

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 18th April 2016**

**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***

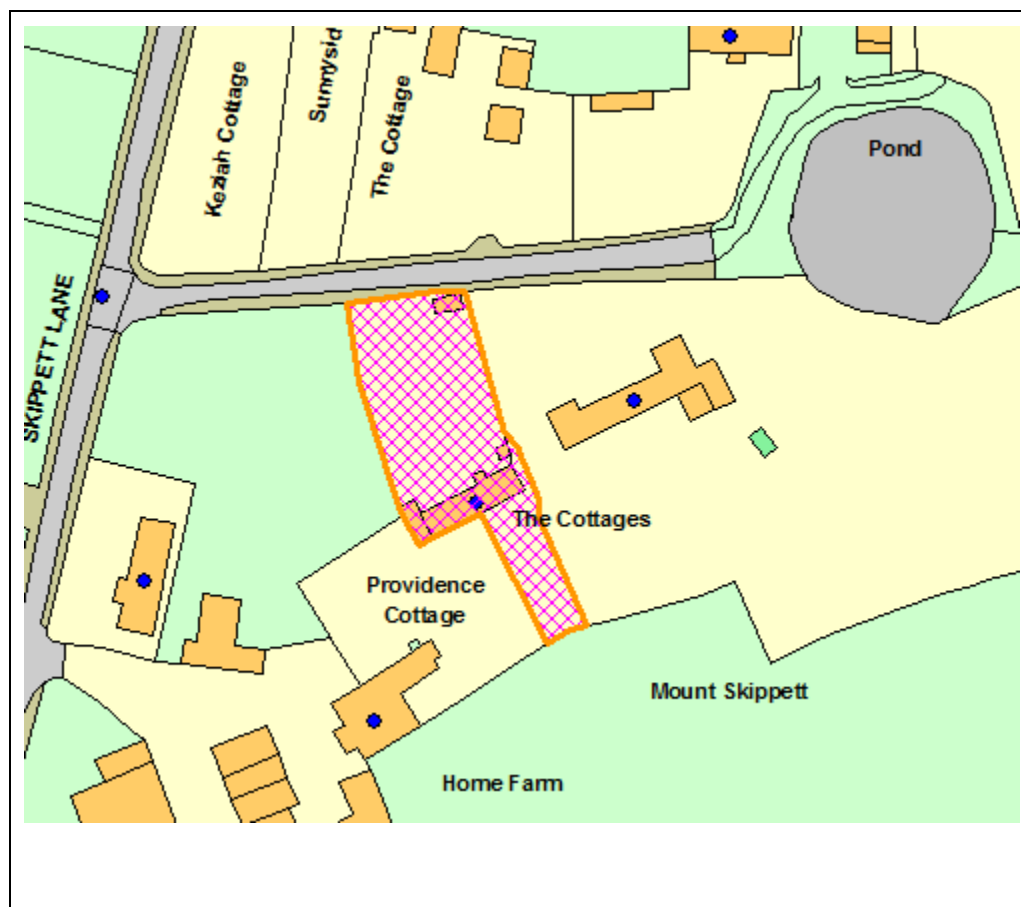
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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](http://www.westoxon.gov.uk/meetings)

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Application Number	I6/00001/S73
Site Address	Skippett Cottage Mount Skippett Ramsden Chipping Norton Oxfordshire OX7 3AP
Date	6th April 2016
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Ramsden
Grid Reference	435222 E 215755 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Non compliance with condition 2 of planning permission 15/01014/HHD to allow use of reconstituted stone to east facing wall. (Retrospective)

**Applicant Details:**

Ms Jude Douglass  
Skippett Cottage  
Ramsden  
Oxfordshire  
OX7 3AP  
United Kingdom

**1 CONSULTATIONS**

- 1.1 Parish Council Parish Council is of the view that the conditions of the original planning permission should be adhered to.

**2 REPRESENTATIONS**

- 2.1 Two objection letters have been received from Helen Pennant-Rea, at The Skippett, Mount Skippett, Ramsden. The full representations can be accessed on the council's website. The key issues raised are in respect of:
- 1) Background - breach of planning control established in October 2015 and officers confirmed an application for non-compliance with the condition would be required for any changes.
  - 2) The impact on the character of Pond Lane/Mount Skippett - the buildings in the hamlet surrounding Skippett Pond and the lane are built of natural stone.
  - 3) The impact on the area surrounding Skippett Pond- historic hamlet is in a sensitive and highly visible rural location.
  - 4) The field south of the site is protected because of its historic ridge and furrow landscape.
  - 5) Skippett Pond itself is 'one of Ramsden's great attractions'
  - 6) In such a historically interesting location the materials used for an extension should match the local buildings.
  - 7) Miranda Clarks previous suggestion of only the top 6 foot of the wall being faced with natural stone would be a reasonable solution
  - 8) Policy BE2 of adopted Local Plan states that new buildings and extensions should not be un-neighbourly and should respect the external materials and colours of adjoining buildings. This extension is large in scale and attaching conditions regulating the use of materials was important.
  - 9) The Skippett is not a holiday home and is occupied 3 days a week and for two months over Christmas and Summer.
  - 10) The applicant made reference to a back wall of the garage building in the curtilage of the Skippett being block rendered instead of natural stone like the rest of the building. This was agreed in the planning consent.

**3 APPLICANT'S CASE**

A full copy of the applicants supporting statement can be accessed on the council's website. The key points raised are:

- 1) Cost - the east facing wall is not visible from the road and can only be seen from The Skippett. The cost of constructing the largely hidden wall in natural stone would be approximately £10,000 - £12,000.

- 2) Long standing architectural practice- it's an established architectural practice to expend more money on the front facades of buildings where they are visible and to use cheaper, more basic designs and materials on the sides that are only visible to a few. Many properties in Witney and Ramsden are constructed in this way.
- 3) Precedence - In the neighbouring property, The Skippett, two garages were given consent to be built in natural stone but the west facing wall has been constructed of rendered breeze block. This can be viewed from the garden of Skippett Cottage and the lane.
- 4) Impact of the wall on the surrounding area- impact is very small as the wall can hardly be seen from any direction.
- 5) Impact on the neighbour - only one neighbour (The Skippett) will be directly affected by this change and impact will be minimal.
- 6) Vast majority of the elevation is obscured by the 2m high stone wall and existing trellises that extend above the garden wall to a height of about 2 ft dividing Skippett Cottage and The Skippett. Only 4ft of the elevation is visible from The Skippett and can only be seen from one small area of the neighbour's garden.
- 7) The reconstituted stone used is not too dissimilar in shape to the stone used on the garages at the front of The Skippett and is in fact a better colour match to the random stone used elsewhere.
- 8) Context- Many concessions have already been made to minimise the impact of the extension on the neighbour including the removal of a window in the east facing wall to restore privacy to the neighbour's garden.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application is for non-compliance with condition 2 of planning permission 15/01014/HHD to allow the use of reconstituted stone on the east facing wall of the approved extension instead of natural stone as conditioned on the original consent to match the existing dwelling. The application is retrospective and the wall has already been constructed using the reconstituted stone. The rest of the extension has been constructed using the natural stone as per the condition on the approval. The site does not sit within the Ramsden Conservation area, or the Cotswold AONB. There are no listed buildings in the surrounding area.

##### Background Information

- 5.2 This application was deferred for a site visit at the March Sub-Committee meeting to allow members to assess the retrospective development in situ.
- 5.3 Consent for the two storey extension to the dwelling known as Skippett Cottage was originally granted under Planning Application ref 06/1351/P/FP. Works had commenced on this development when a full application was submitted in 2015 to seek approval for amendments to this scheme (ref 15/01014/HHD). This application was approved partly on the basis of the precedent that was set by the earlier consent and that there was an improved relationship with the neighbouring property, The Skippett, due to the alterations to the boundary walling and the removal of the openings on the east facing elevation. Condition 3 on this consent remained as 'The external walls of the extension shall be constructed of natural stone of the same type,

colour and texture and laid in the same manner as the stone used in the existing building.  
REASON: To safeguard the character and appearance of the area'.

- 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:

Impact on visual amenity and character of the area

- 5.5 In terms of visual amenity, the principal impact of the use of reconstituted stone on the east elevation would be on the neighbour's private view and not on the wider street scene. A site visit confirmed that there are only glimpsed views of the east facing elevation from the lane. Additionally, there is a 2m stone boundary wall that sits adjacent to the elevation leaving, approximately, only the top 4 ft visible in these glimpsed views you get from the street scene. Furthermore, there is established planting that exists which projects above the 2m wall that screens much of the east elevation from view. Given the distance of the east facing wall from the lane, and the screening mentioned above, it is difficult to establish that an alternative material has been used on this one elevation.
- 5.6 The view of the wall from the neighbour's garden is more prominent, however only the top section of the wall can be seen from certain points in the garden and you do not see the two different materials used in the same plain so do not read them together. It is worth noting that the neighbour's private view is not actually a material planning consideration and a refusal cannot be issued on this basis. However, given that the tonal quality of the recon stone used matches the natural stone officers are of the opinion that the use of the alternative stone does not cause adverse or demonstrable harm to the visual amenity of the neighbour's outlook anyway.
- 5.7 Although natural stone has been used frequently in the area the site does not sit within the Ramsden Conservation area or the Cotswold Area of Outstanding Natural Beauty. Additionally, it does not affect any listed buildings. Although Skippett Pond is an interesting historic feature in the Hamlet, officers are of the opinion that no adverse harm is caused to the character of the area due to the lack of visibility and distinguishability of the materials used to construct the elevation in question.

Conclusion

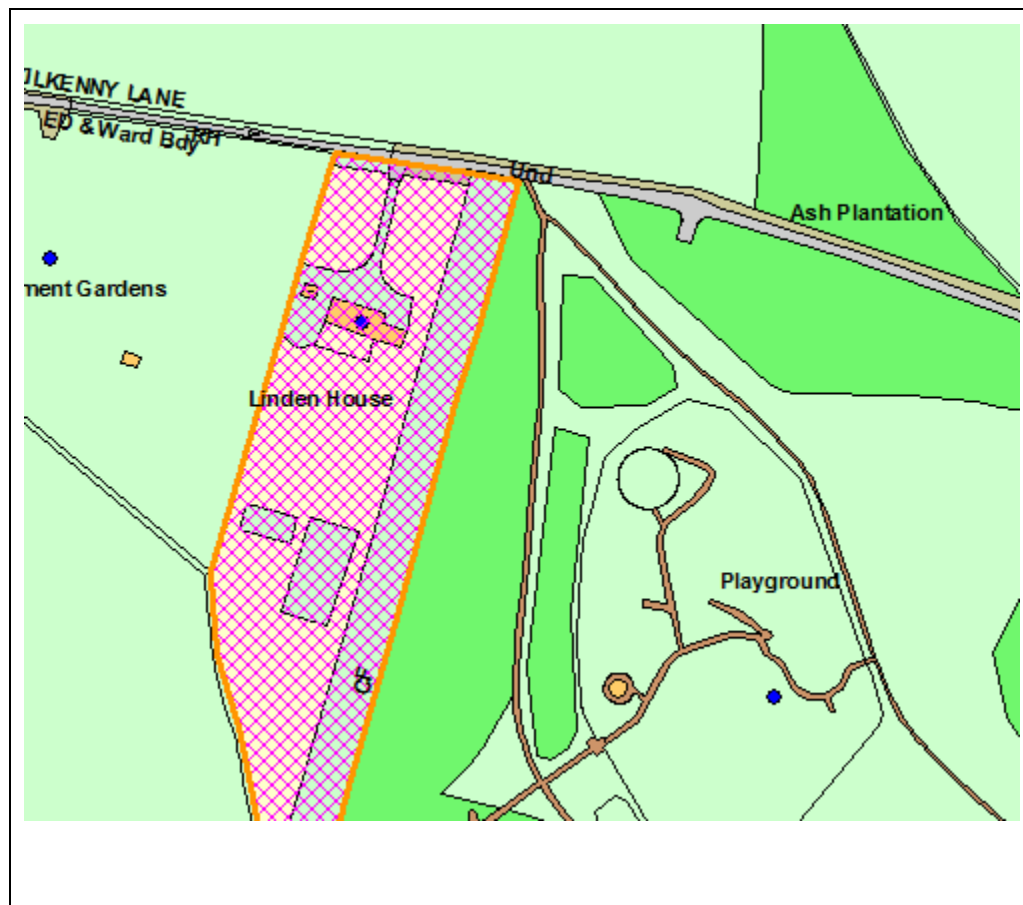
- 5.8 Given the above, officers are of the opinion that it cannot be demonstrated that the use of reconstituted stone would result in significant enough harm to the visual amenity and character of the area that it would be expedient for the council to require the use of an alternative material. Therefore, the application is recommended for approval. If members are minded to refuse the application, on the basis that the retrospective development does adversely affect the visual amenity and character of the area, then consideration will need to be given to the expediency of taking formal enforcement action to remedy the breach.

**6 CONDITION**

- 1 Other than the detailed changes approved in the application the development shall be carried out in all respects in accordance with the plans, conditions and discharged details comprised in the enabling consent and any subsequent variations thereto.  
REASON: The proposal is an amendment to the scheme already approved (15/01014/HHD).

Application Number	I6/00385/OUT
Site Address	Linden House Kilkenny Lane Brize Norton Carterton Oxfordshire OX18 3NU
Date	6th April 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Carterton
Grid Reference	427961 E 208632 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Residential development of up to 28 dwellings (means of access only)

**Applicant Details:**

Mr & Mrs R P And C Howse  
Linden House,  
Kilkenny Lane  
Brize Norton  
Oxfordshire  
OX18 3NU

**I CONSULTATIONS**

- |      |                                 |  |
|------|---------------------------------|--|
| I.1  | Parish Council                  | Carterton Town Council supported this application in principle but felt that there should be more 5 bedroom houses (in line with the previous application) and that there should also be some one bedroom properties. Additionally, concerns were raised that the original application for ten dwellings had grown to 28, about extra traffic, about the effect on wildlife with the removal of existing trees, and whether an archaeological survey of the site should be carried out |
| I.2  | One Voice Consultations         | Transport - no objection £1000 per dwelling towards S1 and S2 bus service, £63,131.88 towards Witney-Carterton cycleway<br>Archaeology - no objection<br>Education - no objection £140,710 primary school contributions, £14,265 towards nursery education<br>Property - Library contribution sought £8,286.85   |
| I.3  | WODC - Arts                     | Should this proposal be granted planning permission then the Council would favour the following approach:<br>o A contribution of £5,880 towards artist-led activity in the vicinity of the development to link to the adjacent country park e.g. signage to enhance the connectivity of the site.  |
| I.4  | Wildlife Trust                  | No Comment Received.   |
| I.5  | Ecologist                       | Concerned proposal does not address habitats and species as may be on site. Refuse unless a revised proposed layout is submitted   |
| I.6  | WODC Community Safety           | No Comment Received.   |
| I.7  | WODC Architect                  | No Comment Received.   |
| I.8  | WODC Drainage Engineers         | No Comment Received.   |
| I.9  | Environment Agency              | The watercourse running to the South of the site is not a designated main river, we have therefore assessed this application as having a low environmental risk. As such we have no comments to make.  |
| I.10 | WODC Env Services - Car Parking | No Comment Received.   |



- |      |                                     |  |
|------|-------------------------------------|--|
| I.11 | WODC Env Health - Lowlands          | No comments to make ref Env Health and no obj subject to conditions regarding contamination  |
| I.12 | WODC Head Of Housing                | <p>In order to be policy compliant this scheme ought to be offering 35% affordable housing provision on-site.</p> <p>There is evidence to suggest that currently there are in the region of 500 households who would qualify for affordable housing in this location were it to be available today.</p> <p>Therefore I find it difficult to support this application without the provision of affordable housing.</p>  |
| I.13 | WODC Landscape And Forestry Officer | No Comment Received.   |
| I.14 | WODC Legal And Estates              | No Comment Received.   |
| I.15 | WODC Planning Policy Manager        | <p>The site is situated within the policy area to prevent urban sprawl to the north of Carterton as identified on Inset Map 4 of the adopted Local Plan.</p> <p>Although outline permission has already been granted for the development of 10 dwellings on the southern part of the site, due regard needs to be given to the impacts of the new proposal in its entirety, particularly in terms of infrastructure and affordable housing requirements as well as the impact of a further extension of built form to the north, due to the significant increase in the quantum of development.</p> <p>This proposal represents an expansion of the built form from the northern edge of the town towards the open countryside with the demolition of one property and replacement with a number of residential dwellings.</p> <p>The proposal does not comply with any of the provisions of Policy H7 although it is recognised that regard should also be had to paragraph 49 of the NPPF.</p> <p>As Carterton is regarded as one of the most sustainable settlements in the District it is recognised that new residential development could be accommodated on undeveloped and previously developed land at the edge of the settlement where necessary to meet identified housing needs and where consistent with other sustainable development criteria. This approach is set out in the emerging Local Plan to 2031 (Policy H2).</p> <p>Regard should be had to Policies NE2 and NE3 of the Local Plan 2011 which seek to protect the rural character and landscape quality at the edge of settlements and to Policy BE3, T2 and T6 of the Local Plan 2011. The advice of the Highways Authority will be important in determining whether adequate parking provision has been made and whether the traffic flow generated by this proposal will be acceptable through the neighbouring residential estate.</p> <p>The site is currently heavily vegetated with a mixture of hedgerow</p> |

vegetation, mature native trees and non-native leylandii around the site boundary. The ecological value of this vegetation should be considered in accordance with Policies NE6, NE13 and NE16 of the Local Plan 2011 as should opportunities for enhancement through the replacement of non-native vegetation with native trees.

