

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 14th December 2015

**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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| Application Number | 15/03148/OUT |
| Site Address | Land West of Thornbury Road Eynsham Oxfordshire |
| Date | 2nd December 2015 |
| Officer | Phil Shaw |
| Officer Recommendations | Pending Decision |
| Parish | Eynsham Parish Council |
| Grid Reference | 442549 E 209439 N |
| Committee Date | 14th December 2015 |

Application Details:

Residential development of up to 160 dwellings (means of access only)

Applicant Details:

Sensecall/Wilmshurst/Sherbrooke
C/O Agent
United Kingdom

I CONSULTATIONS

I.1 Parish Council Eynsham Parish Council

1. The Strategic Housing Land Availability Assessment, June 2014 (SHLAA) refers to this Site (179) as 'Suitable in principle for development ... although access is a key constraint. Could potentially come forward as part of a comprehensive scheme including 187a'. Approval as proposed could seriously frustrate a more comprehensive development of the western edge of the village as identified in the emerging local plan and the SHLAA.
2. This is a short-term opportunistic development proposal which is isolated from and does not relate to the village as a whole or other sites in the village identified for future development.
3. The Site should form part of a comprehensive master plan for the longer term growth of Eynsham with other landowners of sites for sustainable development, which takes into consideration emerging plans by Oxford County Council for improvements to the A40 and identifies key infrastructure provision for local transport (in co-ordination with A40 improvements), schools, healthcare, utilities and social amenities.
4. Little weight should be given to the submitted Traffic Assessment (TA) which fails to identify adequately or at all when the base manual survey data in the Study Area (TA Appendix G) was collected and takes no consideration of term times of Bartholomew School, which has the biggest impact on traffic on Witney Road and Thornbury Road. It is also noticed that the automatic traffic count points selected do not reflect the key congestion points of limited access to the village (for example, Witney Road was sampled between

Thornbury Road and Acre End Street but not between Thornbury Road and the A40, which would reflect the additional traffic from Old Witney Road and Spareacre Lane).

5. Likewise, the comments of OCC on transport should be accorded little weight as these rely on the same flawed procedures and data which it approved in pre-application discussions.

6. The proposed sole access for all vehicular traffic through Thornbury Road to Witney Road is totally unrealistic and impractical. The Applicant is clearly wrong when it asserts the buses parking in the vicinity of the Bartholomew School layby 'do not impede traffic flows on Witney Road' (TA 3.6) or that there is 'excellent visibility' and 'the development is unlikely to conflict with the operation of the layby' (TA 3.7). This is directly contrary to the experience of residents in the vicinity and users of Witney Road, as is reflected in the comments posted on this Application. The addition of 630 vehicles a day (TA Table 5.7) into the mix of school buses, scheduled buses, school generated car traffic, pedestrian and cycle traffic of hundreds of students and others, together with the regular commuter and commercial traffic on Witney Road would not be 'modest' but unsafe and would have an unacceptable degree of impact on the local highway network contrary to BE3, T1 and T6 of LP 2011 and T2 of the draft LP 2031.

7. EPC agrees with the objections of OCC as to the impact the development would have on both the Eynsham primary school and Bartholomew School, both of which are at capacity. It is unacceptable that pupils should be bussed out of the village because development has exceeded the schools' ability for expansion, which would not be satisfactorily remedied by s106 contributions.

8. The Application is further flawed in that it fails to adequately assess the capacity of local healthcare facilities. Eynsham Medical Centre (and its branch at Long Hanborough, which is also subject to significant development proposals) is already rationing patient appointments. The practice has in excess of 13,600 patients and is under strength with most doctors only working part-time.

9. The submitted Flood Risk Assessment (FRA) admits that the Chil Brook presents a flood risk to the southern end of the Site which cannot be used for development. The site has a drop to the Chil Brook of approximately eight metres and further falls off towards a drainage ditch which forms the western boundary of the Site. This ditch runs into the Chil Brook, which subsequently flows through the village to the Wharf Stream and ultimately the Thames. It is intended to use a SUDS drainage system (6.0) but the FRA states (at 2.6) that 'Generally soils are relatively impermeable, resulting in greater run-off towards the watercourse.'

10. The FRA wrongly states (at 4.11) that surface water flooding has not led to flooding of property and omits any reference to associated fluvial flooding by the Chil Brook of properties on Station Road on various occasions (Appendix E, historic flood map). The Site is upstream from known settlement areas at flood risk in the village. These have not been adequately taken into consideration in the SUDS

proposals contrary to NPPF 100 and 103.

11. The Design and Access Statement at 5.1.3 proposes up to three storey development on the middle to high ground of the Site (see also Indicative building height zones drawing). This, and a density of 35 dph would have an adverse visual impact upon the soft western edge of the village that would stand out as a hard, incongruous urban extension contrary to BE2, BE4, H2 and H7 of LP 2011 and OS2 and EW2 of draft LP 2031.

12. The Application as proposed should not be approved as its adverse impact on future growth and infrastructure of Eynsham would significantly and demonstrably outweigh the benefits contrary to NPPF 14, LP 2011 BE1 and draft LP 2031 OS1 and EW2.

If the Application is approved:

A comprehensive Construction Travel Management Plan should be required due to the limited and residential nature of Thornbury Road, the nature of Witney Road as a scheduled bus route and the safety aspects of the adjacent Bartholomew School.

The Parish Council requests a developer contribution in the amount of £496,000, indexed linked, towards street furniture, play and recreation areas and facilities or other appropriate village amenities to reflect the additional strain on existing community infrastructure the development will represent.

1.2 One Voice
Consultations

Transport

No objection subject to conditions and S106 and S278 legal agreements

Archaeology

No objection subject to conditions

Education

Objection

Based on the information currently available, this proposed development has been estimated to generate 49 primary pupils, 36 secondary pupils (including 4 sixth formers) and 0.9 pupils requiring education at an SEN school.

Primary school capacity in this area is not sufficient to meet the needs of housing development on this scale. There is not currently an identified solution to increasing primary school capacity in a satisfactory and sustainable manner. The Eynsham Academy Trust and the county council will continue to explore options, but at this stage, the county council does not consider that this scale of growth can be supported.

Property

Request £35,190 towards library infrastructure

1.3 WODC - Arts

No Comment Received.

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| 1.4 | Wildlife Trust | <p>The Ecology Report has concluded that there are few ecological constraints to development at this site, however in section 5.2 it does make a number of recommendations that, should planning permission be granted, I suggest are secured through planning conditions to ensure that the development is compliant with regard to protected species, and that areas of value to wildlife within the development footprint (particularly the Chil Brook and hedgerows) are conserved and enhanced in line with national and local planning policy (NPPF para's 109 and 118, West Oxon Local Plan 2011 NE13 and NE15, and the emerging West Oxon Local Plan 2011-2031).</p> <p>I also suggest that the Council request a Biodiversity Impact Assessment to be undertaken using the DEFRA Biodiversity Metric</p> |
| 1.5 | Ecologist | No Comment Received. |
| 1.6 | WODC Community Safety | No comments from parking. |
| 1.7 | WODC Drainage Engineers | No Comment Received. |
| 1.8 | Environment Agency | No Comment Received. |
| 1.9 | WODC Env Services - Car Parking | No Comment Received. |
| 1.10 | WODC Env Health - Lowlands | No comments to make on the above application. |
| 1.11 | WODC Head Of Housing | <p>There are currently in excess of 270 households who would qualify for affordable housing in Eynsham were it available.</p> <p>In policy terms the council would seek as a guide, an overall mix of affordable housing in the following proportions;</p> <ul style="list-style-type: none"> o 65% to be one and two bedroom homes to meet the needs of younger single and couple households, older people and small family households o 35% to be three and four bedroom homes <p>Of this overall mix, and since there is a significantly greater need for rented housing than for intermediate housing, the favoured ratio is 2 : 1 affordable rent to shared ownership.</p> |
| 1.12 | WODC Env Services - Landscape | No Comment Received. |
| 1.13 | WODC Landscape And Forestry Officer | No Comment Received. |
| 1.14 | WODC Legal & Estates | No Comment Received. |

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|------|---------------------------------------|---|
| I.15 | Thames Valley Police Licensing Office | No Comment Received. |
| I.16 | WODC Planning Policy Manager | No Comment Received. |
| I.17 | WODC - Sports | No Comment Received. |
| I.18 | Thames Water | Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like a Grampian style condition imposed. |
| I.19 | WODC Env Services - Waste Officer | No Comment Received. |

2 REPRESENTATIONS

2.1 42 representations have been received objecting to the proposal on the following grounds:

- The road exit is opposite Bartholomew School Lay-by.
- A zebra crossing has just been installed next the exit.
- 9 School coaches use the lay-by and overflow into the Witney Road temporarily reducing the width of the Witney Road to one lane whilst dropping off and picking up pupils at the beginning (8.30 am) and end of each school day (3.00 pm).
- At the same time the S1 service drops off nearby in the morning and picks up in the afternoon numerous pupils from the school.
- All vehicles travelling from the development towards Oxford will have to use Spareacre Lane or the centre of Eynsham, both already heavily congested.
- In addition to the S1 and the 11 bus services and the 9 coaches mentioned above there are numerous private cars and some taxis which park in both the Witney Road and Thornbury Road and drop off their charges in the morning and again in the afternoon these same vehicles park up and wait until the children arrive. Whilst the cars /taxis are parked they of course reduce the road width of both Witney Road and Thornbury Road.
- That means an extra 450-500 cars using Thornbury Road as a means of entering and leaving the development. That is way too many for this small close which was originally built to service only EIGHT houses!!
- Residents are in the main older retired people who have lived there for more than 40 years enjoying the peace and that a CUL-DE-SAC brings.
- As a parent of a pupil of Bartholomew School, Eynsham, I am extremely concerned for the safety of the pupils at the beginning and end of each school day if the above planning application is passed allowing as it will additional traffic from 160 houses to join the already existing chaotic situation.
- There are currently 3 or 4 planning applications on the table. It might be a good idea to construct a new road from Station Road to the A40 creating a western by-pass to alleviate an increase in village traffic.
- WODC policy in the draft Local Plan 2031, SHLAA states that this site is only suitable for housing development if it is part of a comprehensive scheme that resolves access problems. The access from Thornbury Rd was clearly seen as unacceptable in the SHLAA.

