mentioned on application form so survey work not done).
- The woodland behind 89-99 Park Road would be affected.
- Lack of information on proposed materials.
- Concerns that other estate type development will seek to expand the village.
- Will set a precedent for further development which will eventually erode villagers quality of life.
- Proposal is contrary to local plan and NPPF.
- Previous applications have been refused.
- Site not in SHLAA 2012.
- The school is over subscribed and this development will place more pressure on local system.
- North Leigh lacks a doctors surgery or a park, this site would be better used for that.
- Will result in loss of privacy to local residents, increased noise and light pollution.
- Historical issues with sewerage system in North Leigh.
- Six of the twenty proposed properties would look into our property (67 Park Road) and only 5 of the proposed properties are not overlooking existing houses.

- Proposed dwelling will be overbearing as the scale, size and mass is out of character with area.
- The houses will sit up on the sky line and ruin the view from the church.
- There are five birds on the RSPB red list in this area, and Barn Owls which are on the yellow list.
- North Leigh Bird Survey has recorded 45 different species.
- The proposed site is an important breeding ground for many species of mammals, insects, invertebrates and reptiles including frogs, newts, grass snakes, hedgehogs, weasels, foxes.
- There is Japanese Knotweed on the site.
- Properties 75-81 are old properties with shallow foundations that may not survive the adjacent building works or future traffic from proposed development.
- New houses would look ridiculous behind the lovely old cottages.
- Inadequate broadband and electricity provision in village.
- Water will pool in gardens of Wilcote View instead of running off into field.
- North Leigh can't cope with another 70 residents.
- There has been no community engagement.
- Will impact on whole community not just those closest to proposed development.
- The village does not need growth it needs to maintain its current status.

3.2 80 copies of a standard letter objecting on grounds summarised as follows:

- Proposed site is very important part of the character of North Leigh.
- Gives the village its beautiful natural setting with outstanding views to Evenlode Valley.
- Children and adults can walk freely across the footpath that crosses the field.
- Entrance to the proposed site would be opposite Park Close near bus stop and sharp bend.
- The busy road is narrow and cluttered with parked cars at peak times making it difficult to negotiate in order to reach the A4095.
- This location would create a very dangerous junction for drivers and pedestrians.
- Park Road is used as a short cut to access the A4095, A40 and A44.
- Village school at capacity.
- Village sewerage system won't cope with further 20 houses.
- Will open floodgates for further developments in village.
- We are against destruction of such a valuable part of the village.

3.3 One letter of support has been received on the grounds that:

- I grew up in Yarnton, live in Clanfield and work in Kidlington.
- This development would give me and my family the opportunity to purchase a house in a sustainable and thriving village.
- I believe North Leigh is well suited to a sympathetic and well planned expansion rather than a large scale development that may come forward in line with the National Planning Policy Framework.
- The developer is proposing 40% affordable housing.
- The site is well positioned for Witney, Oxford and Hanborough train station.

4 APPLICANT'S CASE

The documents may be viewed in full on line or upon request to the case officer but the key points are summarised below:

4.1 Planning Design and Access Statement

The Council have a housing Land Supply shortage so there is a presumption in favour of sustainable development.

The proposal accords with the NPPF in that it would be sustainable development.

The site is not in a conservation area nor the AONB.

Village is a sustainable location for development.

The density would be in region of 21 dwellings per hectare, the scale would be 2 storey houses but appearance and layout are reserved matters.

Access is wide enough to provide for development and the existing footpath.

Vegetation could be retained.

Good public transport exists.

4.2 Sustainable Construction

The applicants intend to meet at least 5 of the 7 requirements of the West Oxfordshire District Council's Sustainable Construction Interim Planning Advice.

4.3 Foul Sewerage and Utility Statement

There is a foul water sewer running through the site and Thames Water do not anticipate connection of additional 20 houses to be problematic.

There is no surface water sewer as the ground conditions are suitable for soakaways.