#### Affordable Housing

The Council's policy for affordable housing is set out in Policy H3 of the emerging Local Plan (Local Plan 2031).

The proposal does not include any on site affordable housing provision, referring only to the payment of a financial contribution in lieu of on-site provision or the potential to provide a small number of starter homes on site.

The applicant has already made financial contributions in accordance with a legal agreement for the 10 previously permitted dwellings on this site. The new proposal includes 18 additional dwellings although it is recognised that one dwelling with a significant existing use value would be replaced.

The proposal does not as it stands comply with the provisions of Policy H3 of the emerging Local Plan to 2031. It is considered that at least 35% of the additional 18 dwellings proposed on site should be affordable.

- |      |   |                      |
|------|---|----------------------|
| 1.16 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| 1.17 | Thames Water                                | No Comment Received. |
| 1.18 | WODC - Sports                               | No Comment Received. |

## 2 REPRESENTATIONS

2.1 One general comments received, summarised as follows:

- I hope that this development will take the opportunity to maximise biodiversity on the site and will fully take into account the ever improving levels of wildlife in and around Kilkenny Country Park as it matures.
- I hope that you will ensure the maximum number of native broad leaf tree species are planted, hedgerows are planted, pollinator friendly shrubs and flowers are planted, bird and bat boxes installed and nesting opportunities created for the large number of House Martins and Swallows that visit this part of Carterton/Brize Norton each year. I also hope that care will be taken to avoid disturbance to hedgehogs and that suitable habitat and corridors for their movement will be provided within the new development.

### **3 APPLICANT'S CASE**

3.1 A planning statement, transport statement, Ecology Statement, Tree survey and Flood Risk and Drainage statement have been received and are available to view online.

3.2 The Planning Statement is concluded as follows:

3.3 The current proposal is a revision and extension of a recently permitted development on the site for 10 dwellings. The extant permission established the principle of development across the southern part of the site - the remainder and now extended part of the site already being occupied by Linden House and immediate gardens. The proposal now includes the redevelopment and replacement of Linden House whilst also making more efficient use of the site to provide up to 28 dwellings in total.

3.4 Whilst the proposal will not significantly extend the built envelope of development compared to that already permitted, particular regard has been given to the location of the site on the edge of Carterton adjacent to a Country Park and allotments with planned town extensions adjoining the southern boundary. The proposed design provides a spacious and well landscaped development as part of the transition from settlement to countryside.

3.5 Although in outline and to be confirmed at the reserved matters stage the indicative design strategy may be summarised as:

- Provision of a mix of 2, 3, 4 and 5 bed homes with provision of larger homes as previously supported by the Town Council.
- Overall lower density development of 20 dwellings per hectare, appropriate for the edge of settlement context with a transition of built density from south to north - denser, smaller dwellings at the southern end of the site adjacent new development, larger dwellings in spacious plots toward the northern boundary with the countryside.
- Provision of an attractive landscaped entrance to the development from adjoining new development to the south, with footpath link to the Country Park and potential SUDs provision.
- A single dwelling within a large landscaped garden is proposed adjacent to and accessed off Kilkenny Lane. This dwelling in a landscape setting may take the form of a farmhouse or manor house thereby retaining the rural character of Kilkenny Lane and providing a buffer and soft transition to the countryside beyond.
- Avoidance of a linear build line throughout, using a curved access road and set back from the site boundaries with internal pockets development and landscaping breaking up the built form providing a transition in views from the Country Park, allotments and countryside to the north.
- Set back of built form and retention of buffers to the site boundaries to allow room for landscaping and new planting to soften views of built form.
- A proposed landscape strategy which allows the removal of intrusive and incongruous leylandi hedges on the eastern and western boundaries and replanting with native hedge and tree species more appropriate to the context, enhancing the setting of the town.

3.6 In terms of the relevant planning policy framework, it is clear that the existing Local Plan 2011 is now out of date with regard the provision of housing. In such circumstance, the NPPF paragraph 14 dictates that the proposal be considered against the presumption in favour of sustainable

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

- 3.7 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised under these headings.
- 3.8 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.
- 3.9 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The illustrative layout demonstrates that the site can deliver a mix of 28 new homes including larger homes (as previously supported Town Council) to meet the needs of growing families, enhancing the diversity of available housing and complementing the proposed housing mix of the adjoining planned developments. A viable and proportionate contribution will be made towards affordable housing potentially including Starter Homes for young families. The proposal has social benefits with no significant and demonstrable adverse impacts.
- 3.10 In developing the design strategy particular regard has been given to the setting of the town, ecological and landscape impacts. The proposed integrated design and landscape strategy presents a logical complement to the settlement pattern and character of the local area.
- 3.11 The proposal can facilitate the removal of incongruous coniferous hedges and their replacement with a high quality landscape using native species and which will lead to an enhancement of the local landscape character and biodiversity. Consequently, the proposal will have an environmental benefit and there are no significant and demonstrable adverse environmental impacts.
- 3.12 In conclusion the proposal seeks outline planning permission for the development of up to 28 dwellings at Linden House, Kilkenny Lane Brize Norton. All matters are reserved with the exception of access.

#### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE4 Open space within and adjoining settlements  
CA3NEW Carterton sub-area Strategy  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH3NEW Public realm and green infrastructure  
H11 Affordable housing on allocated and previously unidentified sites  
H1NEW Amount and distribution of housing  
H2 General residential development standards  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4 Construction of new dwellings in the open countryside and small villages  
H7 Service centres  
NE13 Biodiversity Conservation

NE2 Countryside around Witney and Carterton  
NE3 Local Landscape Character  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
T2 Pedestrian and Cycle Facilities  
T6 Traffic Management  
NE6 Retention of Trees, Woodlands and Hedgerows  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks outline consent for a residential development of up to 28 dwellings (principle and means of access only) at Linden House, Kilkenny Lane. Members may recall a previous outline application for part of this site that was approved in 2014 for ten dwellings (14/1339/P/OP).
- 5.2 The proposed development site is the retained large garden of Linden House, on Kilkenny Lane in Carterton. There is an extensive greenfield area surrounding the existing property comprising agricultural land, the Country Park and allotments with numerous trees surrounding the site boundary itself and in groups to the south and in the centre of the site.
- 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  
Landscape  
Highways  
SI06 heads of terms  
Ecology

### Principle

- 5.4 Carterton is the second largest settlement in the District and has a wide range of services and facilities. Thus the potential for some additional development in the town is regarded as acceptable under the terms of both the adopted and emerging plans. That does not of course mean that all sites are acceptable. In that regard the site forms part of the policy area to prevent urban sprawl to the north of Carterton as identified on Inset Map 4 of the adopted Local Plan. Whilst policies such as this should be accorded reduced weight due to the age of the plan and the potential impact on housing delivery the concerns that underpin the policy remain and are reflected in policy CAR 3 of the emerging plan. It is also located directly adjacent to the Country Park and as such is highly visible in the public domain. Proposals for new residential development on the edge of Carterton are determined in accordance with the development plan, which comprises the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework (NPPF). Regard also needs to be had to the policies of the emerging plan although like those of the adopted plan these do not carry full weight.

- 5.5 Policy H7 of the adopted Local Plan permits new residential development in service centres, where proposals would represent infilling, rounding off, conversion of appropriate existing buildings or on sites allocated for residential development. This proposal represents an expansion of the built form from the northern edge of the town towards the open countryside with the demolition of one property and replacement with a number of residential dwellings.
- 5.6 The proposal does not comply with any of the provisions of Policy H7 although it is recognised that regard should also be had to paragraph 49 of the NPPF and that the policy is increasingly out of date. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing such as H7 should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.7 Notwithstanding a recent appeal decision that applied full weight to Policy H7 of the Local Plan 2011 (APP/D3125/W/15/3130411), it is recognised that the Council should look to approve sustainable development and approve applications even where there are policy conflicts in order to secure the delivery of new housing locally.
- 5.8 As Carterton is regarded as one of the most sustainable settlements in the District it is recognised that new residential development could be accommodated on appropriate undeveloped and previously developed land at the edge of the settlement where necessary to meet identified housing needs and where consistent with other sustainable development criteria. This approach is set out in the emerging Local Plan to 2031 (Policy H2).
- 5.9 There is a resolution to grant permission for new development on adjoining sites to the north of Carterton, so it is considered that the principle for residential development in this general location has been accepted in broad terms.
- 5.10 However, in the absence of development in proximity to the proposed extended site, the proposal would not form a logical complement to the existing pattern of development in the area but rather would be extending in a linear fashion northwards away from the built up area in a location where it would be highly visible and where such a scheme would appear very harmful and incongruous. This concern is exacerbated in that when the previous application on part of the site was approved David Wilson Homes had secured a resolution to approve a scheme to the south and west of the site such that it would have appeared logical and hence acceptable in context. There currently appears to be a considerable uncertainty regarding the resolution for 66 units on the adjoining land which needs to be taken into account in considering the merits of this increased scheme in that the developer has not managed to secure the consent of all the necessary landowners. It is likely that that application will be considered as finally disposed of as a result. Clearly the current proposal at 28 units would appear even more incongruous than the current permission for 10 units if as appears likely the adjoining 66 unit scheme did not proceed.
- 5.11 Across the District, larger scale housing schemes of 11 or more dwellings are required to provide affordable housing on-site as a proportion of the market homes proposed. Carterton is classed as a 'low value zone' with a requirement for 35% on site affordable housing. This requirement is subject to viability.
- 5.12 The proposal does not include any on site affordable housing provision, referring only to the payment of a financial contribution in lieu of on-site provision or the potential to provide a small number of starter homes on site.

- 5.13 The proposal does not as it stands comply with the provisions of Policy H3 of the emerging Local Plan to 2031 as regards on site delivery of affordable housing. It is considered that at least 35% of the additional 18 dwellings proposed on site should be affordable. The onus should be on the applicant to demonstrate any viability concerns that they have about this level of provision. They have advised that they will table a viability assessment to seek to demonstrate that the site cannot bear what the emerging local plan considers to be the appropriate and viable amount of affordable housing. At the time of preparing this report Officers have not had sight of such a document but even if it does demonstrate that the scheme cannot bear the requisite quantum of onsite affordable housing the fact that there were no such provision to offset the harms identified above and elsewhere in this report would weigh against the scheme
- 5.14 Members will by now be well aware that developers are citing a potential shortfall against housing targets as a reason why housing schemes should be approved unless there are significant and demonstrable harms. Equally Members will be aware that in advance of the outcome of the work identified by the Local Plan Inspector and the call for sites determining exactly where in the 525-660 range the housing need sits and what the supply side looks like it is not possible to be determinative as to whether there is or is not a 5 year land supply. As such Officers have also assessed the application against the "significant and demonstrable" harms test in the event that it is subsequently determined that there is not currently a supply. Officers have concluded that such harms do exist and that neither the quantum of housing proposed here or the shortfall, if any, against a 5 year supply would be such as to indicate that approval should be given in the face of these significant and demonstrable harms

#### Landscape

- 5.15 The previous proposal for 10 dwellings focussed development towards the western side of the site with rear gardens backing on to the Country Park and boundary screening retained. The revised proposal realigns the proposed access road towards the eastern boundary and through the centre of the site in order to accommodate the increased quantum of development, with properties adjacent to the eastern boundary, overlooking the country park. The site is currently effectively screened with coniferous vegetation extending along the length of the eastern boundary. The removal of this vegetation will open up the site and although non-native vegetation will be removed and replaced with some native planting, it is clear that for a considerable period until such time as any mitigating landscaping matures the new housing will form a very hard backdrop to the country park and allotments and an incongruous urban incursion into the undeveloped area beyond what is currently a clearly defined edge to the town. The proposal will urbanise an area of the town which currently marks a transition between the built form of the town and the open countryside and this is considered unacceptable in context.

#### Highways

- 5.16 The primary vehicular access is proposed through a newly defined access point to the south west of the site, linking through to neighbouring residential street. This access point will serve 27 of the proposed properties with only one larger property to be accessed from Kilkenny Lane to the north.
- 5.17 Within the site, parking provision is made by way of parking courts for smaller properties and off street parking and garages for larger properties. Pavements are provided to facilitate pedestrian access with an additional footpath link provided into the country park.

- 5.18 The applicant's transport statement confirms that they have engaged with the County Council who confirm that the access arrangements are acceptable in principle.

SI06 contributions

- 5.19 The following contributions have been sought:

WODC Leisure £5880  
OCC Primary Education £140,710  
OCC Nursery Education £14,265  
OCC Bus contribution £28,000  
OCC Cycleway contribution £63,131.88  
OCC Library contribution £8,286.85

Total financial contributions sought: £260,252.73

- 5.20 At present there is no mechanism in place to secure these contributions or the affordable housing required. Whilst this is capable of being overcome it represents a further refusal reason at present to ensure that the matter is fully explored in any appeal that may follow a refusal of consent

Ecology

- 5.21 The site is currently heavily vegetated with a mixture of hedgerow vegetation, mature native trees and non-native leylandii around the site boundary. The ecological value of this vegetation must be considered in accordance with Policies NE6, NE13 and NE16 of the Local Plan 2011 as should opportunities for enhancement through the replacement of non-native vegetation with native trees.
- 5.22 The applicants have submitted a phase one habitat survey suggesting the absence of and limited potential for protected habitats and species within the site. Suggestions have also been made for enhancements to support protected species as well as construction methodology. However the Council's ecologist advises that whilst it is accepted that the blocks of semi-mature woodland and areas of orchard are small in nature and may not be of the highest ecological value it appears that the design of this development has not taken any of these habitats into consideration when designing this scheme with the only trees to remain are a small number of trees on the boundary of the site.
- 5.23 Ideally the layout should retain the area identified as an orchard and some areas of semi-mature woodland as well as retaining more of the trees on site.
- 5.24 The site has not been subject to a reptile survey as it is thought that the site has only low suitability for reptiles, however the identified large compost heaps are recommended for careful dismantling and whilst this is welcomed as a careful approach if large numbers of reptiles are found to be using the compost heaps there doesn't appear to be any large areas of open space that would provide sufficient areas for the reptiles to be trans-located to.
- 5.25 The layout needs to be reviewed to show some retention of the semi-mature woodland blocks, trees or orchard area as well as making some provision for areas of long grass for the reptiles on the edge of public open space or a full reptile survey carried out and the impact of the loss of



the stream needs to be properly assessed or compensated for by restoration of the remaining areas of stream.

- 5.26 The design of the current application does not compensate for the proposed loss of trees, semi-mature woodland or orchard. At the point of agenda preparation the agent has written to advise that some of the concerns also relate to the approved scheme and is seeking a meeting to ascertain if the current objections can be overcome. However as it stands it appears that a revised layout which shows how the habitats to be lost will be compensated for or retained needs to be submitted if the guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the habitat regulations & NPPG are to be met.

### Conclusion

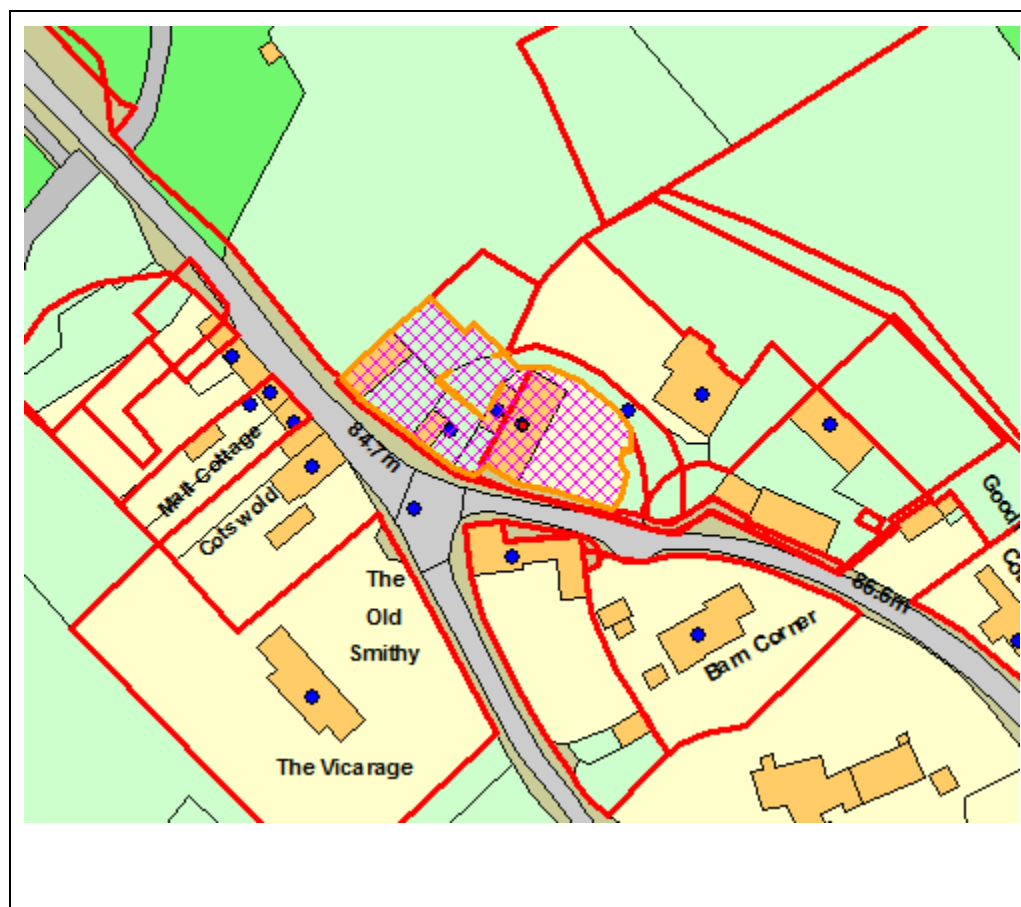
- 5.27 Carterton is a town where new development is acceptable in principle, but not all sites are suitable. The proposals do not accord to the provisions of the adopted plan policies H7 and NE2 and whilst these should not be accorded full weight as a result of their age and the potential for a 5 year housing land supply shortage they still form part of the development plan and the reasons that underpin elements of those policies in terms of development representing a logical compliment to existing patterns of development and protecting rural fringe areas from harmful and unsustainable urban sprawl still hold weight. The emerging plan and provisions of the NPPF similarly seek to ensure that new developments are of the highest quality and are sustainable in their own right including their environmental and social impacts. This scheme has landscape impact harms and the development of the site for housing would appear as a harmful and incongruous incursion beyond the natural limits of the town. It has failed to adequately compensate for the potential ecological harms and makes no on site provision for affordable housing as a counterbalance to these harms. Nor is there any agreed legal agreement in place to ensure that the harms and impacts of the development can be adequately mitigated. There are no compelling factors cited by the agent as would in your officers opinion be sufficient to outweigh these harms whether tested against the adopted or emerging plans, the general provisions of the NPPF or the tilted balance of the NPPF were that to be considered to be invoked as a result of future information as to the land supply position As such the development is considered to represent significantly harmful unsustainable development and refusal is recommended accordingly