- The Village does not have the infrastructure in terms of roads, schools and shops to support a development of this size.
- The wider implications of the proposed development are the impact on both schools, both of which are at full capacity and already having to expand to accommodate existing pupils; the effect on the medical centre with already long waiting lists for appointments; the parking situation in the village; loss of green space which will have a negative impact on wildlife as well as spoiling a popular area.
- For walking.
- The application proposes three storey housing on some of the site. This is not appropriate for this area,
- Unnecessary and oppressive proximity to our boundary.
- A piecemeal development such as that proposed is not in line with the strategic planning for the future of Eynsham. Applications should be more co-ordinated to allow for the provision of infrastructure needed i.e. perimeter road which by-passes the village linking the A40 to Stanton Harcourt Rd., a new primary school, shopping units, further medical facilities, full-size leisure centre etc.
- The developers have no interest in the future or the wellbeing of the local community.
- To allow this application to go through without considering the bigger picture would be irresponsible.
- If Eynsham is to become a town then it would need investment and development as has happened at Carterton in a measured way.

We urge those responsible for considering this proposal to make a site visit between 2.50 pm to 3.20 pm on a school day before making a decision.

2.2 The Eynsham Society object for the following grounds:

- Traffic generated by the proposed access would increase congestion and consequent danger to pupils and others.
- The SHLAA of June 2014 acknowledges the access is a constraint and considered it viable only as part of a larger scheme involving adjacent sites with other means of access.
- The Witney Road junction with the A40 does not provide access to the eastbound A40. No further development of the west side of Eynsham should be permitted until a comprehensive solution to traffic flow has been provided.
- The A40 has been running well beyond capacity for a number of years, no further significant development should be permitted until a comprehensive solution to the traffic flow has been provided.
- The proposed site has severe drainage problems which are unlikely to be solved by sustainable drainage.
- Essential village facilities are at capacity and do not have room to expand.
- The western side of Eynsham is the only soft edge where it is possible to walk into open countryside without crossing a main road. The design of the proposed dwellings with 3 storey buildings on high ground would be incongruous in this setting.

2.3 Local Member Charles Mathew made the following comments:

- The access through Thornbury Road is completely unacceptable; Thornbury Road is too narrow esp during development; it meets Witney Road just by the new Zebra Crossing (next to Bartholomew School) and Witney Road itself is heavily congested at rush hours. It

also means that all traffic will go through Acre End Street and the middle of Eynsham- also unacceptable (the other end has a left turn only onto A40 at lights).

- In my opinion this development will cause a dangerous access and exit onto Witney Road and granting of PP on the current plans would be very regrettable.
- It is also very important that all sites West of Eynsham (Fruitlands/Evenlode Nursery/this site) are coordinated and work together in the interests of all parties including residents.

3 APPLICANT'S CASE

3.1 Several supporting documents have been submitted with the application as follows:

Planning Statement
Design and Access Statement
Transport Assessment
Foul Water and Utilities Assessment
Tree Report
Ecology Report
Archaeology Report

3.2 Planning statement conclusion:

In terms of paragraph 7 of the NPPF, the application will:

- Fulfil an economic role by helping to ensure that sufficient land of the right type is available in the right place and at the right time to support growth;
- Provide a social role in helping to provide the supply of housing needed to meet the needs of present and future generations in a location that provides accessible local services;
- Fulfil its environmental obligations through the planned landscape, open space, utilities, transport and drainage strategies, which are an integral part of the scheme; and
- The applicants have shown also that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. It is evident therefore that it accords with paragraph 14 in the NPPF and that consequently there is a clear presumption that this application should be granted permission.

3.3 Design and Access Summary:

In summary, this Design and Access Statement has demonstrated how the Land West of Eynsham can be developed as a high quality residential area which:

- Is located in a sustainable location within easy walking distance of village facilities;
- Accommodates an appropriate number of dwellings which reflects densities established in recent developments elsewhere in Eynsham;
- Can support a diverse mix of housing types and markets, including affordable and senior living;
- Provides homes needed for the local area;
- Protects areas identified as being at risk of flooding;
- Provides pedestrian and cycle links to existing routes and networks;
- Can accommodate potential links and connections to any larger west Eynsham extension should it proposals come forward at a later date; and

- Provides usable open space which can have a variety of functions, from natural green space to play area.

4 PLANNING POLICIES

The policies of the adopted and emerging WOLP are of relevance.
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application is in outline with access and principle to be determined at this stage. The site is an area of open land adjoining the existing western edge of Eynsham and the proposed site would be served via an extension of Thornbury Road. It is beyond the Eynsham Conservation area. Part of the site falls within Flood Zones 2 and 3.
- 5.2 Members will recall that at the last meeting it was deferred to enable a Formal Site Visit to be undertaken.

Background Information

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

Principle of development

Piecemeal or comprehensive development west of Eynsham?

Relationship to other recently refused schemes west of Eynsham

Relationship to the emerging Neighbourhood plan and Local Plan

Education impacts

Landscape and recreation impacts

Adequacy of the access to serve this or potentially larger developments

Drainage, archaeology, ecology etc

Impact on capacity of village services and infrastructure

Impact on A 40 congestion

Extent and adequacy of any mitigation package

- 5.4 As was outlined to the last meeting at the time of agenda preparation Officers are not in a position to recommend at the present time and will be recommending deferral to enable a more informed report to be presented to a future meeting. This report is presented purely so that Members can, following their site visit, identify any matters that they consider of critical importance and not identified above that they would like to be addressed any final report

6 CONDITIONS/REASONS FOR REFUSAL

Deferral is recommended for outstanding consultation responses and to seek to clarify education matters.

| | |
|-------------------------|---|
| Application Number | I5/03165/FUL |
| Site Address | Northmoor Park Church Road Northmoor Oxfordshire OX29 5UH |
| Date | 2nd December 2015 |
| Officer | Phil Shaw |
| Officer Recommendations | Refuse |
| Parish | Northmoor Parish Council |
| Grid Reference | 442092 E 202732 N |
| Committee Date | 14th December 2015 |

Application Details:

Demolition of industrial units and the erection of 5 self-build live/work units and a sewage treatment plant.

Applicant Details:

Northmoor Park Ltd
Northmoor Park
Church Road
Northmoor
OX29 5UH
United Kingdom

I CONSULTATIONS

I.1 Parish Council

Four members of Northmoor Parish Council considered the Northmoor Park Application on Wednesday 7 October 2015.

The Council sought an assurance from Mr Bull of Northmoor Park Ltd that the scheme would include a sewage treatment plant within the development, and Mr Bull assured the Council that it would not be requesting to join the waste disposal facility provided by Thames Water.

A question was raised as what was meant by self-build, and this was answered that this would be a single builder for all the five properties.

There were concerns expressed on this development coming at the same time as the development at Park Farm of fifteen houses, and Bints Yard of another eight, in a village of less than one hundred dwellings; and the effect this would have on the local infrastructure, such as schools and doctors surgeries, when considered with other local housing development applications in neighbouring villages.

At the conclusion of the discussions Northmoor Parish Council voted by three votes to one abstention not to oppose this Application.

1.2 Ecologist

The submitted ecology report Preliminary Bat Survey & Bat Emergence Survey (4 Acre Ecology lts 25/2/15) identified all the buildings on site as having a low potential for bats as such emergence surveys were carried out which revealed the presence of 3 Soprana Pipistrelle bats roosting in building 1 & 2.

The habitats identified on site were mainly hard standing which provides limited ecological value. Due to the finding of bat roosts within the buildings to be demolished a working method statement was included within the report to avoid harm to the individual bats and provide details of the mitigation proposed. Although the mitigation is not shown on the drawings which it should be, the design and access statement confirms the inclusion of integral bat features in the design of the proposed buildings. No landscape details are shown but this would be another way of providing ecological enhancements as a part of this development.

Ideally the mitigation (integral bat tubes in the gable ends) should be shown on the drawings for the new units.

If all the recommendations are implemented, the development will not cause any harm to bats or birds, and therefore the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including Section 11) and the NPPG and three habitat regulation tests are all met.

Habitat Reg tests required: YES- all three tests met for Soprano bats.

Draft recommendation: No objection subject to conditions

Draft conditions: All of the development works must be carried out as per the working method statement and enhancements in section 7 of the Preliminary Bat Survey and Bat Emergence Survey (4 Acre Ecology lts 25/2/15). All mitigation and enhancement works must be completed before all of the five new self build live/work units are first brought into use and all mitigation must be permanently maintained thereafter.

Reason -

To ensure that bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE3 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

1.3 OCC Highways

No Comment Received.

- I.4 WODC Planning Policy Manager Having read the committee report I have to say I find it difficult to disagree with Phil's arguments and conclusion. Whilst our economic snapshot report makes several references to the concept of live-work these are quite general and made in the context of the relatively high level of homeworking in the District. It doesn't suggest where such provision should be sought but I would suggest it needs to be in sustainable locations and Northmoor doesn't rank particularly highly in that respect.
Given that you would be losing a number of existing active employment uses for a primarily residential scheme with a small element of flexible workspace that may or may not be occupied I cannot see how the scheme is supportable in policy terms. I know from experience elsewhere that live work units often remain unoccupied only to be followed by a later application to become fully residential.
- I.5 WODC Architect No Comment Received.
- I.6 WODC Rural Development I can confirm that I did not submit separate comments on this application as I am fully supportive of Phil Shaw's reasons for refusal, in particular the need to retain an existing and active employment site in the village.
- I.7 Environment Agency No objections subject to a condition regarding raising floor levels. Points out that the site is located in Flood Zone 2 and that the applicant should demonstrate compliance on the elevations before granting permission. Further as the site is in Flood Zone 2 it should be demonstrated that there are no reasonably available sites appropriate for the development in Flood Zone 1. It is the role of the LPA to determine and assess the acceptability of the sequential test and we do not comment upon the sites suitability or availability for a particular form of development as this falls within the remit of the planning system
- I.8 WODC Env Health - Lowlands No Comment Received.

2 REPRESENTATIONS

- 2.1 One letter of objection received and summarised as follows:
- The outline of the proposed site is incorrect in so much as it shows to run tight against the front of my Unit 13.
 - In actual fact I own the Deeds to the Freehold of Unit 13 together with 8'0" (Eight Feet) hard standing to the front of my unit giving room for the parking of two vehicles. Title Number: ON138175.
 - Applicant offered to buy my unit but we couldn't reach commercial terms on the value of my land.
 - On site of pre app drawings I noticed he had the outline of the site wrong as it cut tight in front of my Unit 13 instead of around the perimeter of my site.