All other utilities are available and will be provided via the access road.

4.4 Heads of Terms for S106

40% affordable housing.

Open space.

Contributions towards matters arising through consultation.

Legal fees.

5 **POLICY**

It is considered that policies BE1, BE2, BE3, BE4, BE13, NE1, NE3, NE13, H2, H11, TLC7 and TLC 8 are of relevance along with the provisions of the NPPF. Members will note however that policy H6 is not being cited as a key policy. As with the recent cases elsewhere in the District since Christmas and with the case elsewhere on this agenda at Aston the Council is not currently able to demonstrate that it has a 5 year land supply. As such, in accordance with the provisions of the NPPF, the strategic housing policies can no longer be afforded full weight and there is a presumption in favour of sustainable development unless there are significant and demonstrable harms (Paragraph 14 of the NPPF) The fact that the scheme is contrary to the strategic housing policy would of itself no longer be a reason to refuse development that was contrary to that policy.

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:

- Principle
- Landscape
- Layout and siting
- Residential amenity
- Highways

- Ecology
- Archaeology
- 106 package

Principle

- 6.2 The application seeks outline consent to establish the principle of residential development on this site. The development is of a scale and is in a location that the policies of the adopted local plan would not have allowed but in the absence of a 5 year land supply this policy objection is not, of itself, considered to represent a reason to withhold consent. The principle of development – provided that it is sustainable and does not cause harms sufficient to outweigh the presumption in favour of sustainable development set out in the NPPF, is considered to be acceptable.
- 6.3 However the scheme is only proposing 40% affordable housing. This is not in accordance with policy and on green field sites such as this -where infrastructure costs are low, a policy compliant 50% would normally be expected. No viability analysis has been put forward as to why a full affordable housing policy compliant provision cannot be met and as such the proposal is considered contrary to affordable housing policy H 11.

Landscape impact

- 6.4 The proposal will inevitably have a substantial urbanising impact on the setting of the very well used public footpath that goes from Park Road across the fields to the Church. The footpath would require a diversion to facilitate the development and instead of passing very quickly from the street frontage to the wider spaces of the countryside beyond would pass along a much more suburbanised route before the expansive views of the open countryside to the north were encountered.
- 6.5 The designation of the site under the 1998 Landscape Assessment is as semi enclosed Limestone Wolds (small scale). To clarify, this site is not in Green Belt but it is designated as countryside and the Inspector in the very recent appeal decision on part of the same site made some telling comments about the development of one plot of the site lying close to the built form of the village. The comments have particular resonance to the consideration of the impact of the larger scheme now under review.
- 6.6 Specifically the Inspector noted at paragraphs 5 and 6 of the decision letter that the development then under consideration was sited at the northern edge of the settlement in a part of the village characterised by linear development and planned cul de sacs. In particular note was made of the gappy frontage allowing views through to the countryside beyond and that the site is important in providing a gradual transition between the built form of the settlement and the more open landscape beyond which the WOLA refers to as visually sensitive and where the principle factors that potentially threaten landscape quality in this area are suburbanisation of rural settlements and the roads.
- 6.7 The Inspector went on to note the lack of a 5 year land supply and the reduced weight that could be applied to policy H6 but considered that the development then proposed would be “incongruous” and would weaken the landscape quality of the area eroding the area of transition from open farmland to built area causing material harm to the character and appearance of the surrounding area which would therefore mean it was not sustainable development as required by the NPPF.
- 6.8 In your officers opinion, if a single house located much closer to the existing built form and on the site of an existing shed has sufficient harm that it is considered unsustainable in the terms set out in the NPPF then it is clear that a development developing much further, of more impact upon the

scarp edge and footpath (see Conservation Architect comments) and of a scale whereby the gappy nature of the frontage at this point would be substantially eroded can only logically be considered similarly or more unsustainable. In that the presumption in favour of development set out in the NPPF requires development to be sustainable your officers would conclude that this scheme would not, in light of the very recent findings of an inspector for less intrusive development of a less conspicuous part of this site, comply with the definition of sustainable development that the NPPF seeks to support.