## **6 REASONS FOR REFUSAL**

- 1 By reason of the loss of existing vegetation and its replacement with a much more intrusive and illogical urban form beyond the existing or planned limits of the town into the sensitive rural fringe location where adopted and emerging policies additionally seek to protect the setting of the town and retain a buffer between the town and adjoining villages, the lack of adequate ecological mitigation and the inability to provide onsite affordable housing, the proposal is considered to give rise to unsustainable development in terms of its environmental and social impacts and there are insufficient factors that would justify setting aside these significant and demonstrable harms. The proposals are therefore contrary in particular to policies BE2, BE4, H2, H7, NE2 and NE13 of the adopted plan, OS1, OS2, OS4, H2, H3, EH3 and CAR 3 of the emerging plan and the provisions of the NPPF and West Oxfordshire Landscape Assessment.
- 2 In the absence of an agreed mitigation package the development fails to mitigate its impacts or deliver the social and environmental benefits associated with new development. It is therefore contrary to policies BE1 and H11 of the adopted plan and OS 5 and H3 of the emerging plan and the provisions of the NPPF.

Application Number	I6/00386/S73
Site Address	The Old Great Barn Goodfellows Yard Filkins Lechlade Oxfordshire GL7 3JG
Date	6th April 2016
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs
Grid Reference	423596 E 204250 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Removal/variation of conditions 2, 5, 6, 7, 11, 12 and 15 of planning permission I4/0175/P/FP

**Applicant Details:**  
Mr & Mrs A McIntyre  
c/o PCA Architects  
United Kingdom

## **I CONSULTATIONS**

- 1.1 Parish Council                      The Parish Council are concerned that the modifications to the exterior detracts from the simple original approval which was sympathetic to this important group of buildings in our Conservation area.  
In particular, the introduction of 2 rooflights, 4 solar panels and a flue which will be visible from the road outside the site.  
The widening of the barn style slit windows is minimal but again detracts from the original approved design.

## **2 REPRESENTATIONS**

- 2.1 Ms F Cowburn, Goodfellows Cottage and R Higham of Old Smithy. Comments summarised as:
- Alterations proposed in this application for an increase in width of slot windows seems inappropriate.
  - The neighbouring Barn, currently being converted, has retained the slot window sizes as per the original permission. To have different sized and proportioned slot windows for Barn 1 will upset the aesthetic quality of the overall group.
  - The introduction of solar panels as proposed to the rear extension which will be clearly visible to the roadside is rather insensitive, especially to neighbouring properties at Moat Cottages and the listed property of The Old Smithy.
  - Would they not be better located on the outbuilding with an aspect facing back towards the rear of the main Barn.
  - The windows should be the same as the centre barn and not increased.
  - Object to the unsuitable position of the solar panels, devastating a Cotswold ridge forever, is it in the Conservation Area?
  - Why bother to put conditions on if you always over rule them?

## **3 APPLICANT'S CASE**

- 3.1 A Design and Access Statement has been submitted as part of the application. It has been briefly summarised as:

The proposed alterations to the approved scheme relate to the internal arrangement of space and the provision of daylight and sunlight into the building. It is acknowledged that the quality of daylight and sunlight within the building is of paramount importance for both the wellbeing of occupants and the energy efficiency in obtaining good levels of light. The proposed general disposition of spaces and rooms are generally as the approved drawings.

- 3.2 A further letter has been received from the applicant's agent, and has been summarised as:

Following detailed negotiations with the Planning & Conservation Officers our clients were mindful of the need to retain as far as possible the simplicity of the principal elevation to the front of the barn but consider on balance that these proposals to the rear and the introduction of 4 small solar panels on the smaller roof which is hipped onto the main roof has very limited visual impact on the development as a whole, and only visible from the south western quadrant and not from the front and yard enclosure.

Further to the letter from the Filkins Parish Council and in particular the points of objections raised by them we wish to point out that these alterations have been introduced to improve the quality of natural light into the building, with the introduction of 2 conservation type roof lights set fairly low in the rear roof.

The introduction of a flue pipe and solar panels on the rear roof slope are generally accepted elements added to such barn conversions throughout the West Oxford District and other similar Planning Authorities. The introduction of the stove and solar panels are both types of onsite renewable energy generation which are being encouraged and in part most probably required in achieving an acceptable Energy Performance Certificate requirement for the conversion of the building.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE10 Conversion of Unlisted Vernacular Buildings

BE5 Conservation Areas

H2 General residential development standards

OS4NEW High quality design

E3NEW Reuse of non residential buildings

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The group of unlisted barns are located within Filkins Conservation Area, and contribute significantly to the settlements history and the visual character and appearance of the area. The enabling consent for the conversion of the barns to dwelling houses was given in 2014. Within that application, officers sought to retain the important historic agricultural character of each of the barns.
- 5.2 Conditions are in place on the enabling consent for control over new windows, alterations to roofs and so forth. This does not mean that such alterations cannot be done, rather that the applicants would have to apply for planning permission. Referring to comments received, officers do not always over rule conditions.
- 5.3 Since that approval, various applications have been submitted to change the original design which have been approved.
- 5.4 This application relates to the barn which is sited at right angles to the road and is prominent within the streetscene and the Conservation Area. The proposed changes include:

To widen the existing windows by 50 mm  
The addition of 2 conservation roof lights to the rear slope  
4 Solar panels to the south elevation  
Alterations to the window design to the north elevation  
New first floor window to the west elevation and alterations to other fenestration  
Details of the flue and external lighting

- 5.5 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

- 5.6 The principle of the conversion of the barn to dwelling has already been established. Officers consider that the main issue now is whether the principle of allowing the above changes accords with the relevant policies. In principle, modest alterations and additions to barns have been approved in other conversions. Officers have assessed these alterations in terms of whether they will harm the traditional agricultural form and character of the barn.

Siting, Design and Form

- 5.7 Officers consider that the inserting of 2 additional conservation roof lights are acceptable for such developments. Roof lights are seen to be less domestic in appearance than dormer windows. They have been designed to not protrude significantly above the roof slope and will be sited adjacent to each other. Although the roof lights will be visible within the public area of the Conservation Area, officers do not consider that the introduction of the roof lights will significantly erode the historic character and visual appearance of the barn or this part of the Conservation Area. The new window to this elevation, is unfortunate, however the applicants have taken pre-application advice and have changed the design so that it appears slightly less domesticated. Officers do not consider that this window on its own, is refusable.
- 5.8 The slight widening of the slits windows is considered to be on balance acceptable as are the clear glazed doors. The solar panels are domestic in appearance, and will be visible from the Conservation Area. However the panels have been limited to 4 and arranged in a less intrusive way, which officers consider acceptable. The view from neighbouring properties towards the solar panels is not considered to be a planning issue.
- 5.9 The proposed flue is modest in scale and officers have suggested a condition for it to be of matt black in appearance, again to reduce the domestic nature of the structure. The external lighting is minimal and your officers consider that these will not harm the visual appearance of this part of the Conservation Area, or the development as a whole.

Highway

- 5.10 Highways issues will not be affected by the proposals.

Residential Amenities

- 5.11 Due to the existing siting of the barn, the introduction of the new window to the rear and roof lights are not considered to adversely affect the residential amenities of adjacent occupiers.

## Conclusion

- 5.12 Your officers have fully assessed the proposed changes and consider that due to the limited number of changes, the proposals will not significantly erode the historic character and appearance of the barn or the visual appearance of the Conservation Area.

## **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 flue shall be of matt black appearance.  
REASON: To safeguard the character and appearance of the area and the existing building.
- 4 All external rainwater goods shall be in cast iron or aluminium.  
REASON: To safeguard the character and appearance of the area.
- 5 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 extensions, porches, conservatories and so forth other than those expressly authorised by this permission, shall be constructed.  
REASON: Control is needed to retain the former agricultural character and appearance of the barns and overall locality.
- 6 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 additional windows/roof lights shall be constructed in any of the elevations of the buildings.  
REASON: To safeguard privacy in the adjacent property and to retain the former agricultural character and appearance of the barns and overall locality.
- 7 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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road or footpath shall be constructed or erected, other than those expressly authorised by this permission.  
REASON: To safeguard the open plan character of the development/ to safeguard the character and appearance of the area.
- 8 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 fences, gates or walls or other means of enclosure shall be constructed or erected other than those expressly authorised by this permission.  
REASON: To safeguard the character and appearance of the area.

- 9 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 outbuildings, sheds, greenhouses and other such buildings, flues and any form of security lighting other than those expressly authorised by this permission, shall be erected or fitted.  
REASON: Control is needed to retain the low key rural character of the locality, and to protect the residential amenities of the adjacent properties.
- 10 The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 11 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.  
REASON: In the interests of road safety.
- 12 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 13 The external walls of the main barns shall be constructed with natural stone, with the outbuilding to Barn 1 and car ports to be of timber, samples of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 14 The ancillary accommodation hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling or for commercial purposes.  
REASON: A separate dwelling in this location would harm the residential amenities of adjacent properties and would intensify the existing access resulting in highway safety issues.
- 15 No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with details which shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. <Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset.> The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

Application Number	I6/00398/FUL
Site Address	12 Fieldmere Close Witney Oxfordshire OX28 5DA
Date	6th April 2016
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Witney
Grid Reference	434560 E 209676 N
Committee Date	18th April 2016

### Location Map



#### Application Details:

Erection of dwelling (Amended Plans)

#### Applicant Details:

Mr David Pugh  
C/O Agent



## **I CONSULTATIONS**

- |     |                            |  |
|-----|----------------------------|--|
| 1.1 | Town Council               | No objection.                                    |
| 1.2 | OCC Highways               | No objection subject to<br>- G36 parking as plan |
| 1.3 | WODC Drainage<br>Engineers | No comments received to date.                    |
| 1.4 | WODC Architect             | No comments received to date.                    |

## **2 REPRESENTATIONS**

- 2.1 Two letters of representation have been received and summarised below:

Mr & Mrs Williams - 30 Fieldmere Close

- Loss of light;
- Loss of privacy;
- Parking issues.

Mr & Mrs Claridge - 29 Fieldmere Close

- Overlooking;
- Blocked and loss of view;
- Loss of light;
- Loss of privacy;
- Parking issues

## **3 APPLICANT'S CASE**

- 3.1 The applicants have suggested a traditional form of dwelling that will blend in with the character of the site and its surroundings, while adding to new house numbers in a very popular location. It also adds to the housing mix.
- 3.2 The intention is to form a small scale dwelling, with good aspect to the rear and an appropriate amenity space, off street parking and internal accommodation and facilities. No. 12 Fieldmere Close does not need this unwanted side garden, this proposal makes best use of it at a time when the unprecedented under supply of new small scale housing is at a critical level.
- 3.3 Towards the end of last year, the planning inspector made it clear that the projected 10,500 new homes needed to be built in West Oxfordshire to 2031 would be insufficient, that this figure should be increased by up to 3,100 more. More recently, West Oxfordshire District Council has requested a year-long suspension of the examination of the emerging Local Plan, in an effort to find the much needed additional sites.
- 3.4 In other words, the lack of sufficient housing across the District is even more acute than thought, and the need for smaller scale units is a major issue within the overall housing problem.

In itself this does not justify any site, what we ask is that the merits of this proposal be seen in this light.

- 3.5 Our view is that the key issues are not the principle, but the impact upon the site and its surroundings. When seen from anywhere along the street other than immediately in front, the close proximity of the new dwelling to the existing house known as 12 Fieldmere Close will appear as though it is a part of the established grouping. It is similar but of a smaller scale, it is designed so as not to overlook neighbours, and as we see it, would function well, and would provide a good standard of living conditions as designed.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks planning permission for the erection of a new dwelling situated within no areas of designated control.

##### 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:

Siting, design and form;

Highway Safety;

The impact to neighbouring amenity;

##### Principle

- 5.3 This application seeks planning permission for a new dwelling to be located on land to the side of No. 12 Fieldmere Close. Officers consider the proposed development is acceptable on its planning merits in principle.

##### Siting, Design and Form

- 5.4 In terms of the siting, design and form, officers have asked the applicant to amend the position of the dwelling to be set back into the site in order to be further away from the street scene and further away from the neighbouring properties that are located opposite. The applicant has amended the plans and by doing this the proposed dwelling is considered to have less of an impact on the street scene and to neighbouring amenity.

- 5.5 The proposed dwelling is for 2 bedrooms and is to be two storey. The adjoining property no. 12 is part of a set of terraced houses. In terms of the development fitting into the street scene concerns have been raised in regards to this dwelling being detached rather than part of a terraced house however officers feel that due to the size of the dwelling being of a smaller scale

that it would be subservient to no. 12 and should read as an extension addition from the side view rather than a new dwelling. There are also examples of non terraced houses located in close proximity to the South East of the site.

- 5.6 It should also be noted that a recent appeal was allowed for a property very similar in style and scale to the proposed at 40 Corbett Road, Carterton (appeal reference: APP/D3125/W/15/3119205) where the inspector identified that the proposal was acceptable on its particular merits and that the proposed development would not harm the character and appearance of the street scene.

#### Highway

- 5.7 As part of the application process the Local Highways Authority have been consulted on the application and have provided the following comments:
- 5.8 The red edged area does not include vehicular access to the highway. The proposal includes only 1 car parking space for both proposed and existing. Standards require 2 spaces for a 2 bed dwelling. Given the location I cannot demonstrate the shortfall would cause such harm as to warrant the refusal of a planning permission. The proposal, if permitted, will not have a significant detrimental effect ( in terms of highway safety and convenience ) on the local road network. Given the above no objections are raised subject to parking as plan.
- 5.9 Officers therefore consider that the proposed development is acceptable in terms of highway safety and parking provision.

#### Residential Amenities

- 5.10 In terms of the impacts of the development to neighbouring amenity. Concerns have been raised from the occupiers of two properties opposite the site who raise objections in regards to the loss of light, loss of privacy, overlooking and parking.
- 5.11 The applicant has amended the scheme to set it further back from the existing properties and officers consider there to be no undue adverse effects caused to neighbouring amenity in terms of the loss of light or loss of privacy than the existing arrangement of the adjoining properties and the dwellings located opposite. In terms of overlooking the existing high hedge is to be maintained and therefore the ground floor kitchen window would not be visible from the properties across the street and the other ground floor window on the front elevation is a bathroom and therefore would be obscured glazing. The windows located to the first floor would be bedroom windows and are considered only to reflect the arrangement of windows that overlook the opposite dwellings as existing and therefore could not justify the refusal of this application.
- 5.12 In terms of parking provision this was already addressed in the above sections and is considered acceptable by the highway authority and could also not justify the refusal of the application.