- Also looking at the drawing I noticed that he had positioned the House on Plot 1 as I thought, within a fair and moderate distance from my Unit, therefore allowing me to either carry on working from my workshop without causing a nuisance to the new neighbour, or to be able, to maybe submit an Outline Planning Application to develop my workshop into a small, affordable chalet style building within keeping of the rest of the site.
- Upon studying the Full Planning Application it appears that Mr Bull has changed the size and position of the house on Plot 1, making it the largest house on the site, pushing it tight against my workshop unit, to include an outside staircase almost touching my property.
- This would without doubt cut out light from my workshop and likely to cause a noise element problem to the new neighbour from my workshop, should I carry on with my business.
- I would suggest that the proposed position of the new property on Plot 1, to be kept at a fair distance from my Workshop Unit 13.
- In a further letter he acknowledges that the site has been amended to now accurately show land ownerships but maintains his concerns that should he wish to apply in future then plot 1 would impact on light and privacy and the plans have been altered from what was presented to him at pre application stage

2.2 Four letters of support received and summarised as follows:

- The site as it stands at the moment is in need of considerable refurbishment and the plans that have been submitted under this application are sympathetic to the surrounding area and still provide the facilities to run a small business.
- We feel very strongly that small businesses in rural villages such as ours considerably help in keeping villages alive and contribute greatly towards the community spirit - this will be further enhanced by the fact that this application is providing accommodation for prospective business owners.
- We would also say that the sewage treatment plant that is part of this application is essential as the main sewer in Northmoor is in need of attention and sometimes struggles to cope with the current waste water resulting with tankers having to be brought in for days at a time.
- The current units are in need of renovation and repair.
- We see this proposal for five self build, live/work homes as imaginative and appropriate.
- It will give opportunities to new families to enjoy and contribute to the unique Northmoor community without exacerbating our two major areas of concern, flooding and sewerage.
- I am fully in favour.
- As a neighbour I support this development as the current owner sought input early on in the design process and reacted well to feedback.
- I think that the developer should make a donation commensurate to the size of his development to Village Hall funds to enable it to become sustainable and to be developed in part as a microbusiness centre utilizing our superfast fibre broadband.
- I believe it to be well thought through, bearing in mind the needs of the owner and of the community.

3 APPLICANT'S CASE

- 3.1 The application has been accompanied by a considerable volume of information including ecology reports, flood risk assessments, viability reports etc. These may all be viewed in full on line. The following conclusions have been identified within the submitted planning and heritage statement:

The saved policies of the West Oxfordshire Local Plan 2011 remain as the development plan for the area and due regard has been given to those policies of relevance to the proposal. In the current context, whereby sufficient housing land supply cannot be demonstrated, the NPPF is an overriding material consideration and dictates that the proposal be considered against the presumption in favour of sustainable development.

This requires an assessment of the planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: an economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised below under these headings.

An economic role

The proposal will provide much needed housing and working space to address a specific local need, supporting local facilities and associated construction jobs will be of economic benefit to the local area. The proposal has economic benefits and no adverse impacts.

A social role

The development will help to address the shortfall in housing supply, providing a well designed live/work development in a rural yet sustainable location. The NPPF and NPPG are clear that all settlements play a role delivering sustainable development. There is a significant deficiency in the housing land supply in all scenarios but particularly when considered against the objectively assessed needs identified in the Oxfordshire SHMA.

In this context, the provision of 5 dwellings on the site is considered to be of significant benefit with no adverse impacts.

An environmental role

The layout and house designs demonstrate that 5 dwellings can be accommodated on the site whilst respecting and reinforcing the character of the area and special character of the Conservation Area. The proposal will reinforce the farmstead form of development as existing. The hedgerows and cracked willows along the site boundaries will be retained and the proposed development will have bat and bird boxes built into the form, enhancing the local landscape character and biodiversity.

The built form all lies entirely within Flood Zone 1 and a self-contained sewage treatment plant is proposed. All the proposed dwellings and work spaces will meet the relevant sustainable design standards.

Whilst special regard is given to the sites location within the Conservation Area, the character of the area will be preserved and enhanced. The removal of the poor quality buildings and storage areas of the industrial site to accommodate the live/work units and associated garden is considered to offer an enhancement to the site.

Consequently, the proposal is considered to be of overall environmental benefit and there are no significant adverse environmental impacts.

The planning balance

In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic and social benefits through the provision of much needed housing. There are no significant adverse environmental impacts and the proposal offers an enhancement to the site's environment.

There are, therefore, no significant and demonstrable adverse impacts which outweigh the benefits of the proposal and planning permission should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards

E6 Change of Use of Existing Employment Sites

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

BE3 Provision for Movement and Parking

BE5 Conservation Areas

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

H2 General residential development standards

T4NEW Parking provision

H4 Construction of new dwellings in the open countryside and small villages

H2NEW Delivery of new homes

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to an existing mostly operational commercial site that gained consent at appeal in 1987 and which is currently occupied by a joiner, a dairy engineer, a mail order business, an upholsterer, a landscape gardener, a bathroom company and one vacant unit. Subsequent permissions have been given for further operational works and to vary conditions. Planning permission is sought to redevelop the site for 5 houses including elements of live work accommodation in space above the garage or small extensions to the proposed houses. An adjoining employment unit in a separate ownership is to be retained in employment use. Parts of the curtilages of some of the plots and the access to the site fall within flood zone 2 and 3 and the site as a whole falls within the conservation area and within the setting of a listed building. Members will recall that it was deferred at the last meeting for a site visit to be undertaken.

Background Information

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

Principle

- 5.3 The NPPF (section 3) seeks to support a vibrant and successful economy, including in rural areas. The policies of the adopted local plan seek to retain existing employment sites in employment use in that this aids in retaining a jobs/house balance, helps reduce commuting from dormitory areas to Oxford along the A 4095 and A40 and helps maintain a vibrant and prosperous rural hinterland to the main centres of population - which in turn aids in creating further job opportunities in the rural areas.
- 5.4 The policies of the emerging plan (EI) and policy E 6 of the adopted plan do allow commercial sites to come out of commercial use if they are not capable of employment use, that the site is unsuitable on environmental/highway etc grounds or substantial planning benefits would be secured by allowing alternative use. The agent considers that the lack of a 5 year housing land supply plus the claimed compliance with all three of the tests means that this policy hurdle is passed. Your officers would not agree.
- 5.5 Firstly the district is claiming a 5 year land supply using the methodology it considers most suitable. The agents cite a recent appeal where an Inspector did not accept that methodology but it is equally possible to quote an alternate recent decision where the methodology was not found wanting by the Inspectorate. In essence however, in the absence of the local plan inspector determining the actual housing requirements in the context of the local plan process later this month no-one can definitively demonstrate that there is a shortfall or otherwise. What is clear is that the levels of delivery have increased markedly from the 306 per year requirement of the adopted local plan to the 525 per year requirement of the emerging plan being more than met at present. This clearly represents the step change in delivery required by Government such that even were the agents claim to be proven (which could only happen post the LP process) it is not considered that any residual shortfall is such that it should override the NPPF policies seeking to retain a vibrant and diverse rural economy.
- 5.6 As regards the tests of E6 the Inspector who granted the initial permission clearly considered the site suitable on environmental and highway grounds for employment, the fact that the units are largely currently occupied suggests that they are fully capable of continued use for employment purposes and there are no particular planning benefits that in your officers view would outweigh the benefits of retaining the employment generating potential of the site. Indeed, by locating housing in very close proximity to the retained employment use it is likely that pressure would be put upon that occupier by residents of the new residential units in terms of complaints regarding the impact of the continued employment use upon their residential amenity such that the total loss of employment is likely to be even greater than the loss of the existing trading businesses within the site.
- 5.7 As regards the proposed housing developments Northmoor is a village that is not scheduled in either the adopted or emerging plan for housing development due to its basic lack of facilities and amenities. In developing out one of the remaining employment opportunities in the settlement and replacing this with a primarily residential scheme this is likely to worsen the

likelihood of promoting sustainable travel or employment patterns. The retention of some employment in the form of live work units is not considered likely to offset this overarching concern in that experience with other such schemes elsewhere is that the occupation of such units is usually abused very quickly by incoming residents with the facilities used as additional bedrooms or residential space rather than as employment generating floorspace. No affordable housing or contribution towards affordable housing is proposed.

- 5.8 Taking all of the above into account your officers consider that there are policy objections to the loss of the employment site and the creation of housing in its stead and that there is no compulsion given the step change in housing delivery and compliance with the 5 year land supply methodology as utilised by the District pending clarification by the LP inspector as to the exact numbers such that the NPPF principle of supporting the diverse rural economy should prevail. Refusal on this ground is therefore recommended.

Siting, Design and Form

- 5.9 The scheme has been designed in an attractive barn conversion style that would fit comfortably into the conservation area and is not considered would adversely affect the setting of the adjoining listed building. However the existing site was considered acceptable in context by the Inspector when he granted permission and as such the design and form of the new units is not considered to be a particular benefit of the scheme in terms of improving the appearance of the CA. The existing use promotes the character of the village as a working settlement rather than just a dormitory for workers to travel from. In that regard the gentrification of the village arising from the loss of the employment site could be argued to adversely impact upon its character, if not its appearance. The proposal is therefore contrary to policies BE2, H2 of the Adopted Plan and OS2 OS4 and EH7 of the Emerging Plan.

Highway

- 5.10 There are not considered to be any likely highway issues related to the re development of the site. Equally however the redevelopment is not considered likely to provide particular benefits, despite the claims advanced by the applicants agents, in that the traffic impact has been found to be acceptable when the scheme first secured permission. However the views of OCC as Highway Authority have yet to be received and so a verbal update regarding this matter may be needed at the meeting.

Residential Amenities

- 5.11 The scheme has been designed in a manner that means all the properties have reasonable amenity and outlook. There are however two issues that do fall to be considered. The first is the impact of the retained employment use upon the amenities of plot 1. Reference to the representations received by the occupier of that unit indicates his concerns at the accuracy of the plans and the impact on the future use of his unit. The applicant has tabled revised plans that now accurately show the land ownership and refutes any likely harms. Your officers would however agree with the objector that the location of the retained commercial unit to plot 1 is such that it is likely that there will be disturbance issues arising from their close proximity. This would result in either a poor standard of residential amenity or pressure to curtail the legitimate and lawful ongoing business use to try to improve matters. Additionally parts of the curtilage of plots 2 and 3 and of the access route to the complex as a whole lie in part of the zone 2 and potentially also zone 3 (most at risk) floodplain.