Layout and siting

- 6.9 The application is in outline and as such the plans that have been submitted are illustrative only. The layout and form of the development is not however very inspiring taking the form of a standard cul de sac arranged loosely around a green area that is dominated by the road layout and where the existing rights of way network is compromised. However Officers consider that if the principle of development were acceptable then it would be possible to create a better layout that addressed these concerns.

Residential amenity

- 6.10 Officers similarly consider that if the principle of residential development was acceptable on this site that it could be designed to protect the privacy of existing adjacent properties and could be accommodated on the site without substantive harm to residential amenity.

Environment and climate change

- 6.11 The Councils engineers are satisfied that the site can be managed through the submission of a drainage strategy to employ SUDS techniques to retain water on the site, therefore it will not result in off site surface water run off.
- 6.12 Waste storage and collection could be designed in to any scheme and provision of wildlife boxes and energy and water saving measures secured by condition.
- 6.13 A sustainable strategy has been submitted with the application.

Highways and parking

- 6.14 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and whilst noting that it is disappointing that a detailed plan of the access was not submitted with the application they have assessed that a suitable access could be provided and the level of development would not result in significant harm to highway safety. Furthermore, North Leigh is relatively well connected to neighbouring settlements by fairly frequent buses, (there are two per hour to Witney during peak hours) and (in their view) the proposed diversion of the public footpath is acceptable in principle subject to the Section 257 of the Town and County Planning Act.
- 6.15 For the reasons set out above, the Highway Authority is not objecting 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.

Ecology

- 6.16 No ecology report has been submitted in support of this application. Therefore it has not been demonstrated to the satisfaction of the LPA that the development can be undertaken without harm to protected species. Many of the representations received have referred to the wildlife reported

to be present on the site and the impact of development on this site for biodiversity needs to be considered but this is not possible in the absence of a credible ecological assessment as would normally be anticipated for a development of this scale on a green field site.

- 6.17 It is not considered that the benefits of the development outweigh the potential harm and as such the proposal is contrary to policy NE 15 of the WOLP and the advice of the NPPF.

Archaeology

- 6.18 Members will note that the county archaeologist has indicated that the site has archaeological potential. Specifically an extensive spread of Roman roof tile has been found immediately to the north of the application site which is normally indicative of the presence of a building of some status as most were thatched. Paragraph 128 of the NPPF requires that such finds are investigated prior to determination but no such evaluation has been undertaken. The development is therefore considered contrary to policy BE13 and the provisions of the NPPF regarding heritage assets.

Section 106

- 6.19 Were the application to be recommended for approval there would be a need for a legal agreement to secure affordable housing at the required rate, to enable County Council funding to mitigate the impact of the development, towards public arts funding etc. However there is no such agreement in place and as such, if these matters are to be fully addressed in any subsequent appeal as may be made, a refusal reason needs to be imposed to address the shortfall.
- 6.20 Lack of a mitigation package and the necessary affordable housing is contrary to policies H11, BE1 and TLC7.

Conclusions

- 6.21 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is contrary to policy H6 but this of itself does not preclude development as the Council cannot currently demonstrate a 5 year land supply. However the proposal does not meet the affordable housing policy and no justification has been provided as to why this is not viable. The scale and extent of the scheme is such that it would compromise the attractive rural loose knit character of this part of the settlement and urbanise the adjoining footpath network. These harms were considered on a very recent but much less intrusive development to be sufficient material impacts to render the development unsustainable and it is considered that logically a larger scheme can only be similarly considered unsustainable. The ecological and archaeological impacts are unknown where there is evidence that both of these issues need greater certainty before an informed decision could be taken. There is no agreed legal agreement to secure the mitigation measures to offset the harms arising from the development.
- 6.22 Your Officers therefore consider that the application is unacceptable on its planning merits and are recommending refusal.