#### Conclusion

- 5.13 Given the above comments officers are of the opinion that the proposed development is acceptable in terms of principle and also on its planning merits. Officers recognise the concerns raised but are of the opinion that they could not warrant the refusal of the application and

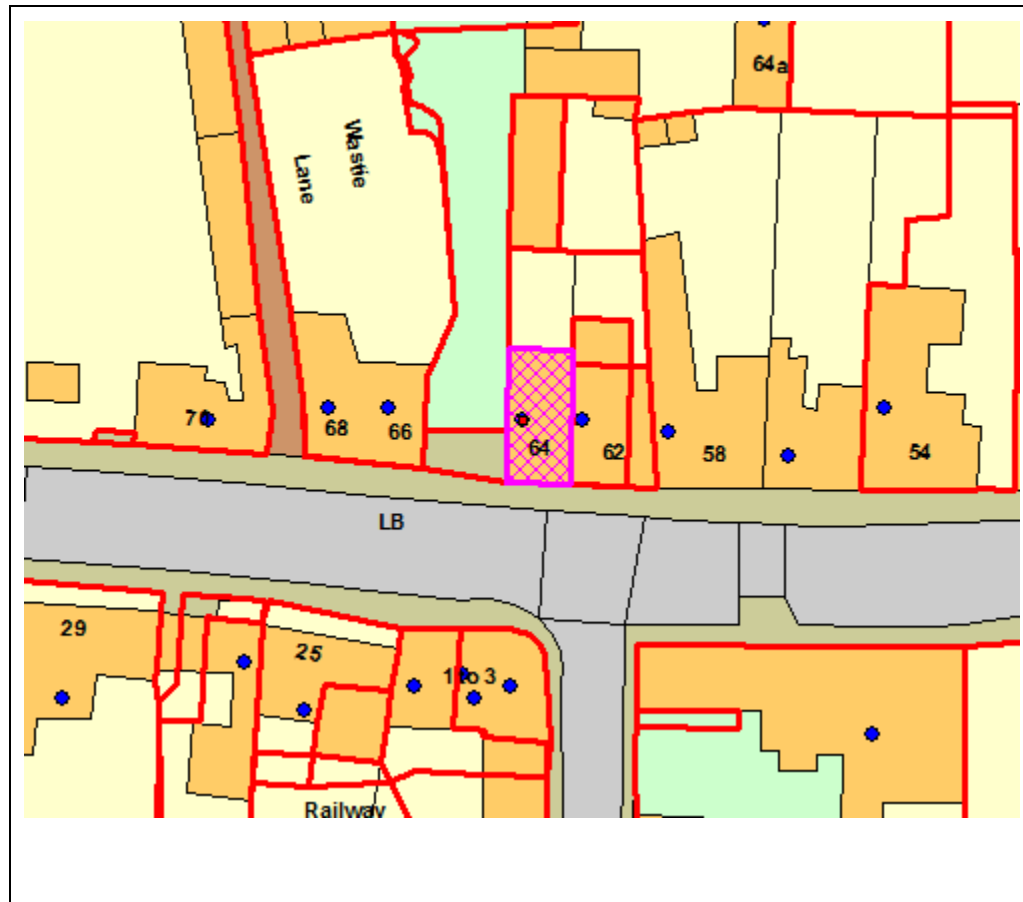
therefore the proposed development is acceptable and in accordance with policies BE2, BE3, H2 and H7.

## **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.
- 4 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 extensions, porches, dormer windows and sheds and other outbuildings shall be constructed.  
REASON: To avoid any adverse impacts to the adjoining and adjacent dwellings.
- 5 Before first occupation of the building hereby permitted all bathroom windows; shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

Application Number	I6/00404/FUL
Site Address	64 Acre End Street Eynsham Witney Oxfordshire OX29 4PD
Date	6th April 2016
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Eynsham
Grid Reference	443060 E 209297 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Installation of A/C Condensers at Low Level to the Rear Elevation. Change of colour of shop front from black to white. New Shop Front

**Applicant Details:**

Mrs Gilda Owen  
Sapphire Court  
Walsgrave Triangle  
Coventry  
Warwickshire  
CV2 2TX  
United Kingdom

**I CONSULTATIONS**

- 1.1 Parish Council Consent for the air conditioning condensers should only be granted subject to an environmental impact report on the noise generated from the units, produced to the satisfaction of the environment officer.

This building is in the Conservation Area and has one of the very few remaining traditional shopfronts in the village. Consent to a new shopfront should be conditional on compliance with WODC Design Guide 2015, part 17. The priority should be on restoration of the existing rather than replacement, particularly in respect of the pilasters and existing consoles (which do not appear on either the existing or proposed design drawing submitted.

The Parish Council also objects to the insertion of the proposed single glass panes. The current divided window arrangement should be retained or the Applicant should seek to recover the original window style to complement the retained traditional shopfront.

**2 REPRESENTATIONS**

No letters have been received at the time of writing.

**3 APPLICANT'S CASE**

There is no supporting statement accompanying the application.

**4 PLANNING POLICIES**

BE2 General Development Standards

BE5 Conservation Areas

BE14 Shop Fronts

EH7NEW Historic Environment

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 the Parish Council have objected to the proposal. The application was deferred from last month's Committee to enable officers to ascertain the age of the existing window arrangement. This has been investigated, and the windows are of 20th Century age.

### Background Information

- 5.2 The application site is located within the Conservation Area and is currently a commercial retail unit for Lloyds Pharmacy.
- 5.3 A previous application for the same proposal was withdrawn after officers had concerns regarding the design of the proposed shop front in terms of it not reflecting the usual traditional design.
- 5.4 An application for advertisement consent was approved for a hanging sign only, the other signs which had been applied for did not require consent, this included a white fascia sign and an internally hanging sign.
- 5.5 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

- 5.6 Replacement shop fronts are acceptable in principle. Policy BE14 of the adopted West Oxfordshire Local Plan 2011 is the most relevant. New shop fronts should respect the whole elevation, retain and repair any existing historic features in the shop front and so forth.

### Siting, Design and Form

- 5.7 Officers consider that although the design of the shop front has improved slightly from the previous application, there are still some concerns relating to the traditional detailing, such as the cornice. Officers are awaiting further amended plans and will update Members verbally at the meeting.

### Highway

- 5.8 Officers consider that highway safety issues will not be adversely affected by the development.

### Residential Amenities

- 5.9 The application is also proposing air conditioning units. As these are the same as the previous application, your EH officers have no objection in terms of noise and disturbance issues.

### Conclusion

- 5.10 Although officers consider that the principle of a shop front is acceptable, further details are required. It is anticipated that a response will be received from the agent prior to the meeting, where your officers will be able to verbally update Members.

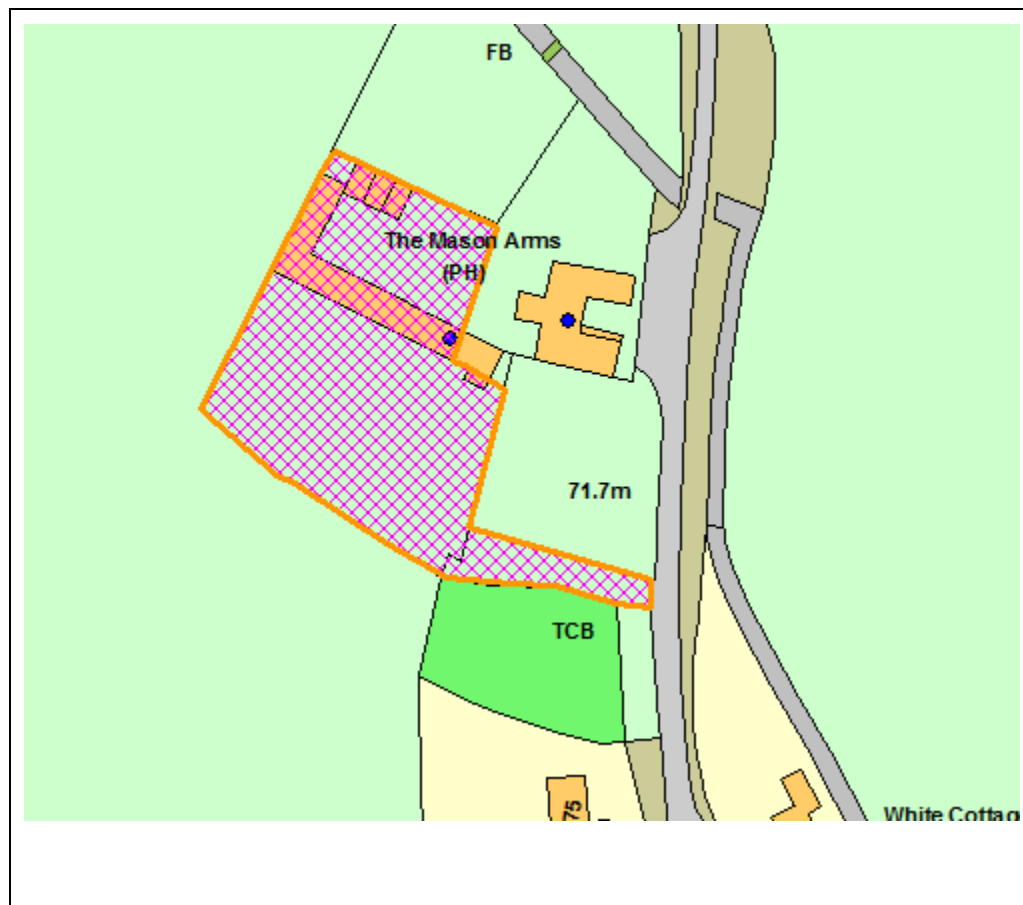
## **6 CONDITIONS**

- 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.



Application Number	I6/00460/FUL
Site Address	Mason Cottage Station Road South Leigh Witney Oxfordshire OX29 6XN
Date	6th April 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	South Leigh
Grid Reference	439133 E 208612 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Change of use from ancillary pub accommodation to use as an independent one bed dwelling with ancillary outbuildings. Laying of a new access track, parking and turning facility, installation of air source heat pump to serve the dwelling and erection of fence (Part Retrospective)

**Applicant Details:**

Mr Paul Rodger  
Mason Cottage  
Station Road  
South Leigh  
Witney  
Oxfordshire  
OX29 6XN

**I CONSULTATIONS****I.1 Environmental Health  
(Public Protection)**

With reference to the above application I have no comments to make. The proposed air source heat pump seems to be far enough away from any neighbouring properties to negate any potential noise problems.

**I.2 Parish Council****OBJECTIONS**

This planning application is at first glance a simple change of use application. In fact it is about *the splitting of a historical listed building pub site and curtilage in the centre of a small rural village with very limited community assets to enable a one bedroom cottage to be created within a large plot of land with numerous outbuildings.*

*The planning application form is completed by the applicant as if the site has already been split in planning terms whilst in actuality it is supposed to be a retrospective planning application to enable the application to change the previously interconnected landlords accommodation and associated outbuildings into a completely separate unit. This action completely breaks the listed curtilage. Plan attached.*

The site lies at the core of our rather small and fragmented village. It's a large imposing site with a lot of road frontage. It therefore has a large presence within the village. Any changes are more than usually visible and have a great affect.

The whole site is included in the Grade 2 listed building register. Changes to any part of the site would take away from that listing and *the whole relevance and history of the site would be lost.* The site has always been appreciated as a fundamental basis to our village being important economically, socially and environmentally.

The site was originally a pub, farmhouse and coal yard. The ancillary buildings being used to store the coal and barns for both stocks and supplies. As times changed the pub business became the main focus - the ancillary buildings used as an extra bar and a brewery producing Sou'lei' ale. More recently these became the landlords accommodation and storage for the pub but still very much adding to the original purpose of the building. It also allowed the upstairs rooms in the pub to become lettable- thus bringing in more income. During its whole existence the site has provided a real centre to the village and employment to generations. *The ancillary buildings have always been*

*used to increase the profitability of the main business, whether it be pub, farm, coal yard, brewery or a more modern pub/restaurant with accommodation.*

At the beginning of this year we applied for and were *granted an asset of community value listing covering the whole site*. To be clear this includes the part pertaining to this planning application. The listing recognises that it is not just the front part of the site that is of community value but the ancillary buildings too. We feel that having this listing means that any change of use such as the one applied for here, *would destroy this acknowledged asset and turn it into a residence with no meaning or value to the community and thus contradicts this listing*.

Our villagers have strongly expressed the desire for the village to have an operating and viable pub. It's not our wish to own it but we will if necessary. Our plans would mean that all the villagers have the opportunity to invest in the fabric of the site but that it would be operated by professionals under a tenancy agreement. This is a model that has been well used by many community groups including the Red Lion at Northmoor, The Bull at Great Milton, Lamb and Flag at Hailey, Greyhound at Letcombe Regis, and The Star at Marsh Baldon. All of which trade successfully.

It is our contention, which is backed up by the listing on the Community Asset Registry, that the ancillary buildings including the landlords accommodation are a vital part of this plan. The site is larger than average and therefore has greater associated costs. We estimate that the refurbishment costs would be in the region of £400,000. This along with the other costs is a lot of debt for a business to carry forward. *The risks of the operation not being viable are substantially reduced if all the upstairs rooms in the main building were income generating and the landlord's accommodation is in the ancillary building (as is the case currently)*. It is well documented that there is a shortage of lettable rooms in this area and the income would be a great leveller as the main pub business ebbs and flows. The front part of the site (the main pub building) has little storage and no cellar. The use of the remaining outbuildings for this purpose would vastly increase the flexibility of the trading operation.

The more successful the site becomes the more economic, social and environmentally beneficial it becomes whilst also offering local employment opportunities in a small village with no transport links. The conversion to a one bedroom house does none of these things.

The potential plot for this house far exceeds what is necessary or expedient for a one bedroom house. The Local Plan talks about getting the best use of any land by using that land in the most efficient way. It makes us question whether this application would be the last.

If the asking price of the front part of the site was more reasonable and in line with other sales in the area- and you could refer to the

sales particulars provided by Fleurets as part of the planning application as a base line for this along with more the more recent sale of the Harcourt Arms in Stanton Harcourt- all of which lie in the £225,000 to £300,000 mark then possibly having all the upstairs rooms as letting rooms is not such an issue.

### **THE SITE OF THE MASONS ARMS, SOUTH LEIGH, PLANNING APPLICATION FOR THE LISTED BUILDING CONSENT AND CHANGE OF USE TO RESIDENTIAL UNIT**

Detailed comments on the application as submitted.

These planning applications are supposed to be partly retrospective but are completed as if the retrospective works have already been approved and completed. The granting of permission to close the doorway which internally links the pub to the landlord's accommodation in fact would allow the accommodation to be a separate unit and breaks the listed building curtilage. We object very strongly to this.

There seems to be many errors in the planning application submission- particularly if the form is submitted as if the works haven't been completed. I feel duty bound, therefore to go through the form one item at a time. The numbering system follows that on the form or the attachments.

### **3. Description of Proposed Works**

Outbuildings for 'ancillary residential use' - should be 'outbuildings for ancillary use'- they are not for residential use.

#### **10.B**

'Works to the interior of the listed building'- the answer should be 'yes' as the owners have blocked the internal access from the landlord's accommodation to the pub - thus separating the two buildings and breaking the listed curtilage. This is the main reason that retrospective planning permission is required and yet they fail to mention this in any part of the application apart from the title. If this permission is granted it will stop the listed landlord's accommodation attached to a listed pub being able to serve as such.

#### **14**

There are many changes which should be listed in this category.

The internal opening as described above.

The boundary which both breaks the listed curtilage and installs new boundaries such as the hedge - totally changing the look of the listed site.

The vehicle access and the landlord's accommodation can no longer be reached via the car park entrance and the other ancillary buildings are no longer available for use by the pub.

**15.**

My understanding is the listed site is on main sewage. Certainly that applies to all the houses in the village. I would question that a cess pit is needed. *If the landlord's accommodation isn't currently on mains sewage it does add to the argument that it has never been separate from the pub.* There is a high water level in this area of the village (being close to the brook) and I would wonder whether cess pit would be suitable.

**18.**

It is not a dwelling but ancillary accommodation for the pub taking the form of landlord's accommodation. The applicant states that the site is not vacant - it should be- there is no residential status to this building.

**19.**

There are trees very close to the proposed access way- see attached photo from the applicants pack. SLI.

**20.**

Existing housing - has been left blank but should be zero.

**21.**

To the questions 'does your proposed involve the loss, gain or change of use of non-residential floor space' the applicant has replied 'yes' but then doesn't go on to fill in the form. We would suggest that there will be a loss of storage and distribution that would have helped the pub be commercially viable - the ancillary buildings will no longer be available for use by the pub for storage (storage is short as there is no cellar). If the landlord's accommodation is lost the letting rooms in the main building will have to be used for this purpose resulting in a great loss of income.

**22.**

The pub no longer trades but until the previous landlord retired, it has always employed waiters/waitresses, chef, cleaner and handyman- all of whom either lived in the village or has connections.

**33.**

The building can be seen from the public road and footpaths.

## **LISTED BUILDING CONSENT APPLICATION TO SEEK PERMISSION TO BLOCK A DOORWAY AND FIT A HEAT SOURCE PUMP- RETROSPECTIVE**

*This application makes absolutely no mention of the blocking of the doorway thus closing off the internal access point between the pub and the landlord's accommodation changing the whole use of the building. It also completely breaks up the listed curtilage. This work has already been completed - it is mentioned in the listed building application title but never addressed in the documentation. It is the most important point of this application. The landlord's accommodation has never been an independent residential unit it has only ever served the pub as either an extra bar for customers or for landlords accommodation.*

### **PLANNING STATEMENT FROM MR DOWNES**

#### **2. Site description and location**

The site is not to the east of a small hamlet but in the centre of a village. It has houses to the east, north and south of it. It is the reason that both the telephone box and the village notice board are located there.

The ancillary buildings do not have a small dwelling but have a substantial and very useful landlord's accommodation plus storage which was used by the pub (there is no cellar in the main building so storage is short). The buildings held various pub equipment and furniture, the pub generator and some personal storage for the landlord. The applicant is mistaken in saying that the landlord's accommodation was an independent dwelling it was only ever used as a supportive building to the pub. This is recognised by the current acv listing which acknowledges that not only is the main pub an asset of community value but the landlord's accommodation, outbuildings and land.

The pub is in the centre of the village (as pointed out in the Fleurets report) and well inside a defined settlement.

#### **3. Planning History**

The planning application that was granted in 2005 was as the applicant states, but importantly was granted to provide bedrooms and squash courts to support the pub not as a separate residential enterprise- showing again how important these outbuildings are to the pubs operation and that the outbuildings have always been integral part of the site.