- 5.12 The footprint of the units has been designed so as not to increase the footprint of the development and as such the risk of flooding elsewhere will not be increased. However the NPPF seeks to apply a sequential test that steers residential development away from those areas most at risk of flooding towards areas less at risk. In moving to a residential use this is considered more vulnerable to the adverse risks of flooding than the existing use in terms of flooding potentially occurring when occupiers are asleep and less able to evacuate before the flooding occurs. The fact that part of the egress route lies within the floodplain means that it may be more problematic for emergency services to effect a rescue of stranded residents. These concerns are considered to represent further reasons why retention of the existing commercial use in favour of redevelopment for residential purposes is the preferable use of the site. The proposal is considered to be contrary to BE2 and H2 of the Adopted Plan and OS2, EH6 of the Emerging Plan.

Ecology

- 5.13 The bat survey indicates that the buildings are currently used by three species of bats, albeit not intensively although there are 2 roosts and potential for further roosts. As the buildings are to be demolished these roosts will be lost and therefore a licence would be required before works could be undertaken. To obtain a licence the three derogation tests need to be passed. These are that the works are for imperative reasons of overriding public interest, there is no satisfactory alternative and no detrimental effect. The applicants claim that the redevelopment for housing does provide a case for an imperative overriding interest and that there is no alternative and are suggesting mitigation measures.
- 5.14 These measures are such that the Councils retained ecologist indicates that with conditions to ensure the mitigation is provided that the scheme should not be precluded on ecological grounds. However retention of the buildings would not cause the damage to the bat roosts and clearly there are many alternative sites available where housing can occur without harming a protected species. Thus preserving the status quo would ensure retention of the habitat that clearly the bats are utilising. Essentially the case to cause the interim harms to the protected species has not, despite the potential for longer term mitigation been made out and this adds weight to the above mentioned concerns.

Conclusion

- 5.15 The application seeks to redevelop an existing trading employment site for residential purposes in a small village where residential development is not allowed under adopted or emerging policies. Loss of the employment use would damage the employment base of the area and could result in further pressure on retained employment use. The residential environment created would potentially be harmed by the retained employment use and whilst the scheme would enhance the appearance of the Conservation Area it would detract from the mixed character of the Conservation Area. The site is at risk of flooding and the use is more vulnerable to flooding than the extant use and bat roosts in the buildings would be lost without due cause albeit that mitigation could potentially override this harm. The claimed shortfall against the 5 year housing land supply is disputed but in any event is not considered to outweigh the above mentioned harms. The other claimed benefits of the scheme are similarly not considered sufficient to outweigh the above mentioned harms and as such refusal is recommended.

6 REASON FOR REFUSAL

- I That by reason of the loss of and pressure upon retained employment uses, the siting of houses in an unsustainable rural location where housing is generally not supported, replacing less vulnerable uses with more vulnerable uses in an area at risk of flooding and without a safe means of egress, the harm to the mixed use character of the Conservation Area at this point and the loss of roosts of protected species the scheme is considered to represent unsustainable development that is contrary in particular to policies BE2, BE5, E6 and H4 of the WOLP, policies OS2 , OS4, EH7 and H 2 of the emerging plan and the provisions of the NPPF in particular at paragraph 28.to support prosperous rural economies, at section 10 to direct development away from areas at risk of flooding and at section 12 to conserve the character of heritage assets.

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|-------------------------|---|
| Application Number | 15/03618/FUL |
| Site Address | Land North of Glebe House Broadwell Oxfordshire |
| Date | 2nd December 2015 |
| Officer | Phil Shaw |
| Officer Recommendations | Approve |
| Parish | Broadwell Parish Council |
| Grid Reference | 425238 E 203965 N |
| Committee Date | 14th December 2015 |

Application Details:

New Detached Dwelling (4 bed) and detached double garage and office over

Applicant Details:

Mr Seth Dixon
 Ramblers Cottage
 The Walk
 Main Rd
 Alvescot
 OX18 2PU
 United Kingdom

I CONSULTATIONS

I.1 Parish Council

I have consulted widely within the village, and this letter represents a near-consensus of the residents. We have strong concerns about the application on three counts.

1. The scale of the building

We understand from an email from Sarah de la Coze that the outline planning permission that has been agreed did not specify the position, design or scale of the building. The plans appear to be proposing a house similar to, or larger than, the one proposed for the tennis court at Finial House (immediately to the south of Glebe House) that recently went unsuccessfully to appeal. In the words of the adjudication refusing that appeal:

It is my assessment based on my site visit that the pattern of development is predominantly set by the open spaces between the individual buildings, so that the open countryside provides the landscape context and character of the local area with the individual dwellings set within the countryside..... I consider that the insertion of a two storey dwelling of the size and scale proposed would consolidate the extent of built form within this part of the settlement. Although there would remain gaps between adjoining developments on either side, and particularly on the northern side, it would intensify the scale and bulk of built development and as a result, significantly alter the balance between open countryside and built development to the detriment of the character and appearance of the local area.... In addition, the consolidation of built development would be clearly

visible from the rear from public rights of way across the fields. The intensification of built development would detract from the current views from the open countryside of limited and individually sited built forms and again would harmfully upset the current balance between the built development and open countryside.

We appreciate that outline planning consent has already been granted for a building under Section 106 provisions, but we feel strongly that, if any building is to be built at all on this site, it ought to be of a size and scale that would be consistent with the recent adjudication. Only a very much smaller dwelling would be acceptable. Although outline planning consent has been granted, we see no justification for using Section 106 to bypass normal planning standards for a village of this sort, as reflected in the adjudication.

2. The location of the building

The plans locate the building unreasonable closely to Glebe House, which lies immediately to the south of the land. We have seen the objection made by the owner of Glebe House, and we have every sympathy with his views. If there is to be a building of any sort on this site, it should be located as far as possible from Glebe House, and it should overlook that property as little as possible.

3. The detail of the design

At this stage it is not possible to get a sense of the detailed design of the proposed house. We feel very strongly that any building that goes ahead should conform to the Design Code of the Broadwell Village Plan, a draft of which is with WODC. The village has put a great deal of effort into the preparation of the Plan and the Design Code, and it makes no sense not to take the code into account when it is at this advanced stage. Again, the fact that outline consent has been granted under Section 106 conditions does not create any exemption from normal design standards for a village of this sort.

Finally I should add that there are considerable concerns in the village that the Section 106 conditions that were attached to the outline planning consent are not specified with enough clarity to ensure that the village pub - potentially a great asset for the area - will actually be re-opened. If any application gets full planning consent, we would like full reassurance on this count.

In summary, the majority of the village has misgivings about the scale and siting of this proposed house. If you are to agree to any building on this site, it should be on a much smaller scale, and situated less intrusively for Glebe House. We also are very keen that any design should adhere to the Neighbourhood Plan's Design Code.

- | | | |
|-----|----------------|--|
| I.2 | WODC Architect | No Comment Received. |
| I.3 | OCC Highways | No objection subject to - G36 parking as plan - G11 access specification |

1.4 WODC Drainage Engineers If full planning permission is granted, could you please attach a Surface Water Drainage condition

2 REPRESENTATIONS

2.1 The application was advertised by site notice and publicity expired 19th November. 25 representations have been received objecting to the proposal on the following grounds.

Siting and design

- Dwelling much too large for plot.
- Unclear what materials for dwelling will be.
- The houses in Broadwell are well spaced and squeezing a large modern house and garage block into the pub garden is totally out of keeping with the character of the village.
- The en-suite window from bedroom 2 would appear to look directly onto the bedroom and over the front garden, thus invading my privacy.
- The proposed design includes features (eg balcony) which are completely out of character with the rest of the village.
- The proposed dwelling appears to be some 2mts from the gable wall of Glebe House. which causes concern on account of subsidence to the existing cottage, which is set on clay.
- For a dwelling of this size, there is very little in the way of amenity areas.
- The Council refused and inspector dismissed the appeal for similar proposal at Finial House (15/00741/FUL) Clearly the same considerations apply in this case the proposal being just on the other side of Glebe House. This proposal is significantly worse in its scale, design, and building relationships than the Finial House plot proposal. Clearly this sets an important recent planning case precedent.
- It is completely out of scale for the plot and the location and will adversely impact Glebe House and, as importantly, the street scene through Broadwell which gives the village its special character.
- We have been working diligently as a community for two years to make a Neighbourhood Plan and the Design Code we have produced is the foundation for that Neighbourhood Plan. This application is in direct conflict with the community's expressed wishes in terms of design.
- The building is far too close, unnecessarily close, to that boundary. Any building should be closer to the North boundary of the plot.
- The proposed first floor terrace or balcony is unacceptably intrusive onto Glebe House property and you should insist on its removal from this or any subsequent plan.
- The plans appear to show removal of trees on the joint boundary that should be retained to provide a shield. I suggest removal is in the application only because the proposed build is too close to the boundary. Replanting is no substitute in the short and medium term.
- The building would represent a city-like eyesore in our small village, which is a real shame because visitors often stop in that part of the village to admire the red telephone box.
- I do not object to a smaller cottage on that site as we need more people in the village.
- While I would support some limited development in the village it should be appropriate in scale and design and materials.

Pub viability

- This plot was only given permission by the Council because the case officer was convinced the funds derived would revive the pub.
- I suspect the village might prefer the pub to remain closed for the time being rather than see a monstrosity such as the proposed house permitted which would ruin the village's special character forever.
- I look to the Council which has unilaterally created this problem to solve it to the satisfaction of the village. Otherwise the Council is failing in its duty to serve the interests of those it represents and who fund its existence.
- A four bed roomed house will most likely be occupied by a family with children. If we are to believe that the funds raised from the sale of this plot are to be used to re open the pub, it is simply not a suitable site for a family house. If you must allow any development here, please restrict it to a small, simple farm cottage style property of two bedrooms and no garages so that it sits neatly in the plot, off the road.
- I personally am totally against any development here. The pub could be viable if were run properly. We are surrounded by successful pubs. If any development is necessary it should be perhaps to build extra bedrooms to replace the hideous block at the back. With extra bedrooms and retaining the pub garden would undoubtedly make the pub saleable.
- Weight should be given to improving the chances of the pub, an important community asset, reopening when considering the application and any associated S.106 agreement, to ensure that the pub remains a viable unit and that the sale proceeds should be re-invested in the pub.