RECOMMENDATION

Refuse for the following reasons:-

- I In appeal reference APP/D3125/A/14/2214214215 the Inspector commented that the development of a small portion of the site would cause sufficient harm in terms of its landscape impact and harm to the setting of the footpath and village edge as to represent unsustainable development contrary to the aims of the NPPF. In the opinion of the LPA the proposed development now under

consideration is of a scale and nature and extends over a wider and more sensitive area such that the same concerns apply with more force and render the proposals unsustainable development contrary to policies BE2, BE4, NE1, NE3, H2 and TLC8 of the WOLP and the provisions of the NPPF.

- 2 In the absence of adequate information to assess the impacts of the development it has not been demonstrated to the satisfaction of the LPA that the scheme will not give rise to undue harms to the potential archaeological and ecological interest of the site. The scheme is thus considered contrary to policies BE13 and NE13 of the WOLP and the provisions of the NPPF.
- 3 In the absence of a viability appraisal it has not been demonstrated that 50% affordable housing should not be provided and as such the proposal is contrary to policy H11 of the WOLP and the provisions of the NPPF.
- 4 In the absence of a negotiated legal agreement or other agreed mitigation strategy the scheme fails to make adequate provision to mitigate the adverse impact of development. It is therefore contrary to policies BE1 and TLC7 of the WOLP and the provisions of the NPPF.

14/0570/P/AC White Hart 31 Newland Street Eynsham	
Date	24/04/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	EYNSHAM
Grid Ref:	443421,209557

APPLICATION DETAILS

Affix various illuminated & non-illuminated fascia & hanging signs to front elevation.

APPLICANT

Greene King, P O Box 680, Bury St Edmunds, IP33 9GE

BACKGROUND INFORMATION

The application is to be heard before the Committee as the Parish Council has objected to the application.

I CONSULTATIONS

I.1 Parish Council

“Objection. The White Hart is a listed building and believed to be the oldest vernacular building in Eynsham. It is also in the Conservation Area and surrounded on both sides of Newland Street with other stone-built, listed, residential buildings providing a homogeneous period aspect to the street.

The Parish Council objects to the proposed illumination to the signage, in particular to the use of LED strip lighting to signs A and E and to the illumination of sign A. The use of LED lighting and the addition of a 4 metre trough light to sign A would be a garish contrast to the retained lanterns, obtrusive to the surrounding and opposing residences and at odds with the general ambience of the street as a whole. The proposed illumination is contrary to Policies BE5, BE8 and BE15”

I.2 OCC Highways

“The Highway Authority has no objection to the proposal on the basis of Highway Safety.”

1.3 WODC EHO

“These proposed units are not obtrusive lighting installations and should not have a negative impact on the appearance of the night-time environment nor should they be a relevant concern regarding Dark Skies.

Well designed lighting installations can provide very positive benefits to communities through the reduction in the perceived risk of crime, the enhancement of general public safety and generally adds to the feeling of well-being of a community through the positive message that well maintained lit areas provide.

Though not a concern, where light emitted from a light source or that projected on to an area or building, can be viewed from outside the area it was provided for, and causes minimal visual discomfort but fails to reach an intrusive level, then this is termed "light presence". This light presence may draw attention to the existence of a lighting installation, or structure that was previously inconspicuous by day.

Glare is unlikely to be a concerning factor in view of the limited and directional nature of the light source even with due regard to the surrounding low level of ambient lighting.

Light trespassing into an area beyond the intended illuminated subject areas, such as into adjacent residential properties, is unlikely, even in this previously unlit rural situation.

Flickering of light can prove to be distracting and should be prevented through appropriate maintenance.”