*It is my understanding that the meeting with the planning officers in November 2015 took place after a complaint was received about the splitting of the landlord's accommodation from the front part of this listed site by blocking of an internal access way and the wrongful residential*

*occupation of the landlord's accommodation. Both of these breached planning regulations. The planners advised the applicant that there was a breach and they needed to apply for retrospective planning permission. The current application being just that. The application was submitted on 5th February 2016. I attach two documents showing this in detail.*

#### **4. Planning Policies**

WODC LOCAL PLAN 2011-

Introduction 5.8

Policy H2 a/b/c,

Policy 10

BE 7, 8 and 9

TLC12

H3

H4

EMERGING CORE STRATEGY

CS13,

NATIONAL PLANNING POLICY FRAMEWORK

3.28 Supporting a prosperous rural economy

8.70

12

PLANNING PRACTICE GUIDELINES

Conserving and enhancing the historic environment

Achieving sustainable development

How should local authorities support sustainable rural communities

Supporting a Prosperous Rural Community

5. See attached SL3

*I would challenge the statement beginning 'When the planning unit is identified....'. The building in question has been used as LANDLORDS ACCOMMODATION for 20 odd years. IT HAS NEVER HAD RESIDENTIAL USE NOR HAS IT BEEN AN INDEPENDENT DWELLING. THIS APPLICATION IS NOT A TECHNICAL CHANGE OF USE but a complete CHANGE OF USE IN TO A RESIDENTIAL BUILDING that offers nothing to the village, destroys a listed curtilage and does nothing to help the successful future operation of the pub.*

As you will see in the latter parts of this objection letter- the pub is an intrinsic facility in our small and rather remote village. We have few services - the pub would act as a vital community social centre (recognised by the most recent acv).

The new boundary fence does straight across the listed site and completely destroys the whole setting.

6.B

## The Effect on the Viability of the Mason Arms- Report from Fleurets

The following statements are all based on the front part of the site having been split off and therefore operating on only half the original site.

### 1.2.2

States that 'for the avoidance of doubt my instructions *do not require me to comment on the potential viability of the Masons Arms*'. I think this statement speaks for itself. We agree that the reduced site has the potential to operate as a pub but we would question whether it can be financially viable with the high asking price and the amount of renovation that is required.

### 2.4

The building was originally (or as far back as we can gather) a farmhouse, farm buildings, pub micro brewery and coal yard. All running at the same time under the same ownership. The description of the ancillary buildings as 'redundant agricultural buildings' is specious. They've not been in that form for 100 years. The horses used to pull the coal trucks were the last animals stabled there and that operation closed after the end of World War II.

### 2.5

The pub and the landlords accommodation were connected until the current owner bricked up the connecting doorway (remembering this is a listed building). The flow was from the pub into the kitchens into a storage area (part of the original ancillary buildings) and thus through the now bricked in door into the landlords accommodation utility room. see attached plan.

The so called temporary structure is made of brick and glass - has a doorway with a lock and has been in existence for at least 60 years and could well be called a porch or small conservatory. See SLI a and b.

### 2.6

Gerry Stonhill bought the whole site in one transaction in 1995. He ran it as a food led destination pub/restaurant which during a significant period of time was very successful. Only failing once his main chef had retired. Shortly after he made the decision to sell the Mason Arms and took on a much smaller establishment.

### 2.7

The pub has been very famous for different reasons throughout its trading life. Mr Stonhill ran it more as a destination pub but welcomed villagers. It wasn't popular in the village as the prices were very high but certainly I know of a dozen or more villagers who used it regularly. More importantly, perhaps, he as well as the other landlords, provided employment to many villagers- both young and



more mature.

### 2.8

The rooms were used as guest accommodation. This was used both by outside guests and those eating at the pub. The rooms are now dated but 3 have ensuite bathrooms and the other has its own private bathroom. They are all of good size and there is a large guest sitting room. To make the best use of these rooms and earn the greatest revenue, Mr Stonhill created the landlords accommodation which was never called or registered as a 'cottage'.

### 2.9

Mr Stonhill retired in 2013 and sold the whole site to the current owner's father who split the site and sold the back part to his son and the front to Mr Payne of Sampson Leisure - a long term business colleague. The pub hasn't traded since the original sale as the current owners chose not to reopen it and gave up the alcohol licence.

### 2.11

The Mason Arms and the land and buildings were all one site and were in no way separate until Mr Rodgers split them in 2015.

## **3.0 CONFIGURATION AND LAYOUT OF THE LAND AND BUILDINGS**

### 3.1

SD3 plan is a site plan of the Mason Arms site showing how the site has been split. It doesn't show however the bricked in doorway from the pub to the landlords accommodation (for which this planning application is for) nor does it show the connecting building which includes the pub kitchen, washroom, and store area I would ask you to compare the plans for SP3 and SP4 and also reference SL2.

### 3.2

Mr Parsons feels he needs to address the question of whether the pub would be capable of operating as a local community pub without the back part of the site.

There are several points here

Whether the pub is capable of trading is a completely different matter from whether it would be viable to trade without the landlords accommodation and the storage buildings at the rear. At the beginning of the report Mr Parsons states that he is not going to comment on the viability of the site. I would make the case that the viability is the most important aspect.

We never foresaw the pub being only a local community pub. We have always factored in that we would need to attract customers from both tourists and more local villagers that the pub would have to have a good food offering it would need to be run by professionals.

For this reason the landlords accommodation is even more important as it allows the upstairs accommodation to be used for paying guests. We know from our research that there is a great shortage of lettable accommodation in this area and feel confident that this would add greatly to the income of the pub. It would also be a constant in the ever changing eating habits of the great British Public.

### 3.3

SP4 floor plans show an area that could be used for beer stores but there is no other storage within the main pub building for food, cooking equipment, freezer and fridges or indeed for any fixtures and fittings.

### 3.4.1

Again I would like to state that the whole site is called the Mason Arms. The two storey element is the main pub building (the front half of the site) is two storeys but that kitchen, connecting area and storage are all one storey.

The so called 'timber link' which is actually built of stone and glass set in wooden frames with a locking door and has been in place for at least 60 years is set between the kitchen and the storage area. This then leads on to the landlords accommodation (the entrance having been blocked off by the current owners - causing a breach in planning regulations). When the landlords accommodation ends the outbuildings begin. Please see SL2.

### 3.4.2

The 4 bedrooms on the first floor are large and 3 have ensuite bathrooms whilst one has access to its own bathroom. These rooms, if modernised, could provide a very healthy income for the pub to subsidise the vagaries of the pub business.

### 3.4.3

One bedroom landlords accommodation - 100 m (1,076 sq. ft). This 'unit' has never had residential use - it has only ever been used to support the operation of the pub.

### 3.4.3

Both the outside and inside storage are very much required by the pub. It has no cellar as the water table is high and therefore needs extra storage above ground. The kitchen is not large and although not quite big enough, it again doesn't have any storage facility.

### 3.5

I would put forward that there is little storage space in the split building and to run a good business extra storage space would be required.

### 3.7

There have been a lot of pub sales that are similar to ours in the area and most are now running very successfully. The major difference being that:

- They all have storage
- They are premises that held a current licence
- They were all trading albeit badly.
- Finally and perhaps most importantly they all had an asking price of between £200,000 and £350,000. Sampson Leisure are asking £650,000 when the pub has been closed for nearly 3 years, there is no premises/alcohol licence and obviously no sales. We also estimate that the building will need £400,000 spending on refurbishments to bring it to anything near the required standard.

### 3.10

I can't comment about the situation at Wendlebury but I can say that if we were to own the pub we intend to lease it to experienced professional operators with a proven track record.

We have access to funding (we would use a model similar to the Red Lion at Northmoor).

We intend to have a profitable business run by professionals but also attractive to locals/villagers.

Although the pub has been closed for several years it still has a remarkable reputation, locally, nationally and even abroad. It is in a very attractive location, close to the A40 which carries a large amount of traffic, close to Eynsham, Oxford and Witney- all thriving centres with ever growing populations. We would ensure the business would be well advertised and promoted. The village gets approx. 500 cars through both morning and night (its a rat run at rush hour and although this has many disadvantages, all these cars pass by the Mason Arms. There is plenty of room to attract their attention).

### 3.11

The Masons is capable of operating on a reduced site (with storage issues) but is it viable on a reduced site? By reducing the site and, in particular, hiving off the landlords accommodation it puts far more pressure on the financials and makes it a far less attractive offering.

We would summarise that the reason to split the site would be exactly as stated. That the pub is capable of trading but that the financial aspect is so tight that no one would take it up. The owners will apply for planning permission for change of use to a house. We feel this has been their ultimate goal since they bought the site.

If however, the price of the reduced site was more reasonable and more in line with other local sales, the financials even of a split site begin to become more sensible. ie it is not the capability of the split site to work but more the price of the initial investment which makes

the difference.

#### **4.0 MARKETING**

I believe 4 marketing agents have been used to sell the site since Mr Rodgers bought it - although very well respected names none have been able to complete a deal

Mr Stonhill marketed the property for £895,000 but after a year accepted an offer of £500,000 from Mr Rodger. John D Wood marketed property but as a residential unit. Even at £795,000 no offers were received from Savills. Once the site had been split the front part containing the pub was remarketed with Colliers for a price of £650,000.

We would suggest that the reason there has been no interest from purchasers is that the price is far too high. The whole site was bought in 2013 for £500,000 - the purchasers did very little with it and yet the front half is now being marketed for £650,000, a while £150,000 more than the whole site was purchased for. Mr Downes uses a list of pubs to show the capability of the reduced site being able to trade - I would use those very same details to show that the current owners asking price of £650,000 is way above market value. I would argue that this price shows that the current owners have no intention of selling the building as a going concern and are simply 'playing the game' till they get planning permission for residential use.

#### **CONCLUSION**

The Masons is capable of operating on a reduced site (with storage issues) but could it be financially viable on a reduced site. By reducing the site and in particular hiving off the landlords accommodation it puts far more pressure on the financials and makes it a far less attractive offering. However if the asking price was reduced it may become viable too. We would summarise that the reason to split the site would be exactly as stated. That the pub is capable of trading but that the financial aspect is so tight that no one would take it up. This then plays into the current owners hand as he will be able to prove that the pub is unsellable and he eventually be able to get planning permission for change of use to a house thus making a more than healthy return on this initial investment.

If however, the price was more reasonable and in line with other similar sales the financials begin to become more sensible. ie it is not the capability of the split site to work but more the price of the initial investment which makes it impossible to succeed.

As chair of the parish council I have been tasked to try get the pub reopened. We would love someone to buy it to run it as a pub but if thats not feasible we would buy it at a sensible price. It would be run as a professional and commercial business (or at the very least to

cover it costs) with professional and experienced people at the helm - we would grant them a tenancy. We have formulated a business plan, got several experienced and successful tenants who are interested in moving forward, we have a structure ready to be put in place so that the whole village has a chance to a share of building whilst the operating will be down to the licensee. Financing is all in place. We take this very seriously and would only proceed if firstly the villagers approved.

From our investigations we feel that if the reduced site were offered at a reasonable price the pub could be successful. It makes it a harder proposition and a more risky one especially with the amount of renovations needed. It would limit its income going forward.

If however the whole site could be purchased we are extremely confident that the pub could become extremely successful, offer a great community amenity, could be expanded to provide more accommodation and/or to provide community led enterprises as well as retaining the villages historical record. All of which provides employment, a commercial activity in the village and a real social heart which our villagers can be proud of and will be available for many generations to come.

For your information I have also attached some other plans of the site.

I.3 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 subject to

- G36 parking as plan
- G11 access specification
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details

I.4 WODC Architect

In terms of the physical fabric, it appears that the only changes are the blocking of a doorway in an internal partition wall, the installation of an air-source heat-pump, and the bringing back into use of an earlier access drive, and an existing field gate. With respect to the internal doorway, I note that this affects no significant historic fabric and that it could easily be reversed - and it is thus unproblematic, from our point of view. With respect to the air-source heat-pump, I note that this would be on the south west elevation, and would be potentially prominent in views across the fields from the track to the south. However, if it is kept low, and painted out with the masonry, I think that it would be an acceptable intervention, particularly when the environmental benefits are brought into the balance. With respect to the access drive, I note that this is currently grassed-over, and is to be laid to shingle, which will tend to raise its prominence to a degree. However, providing that there is no other definition, for example

with walls or fencing to the road, I don't think that this is particularly problematic. Turning to the change-of-use, I note that the range has had various different uses over the years, including residential, and whilst the range is now in separate ownership, it is hard to see that this makes any huge difference to how either the range or the parent building are perceived.

Recommendations: Give consents, with an ad hoc condition requesting details of the air-source heat-pump.

Reasons: Appears compliant with policies BE2 and BE7.

I.5 WODC Planning Policy Manager

The key policies in the adopted West Oxfordshire Local Plan and pre-submission draft Local Plan 2031 are:

West Oxfordshire Local Plan 2011

- o Policy BE1 Environment and Community Infrastructure
- o Policy BE2 General Development Standards
- o Policy BE3 Provision for movement and parking
- o Policy BE7: Alterations and extensions to Listed Buildings
- o Policy BE8: Development affecting the Setting of a Listed Building
- o Policy BE9: Change of Use of a Listed Building
- o Policy E6 Change of Use of Existing Employment Sites
- o Policy NE1 Safeguarding the countryside
- o Policy NE2 Countryside around Witney and Carterton
- o Policy NE3 Local landscape character
- o Policy H2 General residential development standards
- o Policy H3 Range and type of residential accommodation
- o Policy H4 Construction of new dwellings in the countryside and in small villages
- o Policy H10 Conversion of existing buildings
- o Policy H3 Range and type of residential accommodation
- o Policy TLC12 Protection of Existing Community Services and Facilities

Pre-submission draft Local Plan 2031

- o Policy OS1 Presumption in Favour of Sustainable Development
- o Policy OS2 Locating Development in the Right Places
- o Policy OS3 Prudent Use of Natural Resources
- o Policy OS4 High Quality Design
- o Policy E2 Supporting the Rural Economy
- o Policy E5 Local Services and Community Facilities
- o Policy T1 Sustainable Transport
- o Policy T2 Highway Improvement Schemes
- o Policy T3 Public Transport, Walking and Cycling
- o Policy T4 Parking Provision
- o Policy EH1 Landscape Character
- o Policy EH2 Biodiversity
- o Policy EH6 Environmental Protection

- o Policy EH7 Historic Environment
- 1.6 WODC Rural Development No Comment Received.
- 1.7 Ecologist No objection subject to conditions
 

All of the works must be carried out as per the recommendations in section 6 of the Daytime bat and nesting bird survey report (sedgehill ecology services nov 15). In addition a native hedgerow shall be created in the location show in the proposed block plan. All mitigation & enhancement works must be completed before the dwelling is first brought into independent use and 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.

## 2 REPRESENTATIONS

- 2.1 At the time of writing 36 letters of objection have been received the summarised comments of which are as follows:

### Housing Policy

- The change of use is against housing policy. The 2011 Local Plan does not allow for conversion to a dwelling in South Leigh as it is seen as a small village which is unsustainable. There is no public transport, no village shop, no doctors surgery or other services needed to support a larger village;
- The 2011 West Oxfordshire District Council Local Plan makes it clear that only in exceptional circumstances can this type of application be granted, surely this is not an exceptional circumstance;
- Should permission be granted, then all former annexes could also be granted;
- 2031 WODC LOCAL PLAN - Under the "emerging" Local Plan, up to 2031, POLICY OS2 (Locating Development in the Right places) conversion to residential use isn't mentioned, employment, tourism and community uses are;
- The Masons' Arms and Cottage have been a significant agricultural and community presence in the village of South Leigh since the early C17. The form of the group of buildings largely reflects the historic expansion of the property since that time to meet the requirements of the original farm. The later role as a public house probably adapted the farm buildings with little alteration to the original layout and fabric of the buildings;

- The proposed use of the outbuildings known as Masons' Cottage will not change the layout, plan form or historic fabric of the buildings. The use should complement the predominant residential character of South Leigh;
- Policy H2 in the 2031 Local Plan only considers allowing residential use in POLICY H2 "where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset". This application does not support the future of a heritage "asset", The Mason Arms, it is not part of a package which might bring that heritage asset back into viability as a community building, so the application has no support under either current or future planning policies, and should be refused.