Other

- Another access onto the road would be additional safety problem.
- Access onto the road will also be difficult with a nursery opposite.
- question the need for a vision splay for egress from the site as this is a busy road with a pre-school operation almost opposite.
- Will the entry gate be set right on the road as shown on the drawings?
- The access to the plot does not offer good visibility of the road and will be an extra hazard to children and vehicles dropping off and collecting children from the playgroup in the building opposite.
- Were the entrance to be next to the old pub, and the garage on the south side of the plot this would be reduced as a problem.

3 APPLICANT'S CASE

3.1 Design and Access Statement conclusion:

The existing site is of substantial size and in a perfect location for a development if this size. The dwelling has been designed with the neighbouring properties in mind as to not dwarf them or disturb any existing views. The proportions of the site have designed to be in keeping with the existing villages and of materials to match. The location of the property is situated towards the rear of the site and is screened by existing and new planting, so to help the dwelling blend into the current street scene.

4 PLANNING POLICIES

BE2 General Development Standards

OS4NEW High quality design

H2 General residential development standards

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

5.1 The proposal is for a four bed dwelling and garage in the garden of The Chilli Pepper pub in the village of Broadwell. The site is not within a Conservation Area nor within the AONB. Members will recall that they favourably considered an application for the construction of a house on the site subject to the applicant first entering a legal agreement that the balance of the proceeds of the sale be re-invested in the pub in order to give it a chance to trade again (Application ref 14/0128/P/OP). Members are also advised that notwithstanding the "FUL" suffix in the current application it is confirmed that the application is a "Reserved Matters" and as such that the provisions of the extant legal agreement are triggered by this proposal.

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

Principle

Siting, Design and Form

Residential amenities

Principle

5.3 Members will recall that an initial application for a change of use of the pub to residential use was refused and dismissed at appeal. The previous business model for the pub coupled with some external factors had left the owners of the pub in considerable financial difficulties and they were unable to raise sufficient capital to seek to get the pub trading again. As such, and as an exception to the usual policies of restraint upon development applying in the village, Members agreed to a new house in the grounds of the pub on the basis that surplus funds arising from the sale of the plot were invested in the business to seek to enable the owners to trade their way out of their financial difficulties. Thus the principle of the development is already established.

5.4 A number of respondents have cited the recent appeal decision at Finial House where a refusal of consent was supported at appeal as a reason to also reject this proposal. Similarly the potential for a neighbourhood plan to emerge and gain status as part of the Development Plan have been put forward as reasons to reject this application. However the pre existence of the outline planning permission and additionally lack of legal status of the potential Neighbourhood Plan means that these are not matters that can properly override a valid extant planning permission. The principle is thus established and it is only the details that can properly be considered as part of the assessment of this application.

Siting, Design and Form

- 5.5 This along with detailed matters of neighbourliness and access are the key matters to be addressed in assessing the merits of a Reserved Matters application. In that regard the applicants architect has created a bespoke design that seeks to complement the existing built form context and given the extent of concerns expressed by third parties your officers intend to make extensive use of the submitted plans as part of the presentation to committee. In its detail the front elevation as it addresses the street is very traditional in form. It will be constructed of natural stone under a traditional pitched roof. There is a gable feature that reflects the prominent use of gabled forms elsewhere in the village and the height of the structure has been reduced by utilising some of the roof space to accommodate the first floor accommodation. Traditional dormers and stone or wooden lintels are to be employed and the fenestration utilises balanced casements. The building is 4m to eaves and 7.5 m to ridge which is lower than most conventional two storey dwellings and very similar to the immediately adjoining neighbouring buildings.
- 5.6 The rear elevation is more modern in form to take advantage of the open aspect and attractive views to the rear of the site. Two small balconies are proposed but the main feature is a much more extensive use of glazing than the traditionally designed front elevation. In that there are no significant vantage points where the more modern form can be viewed at close quarters (and because it is considered to have been well handled in its own right) your officers are satisfied that this more modern approach will not cause any material planning harms.
- 5.7 Parking is to be provided in a separate garage building which takes the form of a self contained wooden structure located closer the road and perpendicular to it. A small storage room is provided at first floor level. Whilst the detail of the garage door needs improvement this can be addressed by condition. The existing frontage wall will be retained other than where required to be rebuilt to achieve a safe access and further replanting along with retention of key trees is proposed. Although several representations have expressed concern at a new access opposite the pre school, the County Council as Highway Authority have commented on the proposal and have raised no objection subject to conditions and in any event the access was agreed in principle as part of the determination of the outline application.
- 5.8 Given that in planning terms the site is relatively unconstrained (ie not CA, AONB etc) your officers would commend the applicant on the considered approach to providing a new dwelling and furthermore consider that the scheme will be an attractive and appropriate addition to the streetscene which, given the degree of set back from the highway, the retention/replacement of the wall, the retention and bolstering of the planting and the low slung traditional form will very easily be assimilated into the streetscene.

Residential Amenities

- 5.9 The adjoining occupier has raised a series of issues regarding privacy and a number of other respondents have written in support of his concerns. However a detailed analysis of the proposals shows that the site lies to the north of the complainants property and as such no overshadowing can occur. There are no windows in the gable end of the neighbour and the first floor windows that face towards his house serve bathrooms and as such will be obscure glazed. In that the proposed house sits slightly forward of the objectors house potential overlooking of the property itself will not be physically possible and only a very small area of the front garden could be overlooked at all. In that the objector enjoys a substantial curtilage within which

overlooking will be possible (and mindful that there is a right to 'reasonable' privacy rather than 'absolute' privacy) the extent of overlooking is not such as could justify refusal.

- 5.10 Matters such as subsidence and maintenance have also been raised but these are essentially civil issues between the parties that the planning system is not empowered to deal with. The applicant is aware of them and intends to ensure that problems do not arise but this is not a matter relevant to the planning merits.

Conclusion

- 5.11 In light of the above it will be noted that the scheme as submitted is considered acceptable on its merits. However in light of the extent of concern expressed by the neighbour and with the assistance of the Leader and local member officers suggested that a meeting be held between the case officer, the applicants, the PC and the objector to ascertain if the scheme could be refined to seek to address some or all of the issues raised by agreement.
- 5.12 It is understood that amendments have now been agreed by the applicants involving moving the house further away from the neighbour and reducing the size of one of the rear balconies. Whilst plans reflecting these changes have not at the time of agenda preparation been received your officers are satisfied that they can be absorbed as part of the current proposals as the only person marginally affected by relocation is the vendor of the plot who will be party to the decision as to whether to allow the development to proceed by completing or otherwise the sale of the land. Thus subject to the amended plans remaining acceptable the application is recommended for conditional approval.

6 CONDITIONS

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 14/0128/P/OP, or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on *****.
REASON: The application details have been amended by the submission of revised details.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no alterations, extensions or garden buildings, other than those expressly authorised by this permission, shall be constructed without the prior written consent of the LPA.
REASON: Control is needed to ensure that the amenities of neighbours are protected.
- 4 Before first occupation of the building/extension hereby permitted the window(s) in the south elevation (E02) shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

- 5 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 6 The walls of the proposed building shall be laid and pointed with 'bagged' joints unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that a traditional practice of the area is carried out in the interests of the finished appearance of the building.
- 7 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 8 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 9 Notwithstanding the submitted details the garage doors shall be constructed of vertical boarded dark stained timber and retained in that finish unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the character and appearance of the area.
- 10 All new external joinery shall be painted white, cream or Burford Green and shall thereafter be retained in that colour.
REASON: To safeguard the character and appearance of the area.
- 11 Before development commences, details of the provision of boxes for shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed as approved before first use or occupation of the building and so retained thereafter.
REASON: To safeguard and enhance biodiversity during development and thereafter.
- 12 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
REASON: In the interest of improving connectivity in rural areas.

- 13 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include replanting of frontage trees and boundary trees and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 14 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the building(s) is occupied.
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.
- 15 The garage accommodation and first floor space above it hereby approved shall be used for the parking of vehicles or other purposes strictly ancillary to the residential occupation of the dwelling and for no other purposes.
REASON: In the interest of road safety and convenience, safeguarding the character and appearance of the area and for the avoidance of doubt.
- 16 Notwithstanding details contained in the application, detailed specifications and drawings of all dormers, windows, screens, doors and balconies 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 that architectural feature is commissioned/erected on site. 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

You are reminded of the terms of the conditions on the outline consent that also require to be adhered to and of the parallel legal agreement

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| Application Number | I5/03798/FUL |
| Site Address | Chequers Inn 47 Corn Street Witney Oxfordshire OX28 6BT |
| Date | 2nd December 2015 |
| Officer | Sarah De La Coze |
| Officer Recommendations | Refuse |
| Parish | Witney Parish Council |
| Grid Reference | 435372 E 209561 N |
| Committee Date | 14th December 2015 |

Application Details:

Proposed single storey rear kitchen extension. New flat roof with timber deck to rear to form external rooftop dining area.

Applicant Details:

Mr Nigel Moore
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ
United Kingdom

I CONSULTATIONS

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|-----|-------------------------------|---|
| I.1 | Town Council | No objection |
| I.2 | WODC Building Control Manager | No Comment Received. |
| I.3 | WODC Architect | I have significant misgivings about these proposals. The Chequers itself is C17 and C19, Listed and within the CA. The rear features a typical accumulation of historical extensions, C19 then C20 etc. While the 2nd (shallow duopitch) and 3rd (shallow monopitch) rear extensions are not of special merit, the stepping down of chronological additions with a continuous flanking wall line is nonetheless distinctive and locally characteristic. The small rear open courtyard is also distinctive and characteristic. |

The application proposes replacing most of the 3rd (monopitch) roof with a deck that would extend to 'roof' (and thus conceal) the courtyard, making this an internal space. Allied to this, the proposal to add a single storey side extension and timber-clad bin store is, again, fundamentally unsympathetic to the established form of the extensions (further obscuring their form) and to the character of the LB. On balance, I believe the proposal would be clearly harmful to the LB and its setting.