2 **REPRESENTATIONS**

Jon & Elaine Dennington of 4-6 Newland Street, Mrs Dennington of 23 Newland Street, Ms Brewer of 12 Newland Street & Dr Jordan, Chairman of The Eynsham Society. The comments have been summarised as:

- As long as the work is conducted in a timely fashion with considerations to the surrounding neighbours, I do not have any objections to the new signs. My main concern is the lighting of the signs and I want to be assured that the LED lights will not be overly bright and will not remain on all night.
- Car Parking for the White Hart has always been a problem for Newland Street. When customer cars double park it is impossible for the regular bus service to get past and it would also obstruct fire and ambulance vehicles. Any increased parking due to improved signage would be a serious problem.
- Traffic generation: Newland Street cannot cope with more people or cars than at present. White Hart traffic is currently a problem for the street.
- Scale of development: An old pub in the oldest street in the village should have discreet low level advertising and does not suit having more signage or illuminated signage. My property facing the White Hart (4-6 Newland Street is listed Grade 2).
- Conservation of buildings: The White Hart has increased signage already and additional illuminated signage would spoil the look of the building and the whole of Newland Street.
- Noise and disturbance. On many occasions, customers of the White Hart have caused excessive noise during and after opening hours to those of us living nearby. With the smokers gathering outside the front of the pub, the noise and nuisance has increased dramatically recently.
- Character of the area: This is the oldest and most attractive street in the village and the pub should have a discreet, old fashioned pub 'swing board' sign, not illuminated letters.
- Design, appearance and layout. As above, the proposed individually lit letters planned are not in keeping with the street.
- We all object to the plans proposed.
- The Committee, on behalf of the membership of The Eynsham Society (circa 150 members), wish to object to the above application.

- The application is unnecessary and inappropriate.
- The White Hart already has its name perfectly clearly indicated and has an illuminated hanging sign.
- It also has a number of quite attractive lantern type lights on this elevation.
- It would be quite inappropriate in this historical part of the village conservation area to add additional lighting and larger signage. It is in fact the oldest surviving secular building in the village and will impact on a number of nearby listed buildings.

3 APPLICANT'S CASE

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

- Sign A – timber fascia panel has been located on the buildings natural area and displays fixed timber letters. The fascia does not encroach on any architectural features such as window mullions or lintels.
- Sign B – I amenity sign which is located on the buildings natural area given the position of the signage they do not encroach on any architectural features such as lintels. It will help the users of the outlet to identify the point of access.
- Sign C – timber door plaque.
- Sign D – Amenity sign.
- Sign E – timber pictorial sign is fixed at high level to communicate at distance the name and nature of the business in both directions. It will be fixed to the existing gibbet. It will also have a timber hedger and crown above illuminated by LED trough lights.

4 POLICY

BE2 – General Development Standards
 BE3 – Provision for Movement and Parking
 BE5 – Conservation Areas
 BE7 – Alterations and Extensions to Listed Buildings
 BE15 – Advertisements and Signs

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
 Design & Impact to visual amenity and to the Listed Building
 Impact on highway safety

Principle

- 5.2 The relevant policy of the West Oxfordshire Local Plan 2011 that refers to advertisements and signs is Policy BE15. This policy states that strict control will be exercised over advertisements and signs and that they should be carefully designed to relate to the scale and character of the building and street frontage as a whole especially in Conservation Areas. The use of inappropriate materials, colours, scale and designs of signs are avoided, that illuminated signs are designed to suit their context and the individual building on which they are located, a proliferation of signs or inappropriate standardised advertisement styles is avoided, and that advertisements do not adversely affect public safety.
- 5.3 When assessing advertisement applications only two issues need to be addressed – visual amenity and public safety.