### Viability

- The whole of the car park is vital for visitors to the pub and guests who may want to stay overnight;
- The pub has not been marketed at a realistic price or with a suitable agent;
- The back of the Masons Arms is an integral part of the pub and is still needed for the pub to run successfully as a village pub and community hub;
- If the site is sub divided possibilities to have a local shop, nursery, B&B will be lost;
- The subdivided buildings could be let or used by staff as accommodation and as such increase the funding for the pub and improving its viability;
- I feel that you should be looking at a feasibility study prior to his ownership;
- A one bed dwelling WILL not benefit our local community at all and affects the prospects of the pub as a whole;
- My main concern is that granting permission for the cottage to have an allowable use as Residential accommodation will essentially split the Mason Arms and its outbuildings into 2 parts;
- The long term aim I believe is to obtain an outcome of a commercially unviable pub. The whole site has been on the market with various agents on and off now for almost 24 months at a ridiculous asking price. One must ask whether or not the current owner is trying to prove to WODC that they have a commercially unviable public house?
- Should this application be allowed I have concerns that:
  - This will set a precedent for other illegal historical developments to be legitimised within WODC;
  - It will reduce the commercial viability of the public house
  - WODC will be viewed as endorsing illegal practices



- The developer is trying to split the site, develop the outbuildings at the back, prove non-viability of the pub and subsequently develop the pub too:
- The division of the car park / courtyard would seriously inhibit the viability of the Mason Arms; this area should be restored to its former position;
- The author of the viability report has taken a narrow view on what is required for a community based public house in a small village. He has ignored the additional issues that this asset can be put to and has viewed this site as providing facilities for only a public house with very limited accommodation. The author has ignored that the viability of a public house in this location requires the provision of additional facilities and services that require the use of these outbuildings to maintain the business during a wet Wednesday in January in addition to the easier trading during a warm July .THIS IS CONTRARY TO THE UNJUSTIFIED STATEMENT MADE AT SECTION 3.4.4 OF THE REPORT THAT THE OUTBUILDINGS ARE INCIDENTAL TO THE OPERATION OF THE PUB;THE OUTBUILDINGS ARE IN FACT ESSENTIAL TO THE VIABILITY OF THE OPERATION OF THE PUB;
- No account has been made in the viability report to the Masons Arms as a tourist destination with village links to historic figures such as Dylan Thomas and John Wesley and its close location to Oxford and The Cotswolds. This will potentially require more letting rooms;
- Section 5.2 of the viability report is immaterial as there as the part of the Masons Arms facing Station Road is owned by a different entity and therefore there is no planning gain to be made from separating the outbuildings;
- Contrary to the opinion expressed in sections 3.11 and 5.1 of the viability report, no justification has been made for the separation of the outbuildings from the main pub building. The retention of these buildings is essential to the future viability of the Masons Arms as a whole;
- Para 4 discusses the marketing of the property. As a member of the Parish Council working group responsible for submitting a bid for the pub to Mr Rogers when it was still in his possession, and therefore I know that they received at least one credible offer and have heard of others that were made. I was also responsible for making an offer the previous owner Gerry Stonhill of a very similar amount paid by Mr Rogers. There has been credible interest in the property, but not at the inflated and unrealistic prices asked; prices designed only to avoid a sale and therefore provide support for conversion to residential use. This is born out by the fact that Mr Rogers bought the property for £500,000 and then within 6months had placed it back on the market at £895,000 having made no significant improvements. He was clearly not interested in achieving a sale on the open market.

#### ACV

- Separation is not a benefit to the community;
- It is unacceptable that an outside property developer can determinedly continue to try to devalue and erode our community asset against the clear wishes of this isolated rural community when we are trying hard to purchase it from them at a fair market price;

- Separation of the back from the pub will make it easier for the developer to make the whole of the pub in to residential and make it harder for the village to retain this vital central village resource;
- Plans for the village to utilise the Masons Arms for community uses and to provide local employment is policy compliant;
- The whole of the site is listed as an ACV;
- The proposed change of use would detract from the pub and its ancillary buildings potential of being an ACV. I know the people of our village are happy to buy the pub, and I think we need to keep as many of these wonderful traditional pubs as we can because once they are gone they are gone forever;
- This has indeed already been attempted with the 2015 "Transfer of Part" (i.e. "transferring half the land and associated buildings to my son") and I am aware that WODC are not stupid and can see through this;
- It does not seem to me to be correct to grant an application to something that is an Asset of Community Value;
- The author of the report has failed to engage with the community which has demonstrated that there is a wide desire for restoration of the Masons Arms as a centre of village life;
- The comparison to the Red Lion at Wendlebury in Appendix SP6 is a useful one. This pub is of a similar size, with outbuildings and after being marketed with a sensible asking price of £350K was sold to a community group who are now using those outbuildings to help build a viable business. This is EXACTLY what we hope to do with the Mason Arms in South Leigh and why it is so vital that the cynical attempt by property developers to use the planning system to their own personal gain, at the expense of the village community, must not be allowed to go ahead;
- The buildings behind the Mason Arms are integral to the pubs future success in lending space for staff and guest accommodation, space for functions, potential for a village shop, a nursery, an Amazon drop off point, an outlet for a farm shop or a myriad of other uses that could be developed as part of thriving village community. The entire site is an asset of community value and WODC must not let parts of it be hived off and reduce the viability of the pub.

#### Visual Amenity

- 2.2 Object to the access track which crosses an attractive green area:

#### Other

- Prior to Mr Stoner's ownership the pub was well used. Many people used to travel from a distance to use the pub;

- I feel that the current owner is trying to develop rather than to run it as a pub or even give it a chance, he's tried to get planning after making changes, especially to a "LISTED BUILDING", sold it off when he shouldn't have done;
- A village needs a pub and I can't see why it would not be a success as a pub/restaurant, whatever, a meeting place for locals and, trading on its old reputation, an interesting place for outsiders to visit;
- The new owners have not tried to run it as a pub;
- I totally understand he purchased the pub at a bargain price and his only objection is to make as much profit as possible, he is not from this area and has no loyalty to Oxfordshire what so ever. He purely wants profit;
- The proposed dwelling has no form of residential status at all;
- The large report I feel bears no relevance to the application and only serves as detraction to what is being done, it also has several inaccuracies;
- The plan shows a garage, how ridiculous as there is no way of getting the cars to it; this is just a smoke screen for later action;
- The application form makes false claims;
- The site is being used illegally as a dwelling and the owner should be made to remove the occupant without delay as it contravenes planning regulations:
- There is no cottage on the site only outbuildings that form part of the Masons Arms;
- Section 6 of the planning statement deals with the conversion of the outbuildings and emerging Core strategy policy 13. This section purports that the change of use is permissible because no other use can be found for the buildings and is required to maintain its Grade II listing. This is totally false;
- This application is an artifice to provide a large planning gain to the owner whose true purpose is to gain a change of use to residential which will permit not only extensive development of the site but will ease the change of use of part of the Masons Arms facing Station Road, an application that the Council will find difficult to refuse;
- Given that the site is only 3 miles from Witney alternative uses would be appropriate;
- A village hall whilst useful does not allow for the same social interaction that a pub does;
- Given the peak time traffic movements through the village a few more car journeys would not matter if it was bringing work and vitality to the village;

## Heritage Asset

- I note that something called a 'Heritage Appraisal' has now been lodged, a month after the application. It is evident that this is a desk-based assessment, reproducing historical errors which have crept into written and web-based records; the author has never visited the buildings in question. There is no description of the standing structures, or thus no comments of their historical significance. The official Listing only has a brief description of the exterior of the farmhouse, which needs updating; an interior inspection would reveal a probably 15th C building of considerable significance. Its relationship to the farmstead buildings to the rear, which are the subject of this application, has not been adequately established. Until a full internal recording and understanding of both the farmhouse (more recently a pub) and the farmstead buildings (more recently a microbrewery and before that a dairy) has been made, no decision on the future use of the whole site should be made;
- The author once more has mistakenly stated there is a dwelling called 'Masons Cottage' on this site. There is no separate dwelling on this site, only outbuildings that form part of the Masons Arms public house;
- The author falsely quotes National Policy Planning Framework (NPPF) paragraph 137 whereby 'Local Authorities are encouraged to look for new developments in Conservation Areas or World Heritage sites .....'. As the Mason Arms is not in either a conservation area or a World Heritage site this paragraph clearly does not apply;
- The author also selectively quotes NPPF paragraph 126 in particular the phrases 'positive strategies for the conservation and enjoyment of the historic environment' and 'the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation'. The author has failed to demonstrate how this proposal will enhance the enjoyment of the property (except to the occupier) - indeed it will remove the enjoyment of the asset by depriving access to the general public. Furthermore the author has again taken a blinkered approach to the viability of the asset by trying to assert that the only possible use for this asset is as a private dwelling and refusing to consider that there are other uses for these buildings (such as its traditional role in supporting the Masons Arms,) that will maintain the viability of the asset;
- The author has failed to include the remaining parts of NPPF paragraph 126 including a. 'the wider social, cultural, economic and environmental benefits....' This proposal clearly does not meet this goal and indeed by granting this application it will possibly have a contrary impact by reducing the viability of the Mason Arms as a whole to the detriment of the village. b. 'the desirability of new development making a positive contribution to local character and distinctiveness'. This proposal makes no positive contribution to both culture and daily life but can however be viewed as making a wholly negative contribution to the village by reducing the viability of the successful operation of the Masons Arms 5. In section 5.10 of the Heritage Statement the author falsely implies that the only option to maintain this heritage asset is to convert it into a private dwelling. The author has ignored that there are alternative uses for these buildings including its traditional use to support the Mason Arms as a public house;
- No mention has been made in the Heritage Statement of NPPF paragraph 133 (...Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent,...), and paragraph 134 (Where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use);

- The Heritage Statement paragraph 3.9 refers to the WODC Draft Local Plan 2031 but the references referred to (BE7, 8, 9) are part of the 2011 Local Plan. In this context it is plain that policy BE8 does not permit the redevelopment of these outbuildings as it will destroy the traditional setting of these outbuildings in supporting the operation of the Mason Arms. 8. It is plain the author of this report has neither visited nor studied the geography of the village in any great depth as contrary to statement in paragraph 5.2 which states '...The development to the south and west of the village along Chapel and Station Roads remains quite sporadic and closely reflects what is depicted on the C19 OS sheets....' there has been considerable development during the 20th century both at Lymbrook Close (leading off Station Road) and along Chapel Road. 9. Sections 4.3 to 4.7 of the Heritage Statement show the historical context of the Mason Arms (and its outbuildings) in the daily and cultural life of the village and beyond. These proposals will not only destroy the relationship between the outbuildings and the main part of the Mason Arms, but will run the risk of depriving both the village and wider society of the cultural and heritage significance of the Mason Arms as a whole;
- NPPF paragraph 140 clearly states that development of a heritage asset that is contrary to planning guidelines will only be permitted if it will secure the heritage asset and it outweighs the disadvantages of departing from the planning policy. Ignoring the 2011 local plan on development in South Leigh and decreasing the viability of the Mason Arms clearly increases the disadvantages of departing from the 2011 local plan particularly when these buildings can be returned to their traditional use in supporting the Masons Arms. This application is contrary to NPPF paragraph 140;
- It is unconnected to the "Heritage Asset" (not within the same application area or otherwise linked within the case) and so is contrary to the following section of the NPPF which states:
- Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;"
- The barns at the rear of the pub have been used as ancillary to the main 2 storey thatched building since the 1800's. Mr Hopkins, the publican & also a farmer, used them to milk cows & store milk & coal which he sold to the community, providing employment. Later they were used to store & brew beer & as the Lobster Bar when more space was needed to develop the restaurant trade;
- **In addition to the above representations SLVAG (South Leigh Village Action Group) has commented in a précised form as follows:**
- In summary SLVAG says the committee and or the officers should refuse the application on the basis

- It would be irrational in public law terms to grant the application given the decision and the reasons for the decision of 20th January 2016 in relation to the Asset of Community Value ("ACV");
  - That a grant of the application would reduce the economic viability of the pub;
  - The planning report and expert report submitted by the applicant contains material errors;
  - The filed planning statement whilst expressly listing particular paragraphs of three itemised planning policies does not engage or deal with their terms in relation to this application and in fact those policies, to a substantial extent, support the rejection of the application;

### Parsons Report

- 2.3 The expert report expressly does not answer the central issue of the impact of the division on the "viability of the business."
- 2.4 The second preliminary is not directly germane to the decision but will be of interest to the councillors and to the issue of viability of the pub and that is whether the marketing of the Mason Arms as a pub is genuine and in making these comments SLVAG use the applicant's comparables referred to in the expert's report against the marketing by Sampson Leisure Ltd of the Mason Arms for £650,000. These comparables are as follows: PUB Asking Price /not the price sold Comment.

Mason Arms £650,000. This does not include the subject property which was said to be sold in November 2015 for £250,000.

The whole site, including subject property, was sold in April 2014 for £500,000

Red Lion Wendlebury £350,000  
 Red Lion Northmoor £325,000 In fact sold for £250,000  
 Oxfordshire Yeoman Freeland £275,000  
 Chandlers Arms, Epwell £250,000  
 Robin Hood, Witney £250,000  
 Cook Inn, Combe £300,000  
 The Bull Great Milton £250,000  
 King's Head Fritwell To Let  
 Harrow Inn, Enstone £225,000  
 George and Dragon Fritwell £295,000  
 The Swan, Islip TBC  
 Black Head Inn, Stonesfield Offers invited  
 Lamb and Flag, Hailey £275,000  
 Greyhound Letcome Regis £350,000  
 The Anchor Stanford in the Vale £250,000

Average price of those with a price and based on asking price rather than the sale price and excluding Masons Arms.

- 2.5 In other words part of the Mason Arms is being offered at least 2.3 times what can be regarded as the market value (and the subject property is not included in the sale further reducing its potential and viability.)
- 2.6 The applicant has retained and relies on an expert report by Stuart Parsons who expressly says "for the avoidance of doubt my instructions do not require me to comment on the potential viability of the Mason Arms" - 1.2.2 and therefore the applicants have wholly failed to show what they need to show as set out in paragraph 2 above.
- 2.7 Mr Parsons has excluded from his consideration the "marketing from a viability perspective" -
- 2.8 4.3 - we wonder why that is, unless as an expert and the rules that bind him, he could not give an answer supportive of the inflated asking price. He does not address the effect of something he is aware of - see 3.4.2, that the loss of the subject property to the community means the loss of two letting bedrooms in the pub.
- 2.9 Further the narrow question he has posed for himself is would the Mason Arms be "capable of operating as a local community public house without the land and outbuildings" - 3.2 and even then he has not answered the question: Would it be capable of operating as a local community public house without the land and outbuildings when the purchase cost is £650,000 and his own figures show that it is at least 2.3 times the market value.
- 2.10 In his report there has been
- no consideration of whether or how the subject property could supplement the income of the pub;
  - no projections of cash flow with or without the subject property;
  - no projections of profit with or without the subject property and whether therefore the proposed
  - sale price of £650,000 is viable.
- 2.11 It may be that the above are outside his expertise but in that case those issues are not addressed in the application and supporting documentation.
- 2.12 Even with these gaps his conclusion is hardly ringing "the Mason Arms should be capable of trading without the land and building or the rear of public house" - 5.1 of his report. Further is the question he asks "is it capable of operating" answered by the response it "should be capable of trading".
- 2.13 His report is thin and unpersuasive.
- 2.14 Abbey Properties were instructed by the previous owner Gerry Stonhill via myself to market the Mason Arms locally. We had a high number of enquiries for the property as a pub, at the time of sale we had potentially other buyers with different ideas for additional services building extra rooms to be able to accommodate Weddings, conference rooms as well as extra bedrooms.
- 2.15 In my opinion this is still a viable commercial project at the price that was paid for it and shouldn't be divided and converted in part to a residential dwelling as this will make the residue of the site less appealing for a genuine investor wanting to further the commercial potential.

- 2.16 The current efforts by the owner to divide up the property and sell it off in two parts appear to be a cynical approach to maximising possible personal gain with absolute disregard to the welfare of the village and its inhabitants.
- 2.17 These proposals will not only destroy the relationship between the outbuildings and the main part of the Mason Arms, but will run the risk of depriving both the village and wider society of the cultural and heritage significance of the Mason Arms as a whole.
- 2.18 NPPF paragraph 140 clearly states that development of a heritage asset that is contrary to planning guidelines will only be permitted if it will secure the heritage asset and it outweighs the dis benefits of departing from the planning policy. Ignoring the 2011 local plan on development in South Leigh and decreasing the viability of the Mason Arms clearly increases the dis benefits of departing from the 2011 local plan particularly when these buildings can be returned to their traditional use in supporting the Masons Arms. This application is contrary to NPPFF paragraph
- 2.19 It is possibly not a planning matter but the asking price of £650,000 for just the front section is massively over-priced when the price for the complete property was £500,000 in 2014. It seems the owner wishes to say he has been unable to sell the pub and therefore will have to turn all the buildings into housing.

### **3 APPLICANT'S CASE**

- 3.1 The application is supported by the following documents:

A Planning Statement;  
A Viability Statement;  
A Heritage Appraisal;  
An Energy Report;  
An Ecology Report;

- 3.2 Whilst these documents can be read in full on the Council's website, in conclusions made in each report are as follows:

#### Planning Statement

- 3.3 'This is a relatively minor application for the commercial use of a single storey outbuilding as a one bedroom unit of residential accommodation together with ancillary residential residential storage, and these works would be envisaged within a Grade II Listed Building. The policies of the Local Plan and the Emerging Core Strategy, need to be balanced, as on the one hand this is the conversion of a remote building within a hamlet, and circumstances will need to be identified as to why a residential use is appropriate, while on the other hand a viable use to a Grade II Listed Building puts a presumption in favour of granting planning permission and listed building consent for these works. On balance the proposal will not harm the open character of the building or the adjoining countryside, and should be supported.'

#### Viability Statement

- 3.4 'In my experience the Masons Arms should be capable of trading without the land and building to the rear of the public house. This view is supported by the information set out at 3.0 above. The public house is left with sufficient trading, ancillary and domestic areas to be able to trade. In addition more than adequate external areas, be it for trading or parking will remain.



- 3.5 It is not unusual for the back land to be separated from the operational side of the business as this can allow the owner to take value out of the ownership enabling the public house to be marketed at a lower price.
- 3.6 Despite extensive marketing there is no evidence of a potential purchaser wishing to proceed with an acquisition on the basis they would operate the public house and utilise the buildings and land at the rear for operational purposes.
- 3.7 I conclude that, in my opinion, there is no operational reason to suggest that the buildings and land that have been sold separately to the Masons Arms should remain in the same title /ownership.'