- 1.4 WODC Env Health - Lowlands The above application is want of consideration for what I would assume will be a new commercial kitchen extract. I am intrigued to learn more about the design and specification. And the means by which noise and odour emissions are to be managed at the extract.
- The applicants are likely to need a variation to their licence if the planning permission is granted.

2 REPRESENTATIONS

- 2.1 One letter of objection has been received from Mr Taylor from 43 Corn Street and has two main objections:
- 1) Is that the pub holds a late licence - does this extend to the deck area as if so, it will be a noise nuisance and very disruptive to all of us around the development, especially if live sports matches are shown on this decking area in the summer. This rear development is in a highly populated area.
 - 2) Is the increase in diners - the establishment already leaves all of it's bins on the main road, 6 in total, all the time and I don't think the proposed bin area is large enough and it must be made a condition of planning approval that it is used and the bins are only put out on the street on collection day. There is no pavement or verge and this is already in a narrow pinch point of the road and more bins would make it dangerous.

3 APPLICANT'S CASE

- 3.1 The application includes a design and access statement which states:

Use

It is intended to retain the site use as a public house and to create a new kitchen extension and a new rooftop dining area.

Amount

It is proposed to retain all existing buildings and to create a new 9sq.m kitchen extension and a new 67 sq.m rooftop dining area above the existing kitchen and existing open yard. The roof structure proposed for demolition is a low pitched corrugated fibre cement roof covered on timber cut roof, this single storey structure is a twentieth century addition with no significance.

Layout

The new kitchen extension is proposed in the existing yard / beer garden, the proposed rooftop dining area to be over the existing kitchen and yard / beer garden as attached plans.

Scale

The new kitchen extension is to be a flat roof single storey extension, the rooftop dining area will be over the existing and proposed flat roof areas with 1100mm height upstands to the

perimeter to semi enclose the use. Both the proposals will be subservient to the existing structures on site in scale and height.

Landscaping

The ground floor external areas will remain stone flagged, the rooftop dining area to be timber decking.

Appearance

The kitchen extension will be constructed in cavity construction with stone facings to match and with sympathetic detailing. The rooftop dining area will be a timber deck on a steel frame where freestanding and constructed over existing & new masonry extensions. The perimeter formed in 1500mm height timber framing faced with stain finished shiplap boarding.

Access

Access to the rear of the site will remain via a new single timber gate with a proposed new refuse store accessed via a timber double gate.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE19 Noise

E7 Existing Businesses

OS4NEW High quality design

EH7NEW Historic Environment

EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

5.1 The application relates to an existing pub and restaurant located in Corn Street. The application seeks planning permission for the erection of a single storey extension to the kitchen and new flat roof timber deck to the rear to form a rooftop dining area. The building is Grade II Listed and is located within Witney and Cogges Conservation Area.

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

Impact on the Conservation Area and Listed Building

Impact on Neighbouring Amenity

Impact on the Conservation Area and Listed Building

- 5.3 The application site currently comprises a smoke house pub and restaurant. The site is located in Corn Street. The rear of the site backs on to The Crofts which is a mainly residential street.
- 5.4 The kitchen extension and proposed decked area is located to the rear of the site. The site currently benefits from a boundary wall and a double access gate. The single storey extension to the kitchen would feature a flat roof which would then be incorporated in to the decked area. Whilst the extension to the kitchen would feature screening from the existing boundary, the decked area would be highly visible from The Crofts.
- 5.5 Policy BE5 states that Conservation Areas must be preserved or enhanced. Policy BE7 refers to the alteration to a Listed Building which further states that any addition or alterations shall be in scale and sympathy with the original character of the building.
- 5.6 The rear elevation of the building will be highly visible from the street scene; in addition the use of the space as a seating area would further increase its presence within the area. The rear of the building when viewed from The Crofts benefits for a low key, unassuming rear pattern of development which creates a separation from the built up commercial aspect of Corn Street and the residential appearance of the properties located along The Crofts. Officers are of the opinion that the decked seating area will appear as an incongruous addition to this rear pattern of development and character and would therefore fail to preserve or enhance this part of the conservation area.
- 5.7 The rear elevation of the building features a typical accumulation of historic extensions. The rear extensions are not of special merit in their own right, but the stepping down of chronological additions with a continuous flanking wall line is nonetheless considered distinctive and locally characteristic. The small rear open courtyard is also distinctive and characteristic and forms part of the setting of the listed building. The roof top decking would obscurely the rear elevation of the main building as well as the original form and pattern of the building. Officers are of the opinion that the extension to the building would not be a sympathetic addition and would fail to preserve or enhance the existing the listed building and is therefore unacceptable.

Impact on Neighbouring Amenity

- 5.8 Policy BE19 of the adopted West Oxfordshire Council refers to noise sensitive developments. The supporting paragraphs state that wherever possible, significant and intrusive sources of noise should be kept away from property and areas sensitive to noise.
- 5.9 The raised decked area would provide outside seating in an area, which currently only benefits from a small courtyard. Officers are of the opinion that the combination of the proximity to neighbouring properties and the raised position of the seating area would bring with it an increased level of outside noise. The elevated position and size of the decking proposed is considered to further exacerbate the potential for noise. Officers are therefore of the opinion that the introduction of a raised outside seating area would have an adverse impact on the amenity of neighbouring properties by reason of the increased level of noise and is therefore considered unacceptable in this position.

- 5.10 Environmental Health has commented on the arrangements for the extraction system. The applicants agent confirmed that there would be no change in the extraction requirement given that the cooking arrangements are not changing. The plans show that an extraction area would feature in the decking to accommodate the smoker, if the application were found to be acceptable further information relating to this arrangement would be required.

Conclusion

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

6 REASONS FOR REFUSAL

- 1 The creation of a decked seating area at first floor level would obscure the existing roof form and rear elevation of the main building, creating an incongruous addition to the street scene which would by reason of its position, size and appearance fail to preserve or enhance the listed building and conservation area. The proposal is therefore contrary to policies BE2 and BE5, BE7 of the West Oxfordshire Local Plan 2011, policies OS4 and EH7 of the emerging West Oxfordshire Local Plan 2031, the relevant pages of the of the NPPF and West Oxfordshire Design Guide.
- 2 By reason of the combined height and proximity to neighbouring properties, the raised decking area is considered to have an unacceptable impact on the amenity of neighbouring properties due to the increased level of noise the development is likely to create. The proposal is therefore contrary to policies BE19 and BE2 of the West Oxfordshire Local Plan, policies EH6 and OS4 of the emerging West Oxfordshire Local Plan 2031.

| | |
|-------------------------|---|
| Application Number | I5/03899/LBC |
| Site Address | Chequers Inn 47 Corn Street Witney Oxfordshire OX28 6BT |
| Date | 2nd December 2015 |
| Officer | Sarah De La Coze |
| Officer Recommendations | Refuse |
| Parish | Witney Parish Council |
| Grid Reference | 435372 E 209561 N |
| Committee Date | 14th December 2015 |

Application Details:

Proposed single storey rear kitchen extension. New flat roof with timber deck to rear to form external rooftop dining area.

Applicant Details:

Mr Nigel Moore
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ
United Kingdom

I CONSULTATIONS

- I.1 WODC Architect
- I have significant misgivings about these proposals. The Chequers itself is C17 and C19, Listed and within the CA. The rear features a typical accumulation of historical extensions, C19 then C20 etc. While the 2nd (shallow duopitch) and 3rd (shallow monopitch) rear extensions are not of special merit, the stepping down of chronological additions with a continuous flanking wall line is nonetheless distinctive and locally characteristic. The small rear open courtyard is also distinctive and characteristic.
- The application proposes replacing most of the 3rd (monopitch) roof with a deck that would extend to 'roof' (and thus conceal) the courtyard, making this an internal space. Allied to this, the proposal to add a single storey side extension and timber-clad bin store is, again, fundamentally unsympathetic to the established form of the extensions (further obscuring their form) and to the character of the LB. On balance, I believe the proposal would be clearly harmful to the LB and its setting.
- I.2 Town Council
- Witney Town Council has no objection to this application on the condition that the materials used are in keeping with the existing building.

2 REPRESENTATIONS

No comments have been received relating to the listed building consent.

3 APPLICANT'S CASE

The application includes a design and access statement which states:

Use

It is intended to retain the site use as a public house and to create a new kitchen extension and a new rooftop dining area.

Amount

It is proposed to retain all existing buildings and to create a new 9sq.m kitchen extension and a new 67 sq.m rooftop dining area above the existing kitchen and existing open yard. The roof structure proposed for demolition is a low pitched corrugated fibre cement roof covered on timber cut roof, this single storey structure is a twentieth century addition with no significance.

Layout

The new kitchen extension is proposed in the existing yard / beer garden, the proposed rooftop dining area to be over the existing kitchen and yard / beer garden as attached plans.

Scale

The new kitchen extension is to be a flat roof single storey extension, the rooftop dining area will be over the existing and proposed flat roof areas with 1100mm height upstands to the perimeter to semi enclose the use. Both the proposals will be subservient to the existing structures on site in scale and height.

Landscaping

The ground floor external areas will remain stone flagged, the rooftop dining area to be timber decking.

Appearance

The kitchen extension will be constructed in cavity construction with stone facings to match and with sympathetic detailing. The rooftop dining area will be a timber deck on a steel frame where freestanding and constructed over existing & new masonry extensions. The perimeter formed in 1500mm height timber framing faced with stain finished shiplap boarding.

Access

Access to the rear of the site will remain via a new single timber gate with a proposed new refuse store accessed via a timber double gate.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

OS4NEW High quality design

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

5.1 The application relates to an existing pub and restaurant located in Corn Street. The application seeks listed building consent for the erection of a single storey extension to the kitchen and new flat roof timber deck to the rear to form a rooftop dining area. The building is Grade II Listed and is located within Witney and Cogges Conservation Area.

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

Impact on the Conservation Area and Listed Building

Impact on the Conservation Area and Listed Building

5.3 The application site currently comprises a smoke house pub and restaurant. The site is located in Corn Street. The rear of the site backs on to The Crofts which is a mainly residential street.

5.4 The kitchen extension and proposed decked area is located to the rear of the site. The site currently benefits from a boundary wall and a double access gate. The single storey extension to the kitchen would feature a flat roof which would then be incorporated in to the decked area. Whilst the extension to the kitchen would feature screening from the existing boundary, the decked area would be highly visible from The Crofts.