Design & Impact to visual amenity and to the Listed Building

- 5.4 The proposal is located within Eynsham's Conservation Area and the public house is a Grade II Listed Building, which is prominently located on a main route. The current signage is all of a modest nature and non-illuminated.
- 5.5 The proposed signage is generally of the same form and in the same locations as the existing, but two of the new signs will be externally illuminated, the hanging sign and the main name sign. The materials of all of the proposed signs will be timber.
- 5.6 Illumination on Listed Buildings within Conservation Areas is permitted subject to the requirements of Policy BE15 and Policy BE7 which refers to alterations to Listed Buildings. Illumination is usually only allowed where businesses need to operate at night.
- 5.7 Given that the proposed signs are constructed of a traditional material rather than modern material with subtle colours and will replace existing signage, officers consider that the proposal is acceptable. The proposed illumination by trough lights will be to the main sign and the hanging sign, which officers do not consider will be excessive or result in an adverse impact to the visual character and appearance of the listed public house or to this part of the Conservation Area. The level of illumination is low, and officers have consulted Environmental Health to ensure that this is the case. From their comments, officers have included conditions regarding submitting details of a maintenance schedule for the light source to prevent flickering, and that the signs should only be illuminated for the time the premises are open.
- 5.8 The agent has slightly amended the position of the main sign as requested by officers and now allows space around this sign and to the windows at first floor and ground floor level. This is also considered to prevent an adverse impact to the visual and historic appearance of the listed building.

Highways and parking

- 5.9 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

- 5.10 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 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.
- 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 27 May 2014 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.

- 3 The signs shall only be illuminated during the opening hours of the premises to which they relate.
REASON: To safeguard the character of the Conservation Area.
- 4 Before the signs are installed, details of the appropriate maintenance schedule of the illumination shall be submitted to and approved in writing by the Local Planning Authority. Those approved details shall be referred to thereafter.
REASON: To ensure the illumination source does not result in an adverse impact to public safety.

NOTE TO APPLICANT

Notwithstanding the above conditions, consent is granted subject to the conditions set out in schedule I of the attached notes to the applicant.

14/0571/P/LB White Hart 31 Newland Street Eynsham	
Date	24/04/2014
Officer	Miss Miranda Clark
Officer Recommendation	Grant, subject to conditions
Parish	EYNSHAM
Grid Ref:	443421,209557

APPLICATION DETAILS

Affix various illuminated & non-illuminated fascia & hanging signs to front elevation.

APPLICANT

Greene King, P O Box 680, Bury St Edmunds, IP33 9GE

BACKGROUND INFORMATION

Please see officers report under reference 14/0570/P/AC.

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 27 May 2014 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 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.
- 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.

14/0629/P/FP Westbourne Alvescot Road Shilton	
Date	01/05/2014
Officer	Miss Miranda Clark
Officer Recommendation	Provisional Approval
Parish	SHILTON
Grid Ref:	426300,208252

APPLICATION DETAILS

Alterations to convert the loft into living accommodation and insertion of dormer windows. Change of use of part of dwelling to Bed and Breakfast accommodation.

APPLICANT

Mr & Mrs Handley, Westbourne, Alvescot Road, Shilton, Oxfordshire, OX18 4AW.

BACKGROUND INFORMATION

This application has to be heard at the Lowlands Planning Sub-Committee as the applicant is a WODC Councillor.

1 PLANNING HISTORY

06/1315/P/FP – Conversion of loft to include insertion of dormers – approved.

09/0624/P/RFP - Conversion of loft to include insertion of dormers – approved.

09/0626/P/P/FP - Change of use to caravan and camping site – approved.

11/0408/P/FP - Alterations to convert the loft into living accommodation and insertion of dormer windows. Change of use of part of dwelling to Bed and Breakfast accommodation – approved.

14/0100/P/FP - Change of use from paddock to mixed use domestic and seasonal camping/caravan site – approved.

2 CONSULTATIONS

2.1 Parish Council

No comments received at the time of writing.

2.2 OCC Highways

No comments received at the time of writing.

2.3 WODC EHO

“No observations.”

3 APPLICANT’S CASE

3.1 A Design and Access Statement has been submitted as part of the application and be viewed in its entirety at and has been summarised as:

- Westbourne is a detached bungalow which has previously obtained planning permission for rooms in the roof and the insertion of dormers. There are substantial grounds in a mature “green” setting on the edge of the village of Shilton.