#### Heritage Appraisal

- 3.8 'The Masons' Arms and Cottage have been a significant agricultural and community presence in the village of South Leigh since the early C17. The form of the group of buildings largely reflects the historic expansion of the property since that time to meet the requirements of the original farm. The later role as a public house probably adapted the farm buildings with little alteration to the original layout and fabric of the buildings.
- 3.9 The proposed use of the outbuildings known as Masons' Cottage will not change the layout, plan form or historic fabric of the buildings. The use should complement the predominant residential character of South Leigh.'

#### Energy Report

- 3.10 The energy statement indicates that by installing an air source heat pump carbon emissions can be reduced from between 15 to 20%. This is in line with policy outlined in the Council's Emerging Core Strategy.

#### Ecology Report

- 3.11 To ensure that this site complies with wildlife legislation and the NPPF, the following recommendations are made:
- 3.12 At any stage should the proposals change and have works to the identified potential crevice spaces including soffit, barge boards or external roof works then further echolocation surveys will be required during the active bat survey season (May to August inclusive) to determine the likely absence or confirmed presence of a bat roost.

## **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
 BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE7 Alterations and Extensions to Listed Buildings  
 BE8 Development affecting the Setting of a Listed Building  
 BE9 Change of Use of a Listed Building  
 E6 Change of Use of Existing Employment Sites  
 H2 General residential development standards

TLC12 Protection of Existing Community Services and Facilities  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
E2NEW Supporting the rural economy  
E5 Re-use of Non-vernacular Buildings  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH2NEW Biodiversity  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This application relates to a dwelling and outbuildings that were formerly part of the curtilage of Mason Arms and were occupied ancillary to that building by the former landlord. It would appear that the dwelling was created approx "20 odd years" ago according to the evidence of the Parish Council and evidence submitted by the former owner of the pub and as such all works from that period are now exempt from enforcement action. The dwelling and outbuildings have more recently been severed from the main pub site by the erection of a fence and hedge and closing an internal doorway (which is the subject of the parallel application for Listed Building Consent). In addition a previous second access is now proposed for use as the main access for the dwelling and part of the pub car park has been segregated as a front yard area for the dwelling and as such is no longer physically capable of serving the pub as a car park. An air source heat pump is also proposed to serve the dwelling and a fence to separate it from the land retained by the pub.
- 5.2 The majority of the works are retrospective. The use of the dwelling separate from the pub together with ancillary operational works comes under control.
- 5.3 Separate to the planning position the Council has also made the whole site (which is now in two separate ownerships) the subject of an ACV designation. This has no particular impact on the processing of these planning proposals as the legislation covers separate issues but it is indicative of the desire of the Council to retain the pub as a viable and trading business.
- 5.4 Members will be aware that they have received a series of updates regarding the expediency of enforcement action in respect of the breach of planning control which the current applications are seeking to regularise and a separate report addressing that issue is also on this agenda.
- 5.5 The description of the application has been amended to include the erection of a fence to more accurately reflect the development proposal.

### Background Information

- 5.6 The most recent application was tabled under reference 15/02084 and sought to demonstrate the lawfulness of separate use of the dwelling - separate from the pub. This was withdrawn when it became clear to Officers that the case had not been proven/evidenced on the basis of fact. Subsequently Officers have held a series of meetings seeking to firstly persuade the owners that there was a breach of control and subsequently to advise as to the merits and issues of

what has now become this application. Separately the Parish Council and local residents have been informed of the current position.

- 5.7 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:

Housing policy/change of use or new dwelling?

- 5.8 Many representations consider that this proposal is contrary to policies for the conversion of buildings to dwellings in the adopted and emerging plan and that as such there should be a housing policy based refusal reason. Your Officers do not consider that such a policy based refusal can be supported. As outlined above the residential accommodation was created in 1996 by the former landlord. It had all the features of a separate house in terms of bedroom, bathroom, living room, kitchen etc. Thus as a matter of fact it is considered that the dwelling was created in 1996 and as such is now exempt from enforcement action. It is therefore NOT a new dwelling/conversion and as such the policies that apply to those situations do not pertain in this instance. Rather your officers consider that this is more akin to the position that would apply to an annexe where consent was being sought to remove the tie and allow unfettered use. In those circumstances the policies essentially say that if the reason why the tie was imposed are no longer applicable then the tie may be removed. Whilst clearly there is no such tie actually in place the planning position is effectively the same in that separate occupation/subdivision of the plot is all that can now be considered.
- 5.9 In considering the policy context for assessing the merits of an unfettered new dwelling in South Leigh Members will be aware that the Government has recently relaxed the policies that apply to new dwellings with a view to securing a step change in housing delivery. For example, introducing PD rights for conversion of barns, offices etc. to housing irrespective of location. The NPPF additionally allows for new dwellings in what were formerly considered unacceptable locations where they help support local facilities and comply with the definition of Sustainable development. Were the proposal for a new build unit or unjustified conversion then officers would advise that South Leigh would not usually be considered appropriate for new residential development. However the unit already exists and given the positive context, relative sustainability in proximity to Witney, and where the new unit could help to support village facilities, your officers do not consider that a housing based refusal reason would be likely to be sustained at appeal. This is particularly the case in that the buildings are listed, currently the pub itself is not trading and the site is in separate ownership to the pub. As such finding a viable use to help ensure future maintenance of this part of the listed complex adds weight to not running a purely housing policy based refusal.
- 5.10 Taking the above into account your officers view is that the key issue is whether the "tied house" is essential to the ongoing operation of the pub and this is discussed in some depth later in this report.

Residential amenity and highway safety for the separated unit

- 5.11 In creating a separate (rather than tied) house there are a series of physical and relationship issues that need to be considered. The most obvious of these is the substantial additional use of the secondary access as the main access serving the separated unit. Visually the access is currently low key as it is surfaced in grass and clearly with greater use and wear it will need a more robust surfacing material. Pea Shingle is proposed. This will urbanise the streetscene to a

very small degree but such access ways are wholly unexceptional in a village context and as such the appearance is not considered to justify refusal. Of more concern is the use of the access as the principle means of access to the separate house. Vision to the right when emerging is currently somewhat reduced by the siting of a BT phone box within the vision splay. However the response from OCC as Highway Authority is that they do not object on highway grounds and as such a highways based refusal reason would be difficult to sustain at appeal. They have however been asked to revisit the site and a verbal update will be given at the meeting.

- 5.12 In terms of the amenity for the new occupiers the garden and parking areas are more than adequate to serve a small dwelling and provide sufficient privacy and amenity for the occupiers. Environmental Health Officers have raised no objections in respect of the air source heat pump or proximity to the retained pub and your officers would concur that there are many examples of dwellings in equal or closer proximity to village pubs without residential amenity being a concern. As such it is considered that the amenity and highway safety (subject to any further comments from OCC) of the new occupiers is acceptable in planning terms.

Viability both functionally and financially

- 5.13 This is the key issue as far as your officers are concerned. If the unit is essential to the future operation of the pub as a pub then refusal would be justified. If it is not, but rather is desirable or would merely help to justify a higher sale price for the retained pub then a refusal on these grounds is not justified. In assessing this aspect your officers have looked at two issues- firstly the functional needs of the retained pub and secondly, and less importantly, the impact on the sales value of the retained pub or site as a whole.
- 5.14 In a functional sense the pub previously enjoyed large gardens, a large car park and a range of ancillary storage buildings along with the landlords accommodation. In its subdivided state the pub still benefits from substantial external areas, a large car park with the potential for that to be expanded if required and a smaller amount of ancillary storage space. Were the publican to wish to live on the site it is likely that some of the letting rooms in the first floor of the pub could be used as such- albeit with a consequent reduction in income that could be generated from lettings. The extent and quality of land, parking and facilities appears to your officers to compare favourably with many similar rural pubs that are successfully trading. This assessment is corroborated in that the applicant commissioned a report from Fleurets who are acknowledged as specialists in this field who similarly consider that the retained facilities are sufficient for the pub to function successfully. The loss of the separate residential unit is thus not considered to harm the functional ability of the pub to trade successfully.
- 5.15 Much has been made in the representations of third parties and the Parish Council that the unit is essential to the viability of the site as a whole. In that regard, and confirming the assessment made in the preceding paragraph, it is pertinent to note that they variously state that "we agree that the reduced site has the potential to operate as a pub but we would question whether it can be financially viable with the high asking price and the amount of renovation required". They also confirm this position in their statement "if however the price of the reduced site was more reasonable and more in line with other local sales the financials even of a split site begin to become more sensible ie it is not the capability of the split site to work but more the price of the initial investment that makes the difference". They conclude "The Masons is capable of operating on a reduced site (with storage issues) but could it be financially viable on a reduced site....if the asking price were reduced it may become viable too". Your officers, as advised above would entirely support their assessment that the site does not need the landlords accommodation provided that the asking price for the pub is reasonable.

- 5.16 Officers have asked the applicant to produce evidence that the pub is still financially viable but he is understandably somewhat reticent in that he does not own the pub and is not in a position to advise as to how it is likely to trade. Thus any evidence produced would be at best a guesstimate but none the less Officers are still seeking it. However, in that the functional ability of the pub to trade appears to be accepted by all parties and it is only the sale price of the pub that would generate the requirement for potentially retaining the residential unit your officers are increasingly of the view that this matter is in fact more pertinent to any application seeking the change of use of the pub and whether it has been marketed at a price reflective of the assets it enjoys. The evidence provided by third parties suggests that it is being marketed at a price that may be somewhat in excess of its value as a business as a pub- but as stated above that is perhaps more correctly a matter that will need to be considered if and when an application to change the use of the pub is submitted rather than as part of this application. In any such application to justify a change of use any applicant would need to demonstrate that the retained pub had been marketed at a price and for a duration sufficient to confirm that there were no takers. If the price were inflated above comparable such businesses then that would be evidence for the LPA to refuse any such application.
- 5.17 As to the concern expressed by the PC regarding the lessened storage capacity at the pub site, there is ample space whereby such facilities could be provided in a manner that respected residential amenity and the setting of the listed buildings. Similarly the retained site is sufficiently large that there may be opportunities to extend facilities to increase income (subject to pp and lbc) but again that would be a matter for a separate application.

#### Impact on Heritage Asset

- 5.18 The impact on the listed building itself is mostly the blocking of the internal connecting doorway. This has not affected the fabric or legibility of the range of outbuildings and is easily reversible in future should circumstances change. Thus the impact on the fabric of the listed building is entirely acceptable and no harm has been caused. Paragraph 134 of the NPPF is not therefore invoked. As to the setting of the buildings the fence and hedge are similarly all transitory, reversible and are commonplace in the setting of listed buildings. With regard to the historic impact the evidence appears to suggest that the outbuildings have performed a wide variety of functions over the years from stabling to coal storage to brewing to residential use. Planning permission was also previously given for their use as squash courts. As such this is merely the latest in a series of alternative uses that the buildings have enjoyed and the physical alterations to enable the current residential use were largely undertaken some decades ago and have not been the subject of adverse comment in the intervening decades.

#### Conclusion

- 5.19 This has been a contentious application with strongly held opinions that urge a refusal of consent. Members will be aware that merely because the works are largely retrospective is not of itself a refusal reason and that the application has to be judged on its merits, on the evidence and on planning grounds alone. In that regard your officers have by way of this report sought to capture the essence of the key issues raised against the granting of the proposals and assess them objectively against existing and emerging policies and the provisions of the NPPF. In that regard the unit is considered to enjoy good residential amenity, to have a safe access (subject to final comments of OCC), to not be functionally necessary for the ongoing utility of the pub nor to have caused damage to the fabric or setting of the listed buildings. Whilst housing policy is heavily cited by both the applicants agent and the objectors your officers consider that the

reality is that this is more appropriately considered against the provision that apply to removal of granny flat conditions, the facts that the unit has been there for 20 years, and the prevailing desire of central government is to support a step change increase in housing delivery. The above reasons all add weight to the assessment that a refusal based upon conversion policies would not be likely to be supported. As such conditional approval is recommended.

## **6 CONDITIONS**

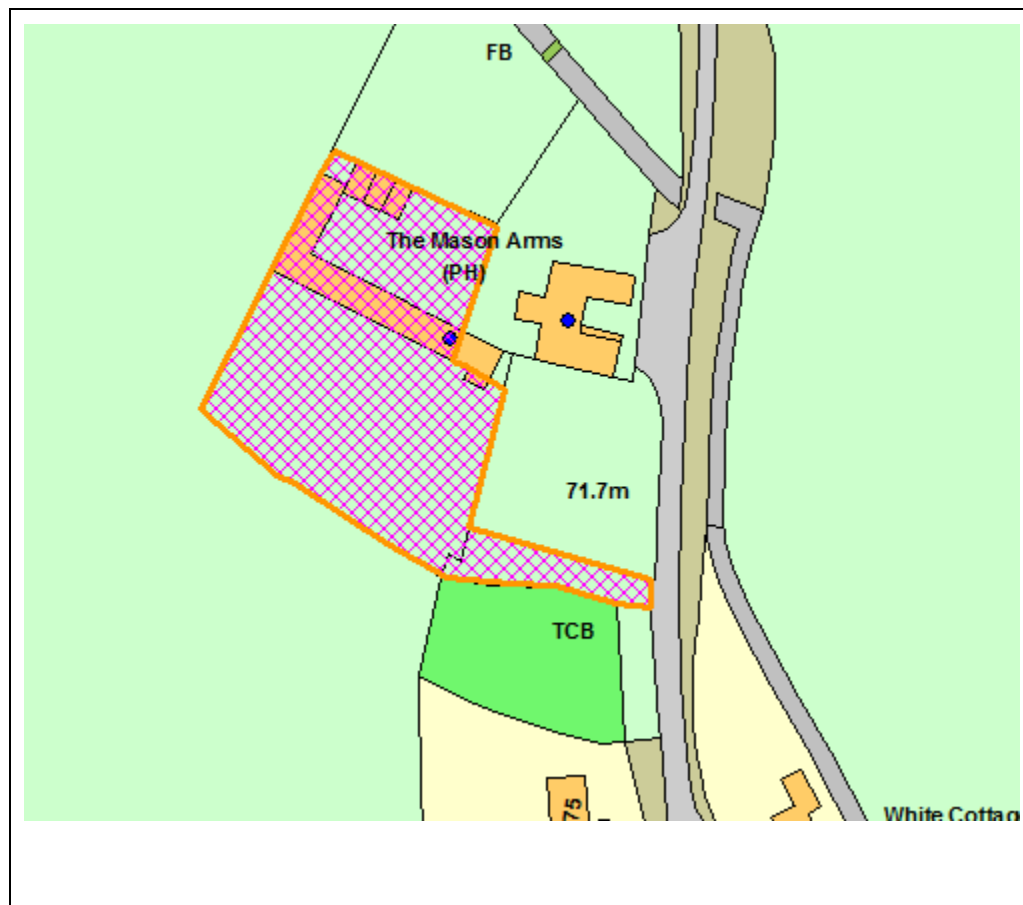
- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 3 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 4 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 outbuildings shall be constructed.  
REASON: Control is needed in the interests of the setting of the listed building.
- 5 That prior to first installation elevational details of the proposed air source heat pump shall be submitted to and approved in writing by the LPA and the said air source heat pump shall be installed in accordance with the said approved details and retained as such thereafter.  
REASON: In the interests of the setting of the listed building.
- 6 Notwithstanding the application details of the means of enclosure surrounding the site shall be submitted to and approved in writing by the LPA within one month of the date of this planning permission and the said approved enclosures shall be constructed on site within three months of the date of this planning permission and retained as such thereafter.  
REASON: In the interests of the setting of the listed building.

### **NOTE TO APPLICANT**

- 1 For the avoidance of doubt any extensions, alterations or means of enclosure surrounding and within the curtilage of the listed building will require planning permission and/or listed building consent.

Application Number	I6/00463/LBC
Site Address	Mason Cottage Station Road South Leigh Witney Oxfordshire OX29 6XN
Date	6th April 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	South Leigh
Grid Reference	439133 E 208612 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Installation of external air source heat pump to south west elevation and replacement of internal door opening with wall. (Part retrospective)

**Applicant Details:**

Mr Paul Rodger  
Mason Cottage  
Station Road  
South Leigh  
Witney  
Oxfordshire  
OX29 6XN

**I CONSULTATIONS**

- I.1 WODC Architect In terms of the physical fabric, it appears that the only changes are the blocking of a doorway in an internal partition wall, the installation of an air-source heat-pump, and the bringing back into use of an earlier access drive, and an existing field gate. With respect to the internal doorway, I note that this affects no significant historic fabric and that it could easily be reversed - and it is thus unproblematic, from our point of view. With respect to the air-source heat-pump, I note that this would be on the south west elevation, and would be potentially prominent in views across the fields from the track to the south. However, if it is kept low, and painted out with the masonry, I think that it would be an acceptable intervention, particularly when the environmental benefits are brought into the balance. With respect to the access drive, I note that this is currently grassed-over, and is to be laid to shingle, which will tend to raise its prominence to a degree. However, providing that there is no other definition, for example with walls or fencing to the road, I don't think that this is particularly problematic. Turning to the change-of-use, I note that the range has had various different uses over the years, including residential, and whilst the range is now in separate ownership, it is hard to see that this makes any huge difference to how either the range or the parent building are perceived.

Recommendations: Give consents, with an ad hoc condition requesting details of the air-source heat-pump.

Reasons: Appears compliant with policies BE2 and BE7.

- I.2 Parish Council See comments under I6/00460/FUL
- I.3 Historic England No comments on the application

**2 REPRESENTATIONS**

See parallel report under ref I6/00460/FUL on the Agenda dated 18/04/2016.

**3 APPLICANT'S CASE**

See parallel report under ref I6/00460/FUL on the Agenda dated 18/04/2016.