5.5 Policy BE5 states that Conservation Areas must be preserved or enhanced. Policy BE7 refers to the alteration to a Listed Building which further states that any addition or alterations shall be in scale and sympathy with the original character of the building.

5.6 The rear elevation of the building will be highly visible from the street scene; in addition the use of the space as a seating area would further increase its presence within the area. The rear of the building when viewed from The Crofts benefits for a low key, unassuming rear pattern of development which creates a separation from the built up commercial aspect of Corn Street and the residential appearance of the properties located along The Crofts. Officers are of the opinion that the decked seating area will appear as an incongruous addition to this rear pattern of development and character and would therefore fail to preserve or enhance this part of the conservation area.

5.7 The rear elevation of the building features a typical accumulation of historic extensions. The rear extensions are not of special merit in their own right, but the stepping down of chronological additions with a continuous flanking wall line is nonetheless considered distinctive and locally characteristic. The small rear open courtyard is also distinctive and characteristic and

forms part of the setting of the listed building. The roof top decking would obscure the rear elevation of the main building as well as the original form and pattern of the building. Officers are of the opinion that the extension to the building would not be a sympathetic addition and would fail to preserve or enhance the existing the listed building and is therefore unacceptable.

Conclusion

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

6 REASON FOR REFUSAL

- 1 The creation of a decked seating area at first floor level would obscure the existing roof form and rear elevation of the main building, creating an incongruous addition to the street scene which would by reason of its position, size and appearance fail to preserve or enhance the listed building and conservation area. The proposal is therefore contrary to policies BE2 and BE5, BE7 of the West Oxfordshire Local Plan 2011, policies OS4 and EH7 of the emerging West Oxfordshire Local Plan 2031, the relevant pages of the of the NPPF and West Oxfordshire Design Guide.

| | |
|-------------------------|---|
| Application Number | 15/03919/FUL |
| Site Address | The Old Bull Inn Filkins Lechlade Oxfordshire GL7 3HU |
| Date | 2nd December 2015 |
| Officer | Kim Smith |
| Officer Recommendations | Refuse |
| Parish | Filkins and Broughton Poggs Parish Council |
| Grid Reference | 423879 E 204287 N |
| Committee Date | 14th December 2015 |

Application Details:

Conversion of The Old Bakery and The Old Forge to create two dwellings.

Applicant Details:

Philippa Mace
Manor Farm
Burford Road
Lechlade
Gloucestershire
GL7 3EX

I CONSULTATIONS

- I.1 OCC Highways No reply at the time of writing.
- I.2 Ecologist The submitted ecology report Preliminary Bat & Barn Owl Survey (4 Acre ecology Ltd 29th October 15) found no evidence of bats or barn owls within the buildings. However, they could provide potential for crevice dwelling bats in the future if the following recommendations in section 7 of the report is followed. In addition, the report recommends that works for vegetation removal is outside of the main bird breeding season and four bird boxes are recommended in order to provide provision for birds in the future.

If all the recommended mitigations are implemented, the development will not cause any harm to bats or birds, and therefore the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the NPPG are met.

Ideally the enhancements should be marked on the drawing plans submitted.

Habitat Reg tests required: NO

No objection subject to conditions

Draft conditions: All of the development works must be carried out as per the recommendations in section 7 of the Preliminary Bat & Barn Owl Survey (4 Acre ecology Ltd 29th October 15). All mitigation & enhancement works must be completed before the old forge and the old bakery are first brought into use as dwellings and all mitigation must be permanently maintained thereafter.

REASON:

To ensure that birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- | | | |
|-----|-------------------------|---|
| 1.3 | WODC Drainage Engineers | No reply at the time of writing. |
| 1.4 | WODC Architect | Comments have been received that the glazed front extensions are inappropriate additions. |
| 1.5 | Parish Council | We object to the use of roofing materials. We consider that all roofing materials should consist of reconstructed stone tiles, preferably diminished courses. The application form proposes the use only of tiles but the proposed elevations of the forge show part in corrugated sheeting. The roofing materials should match all of the surrounding buildings. |

2 REPRESENTATIONS

- 2.1 No representations received at the time of writing.

3 APPLICANT'S CASE

- 3.1 The Design and Access statement submitted with the application advises in a precised form as follows:
- 3.2 The proposal is to convert "The Bakery" and "The Forge" into two single dwellings. The buildings are surrounded by a number of cottages of a similar style with the Old Bull facing out onto the main road of Filkins, a conservation area since November 1986. The access road goes alongside this main building and into a communal area which has been used for access to the forge whilst it was in use.
- 3.3 Pre application advice was generally supportive of the proposals subject to the conversions being part of a single planning unit.
- 3.4 The proposed use of both buildings is to convert these historically commercial buildings into family dwellings. The Old Bull will be occupied by the applicant and the intention is that the

conversions will be let to family or friends, not advertised for rental on the open market. This proposal has been discussed during consultation due to concerns regarding the amenity of the old bull and the effects of pedestrians and traffic movement in and around the site. Under advice from the planning officer we have applied for a change of use but retained the single planning unit to keep any disruption to a minimum. As well as this, the general principal of their conversion has been supported so as to enhance the historic context in which they sit.

- 3.5 Conversion to two small detached dwellings would be most suitable for a couple or small family.
- 3.6 The proposed alterations and extensions are sympathetic in scale and layout to their surroundings.
- 3.7 The changes proposed will retain and express the buildings character and use similar features to those existing on site as well as in the surrounding village.
- 3.8 A structural engineers assessment has been submitted with the application.
- 3.9 Of all potential uses the conversion to residential will result in the lowest traffic and pedestrian movements to and from the site, ensuring the highest level of amenity for the occupants of the Old Bull.
- 3.10 The Parking will be provided by extending a gravel parking area.
- 3.11 There are no signs of protected species within the buildings.
- 3.12 It should be noted that were the forge and bakery to resume their recent use as commercial buildings the vehicle movements to and from the site would be far in excess of those associated with residential use. When operational the forge received all deliveries and customers via the access we propose to use.

4 PLANNING POLICIES

H5 Villages

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

NE15 Protected Species

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH2NEW Biodiversity

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

- 5.1 This application proposes the conversion of two outbuildings located to the rear of 'The Old Bull Inn' into two, two bed dwellings. According to the application the buildings have historically

been used for commercial purposes as a forge and a bakery. The application states that the conversions will be let to family and friends and not advertised for rental on the open market. Further that the uses will be retained as a single planning unit to keep any disruption to a minimum.

- 5.2 The Old Bull Inn is a Grade II listed building.

Background Information

- 5.3 There is no planning history in respect of the outbuildings the subject of this application.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principal

Design

Impact on the character and appearance of the Conservation Area and the setting of the Grade II listed buildings

Impact on the residential amenity of existing and future occupiers

Highways

Ecology

Principle

- 5.5 The most relevant policy of the adopted West Oxfordshire Local Plan in respect of the principle of redeveloping the units for residential purposes is policy H5 which allows for 'conversion' of appropriate existing buildings to dwellings within the village. This needs to be read alongside paragraphs of the NPPF and guidance in the NPG in respect of non listed heritage assets. In this regard, officers are supportive of the principle of the retention and conversion of these two little back land buildings which are considered to make a contribution to the historic context of this part of the settlement and the setting of the listed dwellings which front the highway.

Design Issues

- 5.6 In terms of the proposed remodelling and extension of the buildings your officers consider as follows:

In respect of the proposals for 'The Bakery', the new duo-pitch roof is considered more characteristic than the existing mono pitch, and may well replicate an earlier form. Whilst under policy H5 extensions to the existing building would have been resisted. Guidance in the NPPF allows for consideration to be given to some remodelling of the building in the interests of putting them to viable uses consistent with their conservation. In this regard the small extension that is proposed is considered relatively innocuous and as such can be supported at officer level.

Similarly the basic form of 'The Forge' is to be retained with joinery to existing openings and a small gable end extension. These elements of the proposals, for the conservation of the building, are considered acceptable. However, the proposed glazed lean-to front extensions are considered inappropriate and overly domestic, in terms of both the design and materials, failing to respect the character and appearance of the former forge building.

Impact on the character and appearance of the Conservation Area and the setting of the Grade II listed buildings

- 5.7 The principal of the conversion and refurbishment of the outbuildings has in your officers opinion the potential to both enhance the visual character and appearance of the Conservation Area and improve the setting of the listed buildings which front the site. However, given the design concerns in respect of the proposals for the forge building the application as submitted fails to achieve these policy objectives.

Residential Amenity

- 5.8 Whilst it is appreciated that the proposed conversions will be in the control and ownership of the occupiers of 'The Old Bull', they have the potential to be occupied separately by third parties not related to the family. Bearing this in mind and given the backland nature of the development proposals, officers have concerns that the rear outlook of the main dwelling on the site and the main outlook of the 'Old Bakery' building will be adversely affected by the pedestrian and traffic movements associated with comings and goings related to the residential conversions. Bearing this in mind, the proposal as submitted is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 and OS2 and H2 of the emerging Local Plan 2031.
- 5.9 The residential amenity of other properties surrounding the site needs to be considered in respect of the development proposals, in particular 'Horseshoe House, 'Muffities, 2 Hazells Lane and 1-6 The Gassons.
- 5.10 In this regard, by reason of the detailed design and siting, your officers have no concerns in respect of any overshadowing, overbearing or overlooking issues as a result of the remodelling/conversion of the buildings. Any issues arising can be dealt with by the imposition of planning conditions to ensure that unneighbourly relationships do not result from the proposals.

Highways

- 5.11 At the time of writing officers have not had a formal response from OCC Highways but are concerned that the access arrangements to serve the new units, given the close proximity of 'The Bakery' building, to the main house may be problematic. The application advises that historically this access has been used when the buildings, that are the subject of the application, were in use for commercial purposes and as such that the traffic generation is far less given the non commercial use of the buildings.
- 5.12 Your officers will update Members at the meeting of OCC Highways comments.

Ecology

- 5.13 There are no objections on ecological grounds.