- In terms of Policy TLC 2 – Use of existing buildings, in brief, change of use or conversion of existing buildings to visitor accommodation or extension or upgrading of such accommodation will be permitted provided there is adequate off street parking, the scale is appropriate and the character of the building is not damaged. It is the intention of the applicant that this modest bed and breakfast accommodation would complement the approved use of the adjacent land as a caravan and camping site.
- there are no immediate neighbours to the site. There is ample room to enter the site, turn round and leave so access and parking can easily comply with any current standards that might apply.
- the property already has at least four existing car parking spaces , bearing in mind that the retained residential element will have only one bedroom, the other four bedrooms as bed and breakfast leads us to conclude that either five or six spaces would be adequate and seven spaces are available or can be provided.
- the modest scale proposed is in keeping with the character of the area and would generate very modest levels of activity

4 POLICY

BE2 – General Development Standards
 BE3 – Provision for Movement and Parking
 H2 – General residential development standards
 TLC2 – Use of Existing Buildings
 NE1 – Safeguarding the Countryside

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 precedent and tourism policies.
- 5.2 The existing dwelling sits on the outer edge of the village and within a large plot. There are no immediate neighbours adjacent to the application site.
- 5.3 A previous application in 2011 was approved for the same proposal but has now lapsed.
- 5.4 Officers consider that the relevant policies of the West Oxfordshire Local Plan 2011 are still relevant. Policy TLC2 is a relevant policy as this discusses the use of existing buildings for visitor accommodation and in particular discusses Bed and Breakfast accommodation. In paragraph 8.16 it states that “Bed and Breakfast accommodation forms an important part of the total provision of tourist accommodation in West Oxfordshire, providing in particular for inexpensive short stay visits and for touring holidays.” The Policy continues by stating that such a use will generally have a greater impact on an area than when used simply for residential purposes, consideration will be given to the effect on the amenities of local residents.
- 5.5 Officers are of the opinion that due to only 4 bedrooms being proposed for the Bed and Breakfast use that local residents will not be unduly affected by noise or disturbance resulting from visitors to the existing residential use and the proposed type of accommodation.

- 5.6 In terms of the impact to the character and amenity of the surroundings, officers consider that the proposed dormers will not adversely affect the visual amenity of the area.
- 5.7 Officers are awaiting comments from OCC Highways in terms of highway safety issues and from the Parish Council. These comments are expected to be received prior to the meeting, where officers will update the Members verbally.

14/0631/P/FP Buttercross Works The Leys Witney	
Date	30/04/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435371,209009

APPLICATION DETAILS

Erection of scooter store and refuse store.

APPLICANT

Cottsway Housing Association, Heynes Place, Avenue Two, Witney, Oxon, OX28 4YG.

BACKGROUND INFORMATION

This application is for a refuse store and scooter store to serve the extra care facility on the site, presently under construction.

1 PLANNING HISTORY

11/1198 – Erection of 186 dwellings of which 80 are extra care facility.

2 CONSULTATIONS

2.1 Witney Town Council

“Raises concerns about the location of the refuse store and the scooter store, due to their distances from the buildings. It considers that they both need to be within reasonable walking distance. There should be more than one site for the refuse store, due to the distances involved for local residents. The Town Council also question whether the scooter store is a secure location.”

2.2 OCC Highways

“No objection.”

3 REPRESENTATIONS

Neighbours notified - No representations received at the time of writing.

4 PLANNING ASSESSMENT

- 4.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues in respect of this application are:

The impact of the development on highway safety and on the visual amenity of the area

- 4.2 In terms of highway safety both the scooter store and refuse store are located off of the road network within the site and do not adversely affect traffic movements through the development. OCC Highways has raised no objection.
- 4.3 In terms of the impact on the visual character and appearance of the area, the scooter store, which has a maximum height 2.7m and is located between the extra care facility and a landscaped area will not be highly visible from the estate road serving the development. The refuse store which is enclosed by 1.8m high hit and miss fencing which is located at the access to the car parking area serving the development, is of a height and appearance (wooden enclosure) that it considered appropriate in context.
- 4.4 The issues raised by the Town Council regarding distance and security are not considered so significant as to outweigh a recommendation of approval.

Conclusions

- 4.5 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.

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 external walls of the scooter store shall be constructed with timber boarding 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 3 The external walls of the Refuse Store shall be constructed with boarding 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/0651/P/FP Astrop Farm Witney Road Brize Norton	
Date	06/05/2014
Officer	Sarah De La Coze
Officer Recommendation	Provisional Approval
Parish	BRIZE NORTON
Grid Ref:	430581,208088

APPLICATION DETAILS

Erection of agricultural building.

APPLICANT

Bill Barnett & Partners, Astrop Farm, Witney Road, Brize Norton, Oxfordshire, OX18 3NQ.

BACKGROUND INFORMATION

The application seeks planning permission for the erection of an agricultural building within the curtilage of Astrop Farm. A previous application for the building was submitted as a prior approval application. The application could not be dealt with as a prior approval as the floor area of the building exceeded the permitted threshold.

1 PLANNING HISTORY

14/041/P/AGD – Erection of agricultural building – Withdrawn.

2 CONSULTATIONS

2.1 Environmental Health

“There are two residential properties 100m to the north of the future barn, but the future shed is a reasonable additional development at the farm.”

2.2 County Highways

“No objection.”

2.3 County Archaeological Officer

“Initially requested a watching brief. Following a site visit they no longer require a watching brief for the development as archaeology will not be affected.”

3 REPRESENTATIONS

No letters of representation have been received.

4 APPLICANT’S CASE

“Whilst Astrop Farm benefits from a range of fairly modern agricultural buildings, being approximately 30 years old many of these are now coming to the end of their useful life. Significant investment is required to bring them up to the current welfare and husbandry standards required by Waitrose. In addition, movement restrictions caused by a TB outbreak in September 2013 have meant that an increasing number of cattle have to stay on the farm for longer and therefore a new cattle building is required for this purpose.”

5 POLICY

Policy BE2 – General Development Standards
Policy BE3 – Provision for Movement and Parking
Policy NE1 – Safeguarding the Countryside

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:

Design and impact on the character of the area

- 6.2 The application proposes an outbuilding which will be used to house cattle in conjunction with the farms dairy enterprise. The farm already comprises a number of outbuildings which are used in conjunction with the business. The proposed outbuilding will be located alongside an existing cattle building.
- 6.3 The building will feature a pitched roof and will be of the same height and scale of the adjacent cattle building. The building will be visible from the wider area from certain view points. Due to the existing cattle building and other surrounding outbuildings, the proposed building would be viewed against the setting of a group of buildings within a farm, and would be a natural addition to the farm. It is therefore considered that the building would not have a detrimental impact on the character or setting of the area.
- 6.4 The materials proposed for the building will be consistent with the surrounding farm outbuildings. A condition will be added in relation to the colour of the proposed timber boarding. This is to ensure that the timber boarding is finished in an appropriate colour allowing for the building to create a visually appropriate relationship with the site and wider area.
- 6.5 The proposed building is considered to be of a scale and design, and proposed in a location that would respect the existing scale and character of the area and therefore would be considered acceptable in terms of design.

Impact on neighbouring amenity

- 6.6 The nearest properties are located approximately 100m away from the position of the proposed building. The site is a working farm with an outbuilding already located in the same vicinity of the proposed building. The additional building in this location is not considered to have an unacceptable impact on the amenity of neighbouring properties due to the distance from the neighbouring properties and the context in which it is proposed.

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) 0.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding details contained in the application, details of the colour finish of the external boarding 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)