Conclusion

- 5.14 To conclude, whilst officers consider that re-use of the buildings for ancillary occupation in association with 'The Old Bull' may have some merit, this application is for more than just

ancillary occupation in that it proposes occupation by third parties unrelated to the occupiers of the existing dwelling. Additionally, the site is clearly shown to be sub divided with enclosures to provide separate amenity areas and parking areas to serve the conversions. In light of these factors, officers are of the opinion that given the backland location of the buildings and the close proximity to each other, that the conversion to dwellings will result in a poor level of amenity to the occupiers of the existing house and the future occupiers of 'The Bakery' building. As such the proposal is considered contrary to policies H2 and BE2 of the adopted Local Plan, OS2 and H2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

- 5.15 In addition, the proposed glazed extensions to the front of 'The Forge' building fail to respect the architectural character, form and appearance of the host building and appear incongruous features within the context of the Conservation Area and the setting of the nearby Grade II listed dwellings. Bearing this in mind the application is considered contrary to policies BE2, H2, BE5 and BE8 of the adopted West Oxfordshire Local Plan, OS4 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.
- 5.16 Whilst officers recognise that the refurbishment of these buildings for re-use is generally supported in policy terms both at local and national level, the harms in respect of this detailed proposal that are identified above, are considered to outweigh the benefits of bringing the buildings back into use.
- 5.17 At the time of writing this report the views of OCC Highways are not known.

6 REASONS FOR REFUSAL

- 1 Given the backland location of the buildings and the close proximity to each other, the conversion to two dwellings will result in a poor level of amenity to the occupiers of the existing house and the future occupiers of 'The Bakery' building by way of vehicular and pedestrian activity in close proximity to main living room windows and the amenity areas serving those dwellings. As such the proposal is considered contrary to policies H2 and BE2 of the adopted Local Plan, OS2 and H2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.
- 2 The proposed glazed extensions to the front of 'The Forge' building fail to respect the architectural character, form and appearance of the host building and appear incongruous features within the context of the Conservation Area and the setting of the nearby Grade II listed dwellings. Bearing this in mind, the application is considered contrary to policies BE2, H2, BE5 and BE8 of the adopted West Oxfordshire Local Plan, OS4 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

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| Application Number | I5/03983/HHD |
| Site Address | 78 Richens Drive Carterton Oxfordshire OX18 3XP |
| Date | 2nd December 2015 |
| Officer | Miranda Clark |
| Officer Recommendations | Approve |
| Parish | Carterton Parish Council |
| Grid Reference | 427350 E 206794 N |
| Committee Date | 14th December 2015 |

Application Details:

Alterations to front elevation to create new access.

Applicant Details:

Mr Thomas Fellows
78 Richens Drive
Carterton
Oxfordshire
OX18 3XP

1 CONSULTATIONS

1.1 Town Council No objection

2 REPRESENTATIONS

2.1 No comments received at the time of writing.

3 APPLICANT'S CASE

A Statement has been submitted as part of the application. It has been briefly summarised as:

The proposal is required for a wheelchair user. The only access is the front door off the Communal Entrance and stairwell which does not lend itself to being widened. Access within and around the property is difficult but we can achieve more access by internally removing part walls and frames. The main point that needs addressing is access and egress from the building. The storey height window off the lounge lends itself to being removed, and the installation of new french doors and the removal of the bedroom window to facilitate a new door and window set would help the occupant, and in case of emergency gaining a means of escape from the bedroom.

Access will not be affected.

4 PLANNING POLICIES

BE2 General Development Standards
H2 General residential development standards

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

5 PLANNING ASSESSMENT

- 5.1 The application is to be heard before the Committee as a member of WODC staff has submitted the application on behalf of the applicant.

Background Information

- 5.2 The proposal is required to create wider accesses for a wheel chair user. As the property is a flat, permitted development rights do not apply and as such planning permission is required. The proposal comprises of changing a window to a window and door set, and changing a larger window to a set of double doors and side lights to the front elevation.

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

Principle

- 5.4 The flat is located within a block of similar development along Richens Drive in Carterton. It is a mature residential area and the flats are of a modern design. Officers consider that changing the fenestration to the front elevation is acceptable in principle.

Siting, Design and Form

- 5.5 The design and materials of the windows and doors will match the existing. Although the changes are to the front elevation of the flats, which is adjacent to the highway, officers do not consider that the proposal will have a detrimental impact to the visual amenity and character of the streetscene.

Highway

- 5.6 Officers consider that the development would not adversely affect highway safety issues.

Residential Amenities

- 5.7 Due to the nature of the works, officers consider that the proposals will not adversely affect the residential amenities of adjacent occupiers of the flats or to the properties opposite the site, in terms of loss of privacy.

Conclusion

- 5.8 Officers consider that the proposals will result in a more suitable access for the occupant. The development is not considered to have an adverse impact to the visual amenity of the streetscene or to the residential amenities of adjacent and surrounding properties. As such officers consider that the proposal complies with the relevant policies as stated above and is recommended for approval with the following conditions.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

| | |
|-------------------------|--|
| Application Number | 15/04042/S73 |
| Site Address | Morrisons 20 Black Bourton Road Carterton Oxfordshire OX18 3HA |
| Date | 2nd December 2015 |
| Officer | Phil Shaw |
| Officer Recommendations | Refuse |
| Parish | Carterton Parish Council |
| Grid Reference | 428091 E 206614 N |
| Committee Date | 14th December 2015 |

Application Details:

Non-compliance with condition 1 of planning permission 14/0498/P/S73 to allow deliveries of stock to or from the store, or handling of stock outside, between the hours of 0500 and midnight Monday to Sat, and 0700 - 2300 hours on Sundays and bank holidays.

Applicant Details:

W M Morrison Supermarkets Plc
Hilmore House
Gain Lane
Bradford
West Yorkshire
BD3 7DL

I CONSULTATIONS

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| 1.1 | OCC Highways | The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network. No objection |
| 1.2 | WODC Env Health - Lowlands | Apart for the Acoustic report there is no new information from the previous application earlier this year. Although the Acoustic Report indicates that the extra hour should not cause a noise problem, I have reservations as I cannot find information pertaining to how many extra deliveries they want in the hour between 5 and 6am. More disturbance could be caused to residents nearby during this hour as it is a period of light sleep when disruption is more likely. |
| 1.3 | Town Council | No comments from Carterton Town Council to date, however the consultation period expires 9.12.15 |

2 REPRESENTATIONS

- 2.1 No representations received to date. Publicity expires 9th December so any correspondence received will be included in the additional representations report circulated prior to the meeting.

3 APPLICANT'S CASE

- 3.1 The following documents have been submitted in support of the application.

Acoustic report conclusions

- 3.2 Morrisons is seeking to extend the permitted delivery hours at the store at Carterton. The proposal is to seek deliveries from 0500 to 2300 hours Monday to Saturdays; Sunday delivery hours are not sought to be changed. This assessment focuses on the additional hour in that deliveries are sought between 0500 to 0600 hours.
- 3.3 Assessments of delivery activity noise have been undertaken in accordance with BS 4142:2014, guideline noise values (such as those presented by the WHO/BS 8233:2014), and the existing ambient noise climate. When considering context this technical report demonstrates that the proposal to extend delivery hours will comply with the requirements of national planning policy to avoid significant adverse impact.

Planning statement conclusion

The analysis set out at Section 4 above demonstrates that:

- (a) the proposed variation of Condition I attached to planning permission ref: I4/0498/P/S73 will not have any adverse impact on the amenity of the residents along the nearby Black Bourton road; and
- (b) the variation of Condition I has a number of benefits in respect of the three dimensions that form sustainable development and can therefore be classed as sustainable development.
- 3.4 As such it can be concluded in relation to relevant planning policy that the proposal is compliant with the provisions of the Policies BE19 and EH6 in the adopted West Oxfordshire Local Plan (2011) and the emerging West Oxfordshire Local Plan 2011-2031.
- 3.5 In addition, the proposal is consistent with national planning policy contained in the NPPF and Planning Practice Guidance (Noise) and the Noise Policy Statement England.
- 3.6 Accordingly, with the above in mind, it is respectfully requested that as stipulated at paragraph 14 of the NPPF, the application to vary Condition I from planning permission ref: I4/0498/P/S73 is approved without delay.

4 PLANNING POLICIES

BE2 General Development Standards
BE19 Noise
OS4NEW High quality design

EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks to extend the hours for servicing the store by a further hour in the mornings to commence at 0500 rather than 0600 as currently permitted. The original hours were as requested by Morrisons when the store first gained consent and there have been subsequent applications to extend the hours, some of which have been approved and some refused. The last application (15/02818/S73) was withdrawn in September of this year as it was recommended for refusal on the grounds that insufficient information had been submitted to sufficiently assess the impact of noise from the increased hours on residential amenities.
- 5.2 Therefore, taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Noise

Residential amenities

Noise and Residential Amenities

- 5.3 In balancing the impact, the fact that the store was originally given the hours that it requested and has subsequently been allowed to extend those hours to 18 out of 24 with a view to easing any operational concerns is a material consideration. Since that easing of the hours, the flats that immediately adjoin the service yard have been occupied. The additional deliveries between 5 am and 6 am will occur when people are more prone to disturbance. Furthermore, no information have been provided regarding the number of deliveries expected at this hour.
- 5.4 Morrisons assert that the additional flexibility that the additional morning hour would give them would ease operational issues and help them stagger the use of the service yard thereby ensuring a more efficient delivery system. However when they sought consent they were happy to suggest that they could operate with some restrictions on the hours and the Council has agreed to vary those hours with a view to assisting their operation. They also insist that the possible increase in noise should not be considered in isolation from the economic benefits of the development, however it is not considered the one hour increase will substantially impact the viability of the store.
- 5.5 Your Environmental Health Officers are still concerned that the start at 5 am has not been fully justified and that the impacts on neighbours, when background noise levels will be particularly low, could give rise to unreasonable living conditions for those living adjoining the store or whom are sited upon the route to it.
- 5.6 Therefore officers consider that this increase in delivery hours would be harmful to residential amenities.

Conclusion

- 5.7 The proposal to increase delivery times from 5 am-11pm Monday to Saturday is considered to be harmful to residential amenities due to increased noise and disturbance and is contrary to Adopted Plan policies BE2 and BE19 and Emerging Plan Policies OS4 and EH6 and is therefore recommended for refusal.

6 REASONS FOR REFUSAL

- I It has not been demonstrated to the satisfaction of the LPA that then extension of opening hours will not give rise to unacceptable noise impact to neighbours adjoining the store or sited along the delivery route and as such the proposal is considered contrary to policies BE 2 and BE 10 of the WOLP, OS 4 and EH6 of the emerging Plan and the provisions of the NPPF.