## 4 PLANNING POLICIES

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 This application is for the blocking up of the former internal connecting doorway and an air source heat pump located along the rear elevation of the listed building.

### Background Information

- 5.2 See the parallel report in respect of 16/00460/FUL on this Agenda dated 18/04/2016.
- 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:

### Impact of the alterations on the character and appearance of the listed building.

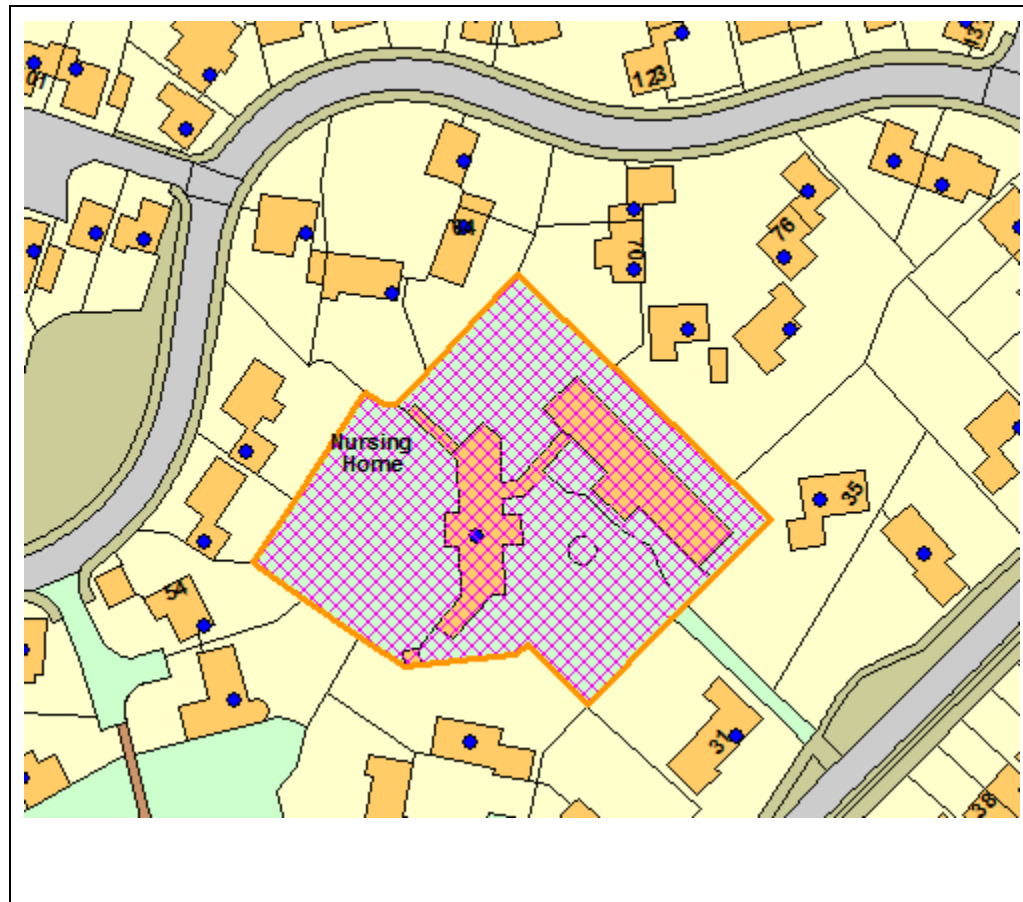
- 5.4 In terms of this application for listed building consent the changes are the blocking of a doorway in an internal partition wall and the installation of an air-source heat-pump along the rear elevation. The internal changes affect no significant historic fabric and it could easily be reversed as such it is considered unproblematic in terms of impact on the heritage asset.
- 5.5 With respect to the air-source heat-pump, subject to it being kept low, and painted in an appropriate colour finish, it is considered an acceptable intervention, particularly when the environmental benefits are brought into the balance.
- 5.6 In light of the above the impact on the listed fabric is such that no material harm results and as such the part retrospective works to the listed building are considered acceptable. Given that there is considered to be no harm to the listed building paragraph 134 of the NPPF is not therefore invoked.

## 6 CONDITIONS

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 That prior to first installation elevational details of the proposed air source heat pump shall be submitted to and approved in writing by the LPA and the said air source heat pump shall be installed in accordance with the said approved details and retained as such thereafter.  
REASON: In the interests of the architectural integrity of the listed building.

Application Number	I6/00408/FUL
Site Address	Merryfield Nursing Home 33 New Yatt Road Witney Oxfordshire OX28 1NX
Date	6th April 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Witney
Grid Reference	436207 E 210940 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Extension to roof of annexe to provide five bedrooms and staff rest area at first floor level.

**Applicant Details:**

Mr Anil Dhahani  
Merryfield Nursing Home  
33 New Yatt Road  
Witney  
Oxfordshire  
OX28 1NX

**1 CONSULTATIONS**

- |     |                |  |
|-----|----------------|--|
| 1.1 | WODC Architect | Cannot be supported on design grounds. |
| 1.2 | OCC Highways   | No objection.                          |
| 1.3 | Town Council   | No objection.                          |

**2 REPRESENTATIONS**

- 2.1 Two letters of representation have been received and are summarised below:

P D and J Smith

- Loss of light - we have previously raised our concerns with the council over daylight restrictions caused by the protected trees and therefore feel the development will make the garden unusable;
- Proposed development will dominate our recreational amenity given the proximity to the garden;
- Increase noise;

G Dyer - 72 Vanner Road

Wishes to place no response.

**3 APPLICANT'S CASE**

- 3.1 The applicant has provided a detailed Planning, Design and Access Statement that is available online, the document has been summarised below:
- The proposal to provide an additional five bedrooms within the roof space of the existing annexe to Merryfield giving much needed additional accommodation for the elderly within the area.
  - When taking up such accommodation, new residents will leave their existing, under occupied, family home, thus increasing the supply of such homes within the District.
  - The increase in bedrooms will replace the beds lost as a result of recent legislation changes, which required the provision of en-suite facilities within each bedroom, together with the minimum size requirement for double bedrooms, which made those at Merryfield redundant.
  - The increased viability of Merryfield Nursing Home will ensure its survival and enable funding of much needed repairs to the listed building.
  - There would be no loss of privacy or overlooking as a result of the development.

- There are a number of mature trees within Merryfield, none of which would be affected by the proposed loft conversion.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE8 Development affecting the Setting of a Listed Building

OS2NEW Locating development in the right places

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 seeks planning permission for the extension to roof of annexe to provide five bedrooms and staff rest area at the first floor level. Merryfield Nursing home is a Grade II listed building the annexe itself is not listed.

##### 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:

Siting, design and form;  
The impacts to the listed building;  
Highway Safety;  
The impact to neighbouring amenity.

##### Principle

- 5.3 This application is a resubmission of applications 15/01853/FUL & 15/01854/LBC which were withdrawn following concerns raised by your officers and the Conservation Officers in terms of the scale, design and massing. In terms of principle officers consider a dormer extension of this volume is not acceptable and could not be supported.

##### Siting, Design and Form

- 5.4 As part of the application process the Conservation Department were consulted on the resubmission and have provided the following comments:
- The new application represents a very similar scheme to the withdrawn application, the only major difference is that small pitched roofs are now formed on the ends of the dormer. The volume is still considered to be increased in an uncharacteristic manner, and it would still be potentially visible from the east and north and therefore cannot be supported.
  - In terms of the impacts to the listed building there would be no harm caused to the fabric of the listed building but officers consider that this type of development is not acceptable within the setting of a listed building and could set an undesirable precedent for future developments on sensitive sites.

### Highway

- 5.5 As part of the application process the Local Highways Authority were also consulted on the application and have identified that if the proposal is permitted, there will not be a significant detrimental effect ( in terms of highway safety and convenience ) on the local road network and therefore raise no objection.

### Residential Amenities

- 5.6 Officers have concerns in terms of the visual impacts upon outlook that could be caused to the closest neighbouring properties and in terms of further enclosing the neighbouring properties amenity space and creating further loss of light.

### Conclusion

- 5.7 In light of the above the proposed development is considered to be unacceptable in terms of the scale design and massing and fails to respect the existing character and appearance of the area and the setting of the listed building and could cause potential harm to the residential amenity of the surrounding neighbouring properties and street scene.

## **6 REASON FOR REFUSAL**

- I The proposed large dormer roof extension by reason of its scale and design fails to respect the existing character and appearance of the listed host dwelling and the annex building itself and as such will appear as an incongruous addition, to the detriment of the visual character and appearance of the area and would appear a dominant incongruous visual feature to the neighbouring properties in closest proximity of the development. As such the proposal is considered to be contrary to policies BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011, policies OS2, OS4 and EH7 of the Emerging Local Plan 2031 and the relevant pages of the NPPF and West Oxfordshire Design Guide.

Application Number	I6/00409/LBC
Site Address	Merryfield Nursing Home 33 New Yatt Road Witney Oxfordshire OX28 INX
Date	6th April 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Witney
Grid Reference	436207 E 210940 N
Committee Date	18th April 2016

### Application Details:

First floor rear extension to annexe to create five additional bedrooms and staff rest area.  
No demolition or alterations to listed building

### Applicant Details:

Mr Anil Dhahani  
Merryfield Nursing Home  
33 New Yatt Road  
Witney  
Oxfordshire  
OX28 INX

## I CONSULTATIONS

- I.1 WODC Architect Cannot be supported on design grounds.  
I.2 Town Council No objection.

## 2 REPRESENTATIONS

Two letters of representation have been received and are summarised below:

### P D and J Smith

- Loss of light - we have previously raised our concerns with the council over daylight restrictions caused by the protected trees and therefore feel the development will make the garden unusable;
- Proposed development will dominate our recreational amenity given the proximity to the garden;
- Increase noise;

### G Dyer - 72 Vanner Road

Wishes to place no response.

### **3 APPLICANT'S CASE**

The applicant has provided a detailed Planning, Design and Access Statement that is available online, the document has been summarised below:

- The proposal to provide an additional five bedrooms within the roof space of the existing annexe to Merryfield giving much needed additional accommodation for the elderly within the area.
- When taking up such accommodation, new residents will leave their existing, under occupied, family home, thus increasing the supply of such homes within the District.
- The increase in bedrooms will replace the beds lost as a result of recent legislation changes, which required the provision of en-suite facilities within each bedroom, together with the minimum size requirement for double bedrooms, which made those at Merryfield redundant.
- The increased viability of Merryfield Nursing Home will ensure its survival and enable funding of much needed repairs to the listed building.
- There would be no loss of privacy or overlooking as a result of the development.
- There are a number of mature trees within Merryfield, none of which would be affected by the proposed loft conversion.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE8 Development affecting the Setting of a Listed Building

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

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

### **5 PLANNING ASSESSMENT**

#### Conclusion

- 5.1 Please see the report in respect of application reference: 16/00408/FUL. The proposed development is considered to be unacceptable in terms of the scale, design and massing and fails to respect the existing character and appearance of the area and the setting of the listed building.

### **6 REASON FOR REFUSAL**

- 1 The proposed large dormer roof extension by reason of its scale and design fails to respect the existing character and appearance of the listed host dwelling and the annex building itself and as such will appear as an incongruous addition, to the detriment of the architectural and historic interest of the building. As such the proposal is considered to be contrary to policies BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011, policies OS2, OS4 and EH7 of the Emerging Local Plan 2031 and the relevant pages of the NPPF and West Oxfordshire Design Guide.

Application Number	I6/00476/OUT
Site Address	16 Black Bourton Road Carterton Oxfordshire OX18 3HA
Date	6th April 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Carterton
Grid Reference	428092 E 206700 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Outline application for the replacement of existing bookmakers shop with a new three storey building incorporating a bookmakers shop at ground floor level, three one bed and 1 two bed flats across three floors.



**Applicant Details:**

Mr & Mrs Tony & Sarah Silman  
C/O Agent  
United Kingdom

**I CONSULTATIONS**

- 1.1 Town Council SUGGEST REFUSAL on the grounds that the application goes against the Carterton Masterplan.  
  
There is insufficient parking for residents in the plan outlined.
- 1.2 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
- 1.3 WODC Architect No Comment Received.
- 1.4 WODC Drainage Engineers No objection subject to conditions.

**2 REPRESENTATIONS**

No letters of representation have been received.

**3 APPLICANT'S CASE**

- 3.1 The application was submitted with a design and access statement which can be viewed on line alongside the rest of the application. The conclusion states;
- 3.2 The development has been amended in design terms to address the only reason given by an Inspector for dismissing an appeal for development on this site.
- 3.3 The building line now has been stepped back to complement the line of adjoining properties.
- 3.4 In all other respects the Inspector considered the proposals to be acceptable.
- 3.5 The redevelopment of the site to retain the existing use whilst also providing residential accommodation is consistent with the Council's policies for Carterton Town Centre, but also with national policy which emphasises the role which residential development can play in ensuring the vitality of town centres.
- 3.6 Each of the flats provide adequate degrees of internal and amenity space and privacy. The properties are sustainably located with regard to local facilities and public transport.
- 3.7 The proposed development would provide additional dwellings in a highly sustainable location and would provide much needed accommodation assisting the Council in meeting its requirement to provide a 5 year supply of housing land.

## 4 PLANNING POLICIES

BE2 General Development Standards

BE18 Pollution

BE19 Noise

BE3 Provision for Movement and Parking

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

CA2NEW Carterton Town Centre Strategy

EH6NEW Environmental protection

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

## 5 PLANNING ASSESSMENT

- 5.1 The application seeks outline consent with access, layout and scale as non reserved matters for the replacement of the existing bookmakers shop with a new three storey building, incorporating a bookmakers shop at ground floor level, 3x1 bedroom flats and 1 x 2 bedroom flat across three floors.

### Background Information

- 5.2 The application is a resubmission of a previously refused application 15/00634/OUT which was later dismissed at appeal. The previous refusal reason stated:

“That by reason of the layout, scale and site dimensions, the proposed development constitutes an over development of the plot which will appear visually incongruous and intrusive within the streetscene, which bears a poor relationship to the flatted development to the rear in terms of the outlook of the occupiers of the existing units and potential noise and disturbance from the outside balcony areas serving the flats and which, by reason of the proposed flats being located between a hot food takeaway and a public house serving food, results in a poor level of amenity for future residential occupiers by way of odour and noise impact. The development is therefore considered contrary to policies BE2, H2, BE19 of the adopted West Oxfordshire Local Plan, policies OS2 and OS4 of the emerging West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.”

- 5.3 In the inspectors decision he considered the main issues to be:

" the effects of the appeal proposal on the character and appearance of the street scene; and on the living conditions of the occupiers of neighbouring properties through noise and disturbance and loss of outlook; and the living conditions of future occupiers of the development in terms of odour and noise disturbance."

- 5.4 In coming to his decision he stated:

"Notwithstanding my favourable conclusion for the appellant on the living conditions of existing residents and future occupiers of the development, these would not outweigh the harm to the character and appearance of the street scene."

- 5.5 The revised application now seeks to address the inspectors concerns regarding the impact of the development on the character and appearance of the street scene.

- 5.6 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

- 5.7 The application site is located in the centre of Carterton which is considered one of the Districts most sustainable settlements, the redevelopment of the site for a mixed use is therefore considered acceptable in principle.
- 5.8 Carterton Town Council has objected to the scheme due to the conflict with the Carterton Masterplan.
- 5.9 The Carterton Masterplan identifies the site as an area that has enhancement/potential reconfiguration. Officers along with the Town Council do have concerns that the scheme would not allow for a more comprehensive approach to developing this area of Black Bourton Road. Notwithstanding this, officers are of the opinion that the scheme in principle is acceptable as the scheme comprises a mixed use which the Masterplan seeks to promote.
- 5.10 With regard to the issue of Cartertons Masterplan the Inspector in the appeal decision stated that:
- "Whilst I note the Council's concerns, I consider that I have insufficient detail before me to fully understand the harmful effect alleged by the Council or to allow me to make an informed judgement and conclude on the issue".
- 5.11 Furthermore a recent appeal decision at 9-11 Burford Road discusses the issue of Cartertons Master Plan. In considering the issue at this site the inspector stated that:
- "Whilst I sympathise with the Council's desire to 'master plan' the area in the vicinity of the appeal site, there is no development plan policy requirement to undertake such an exercise".
- "I have already stated that the emerging Local Plan can only be given limited weight. In the light of this, I conclude that the scale of the proposal is insufficient to prejudice the strategic thrust of the emerging Local Plan or the Carterton Town Centre Strategy".
- 5.12 Officers are therefore of the opinion that as the application is not wholly contrary to the Masterplan, and given the inspectors comments, this issue alone is not sufficient to warrant a refusal in principle.
- 5.13 Emerging policy CA2 identifies the area as a secondary shopping frontages where any redevelopment should include high quality materials and provide active and vibrant frontages. Officers would therefore expect that any reserved matters application should seek to incorporate these aspirations into the final design.

Siting, Scale and Form

- 5.14 The proposal would comprise a three storey building which would feature a similar height to those located in the immediate vicinity. The amended scheme now features a building which would sit in line with the neighbouring properties preserving the existing building line of the

immediate area. Officers are of the opinion that the revised position and layout would allow the building to sit comfortably within the street scene. The design of the building would be subject to a further reserved matters application but taking in to account the inspector's decision the general scale position and height of the building is not considered to adversely impact the character and appearance of street scene or wider the area.

#### Residential Amenities

- 5.15 The residential accommodation will be spread over the three floors with the addition of balconies to provide outside amenity space. Whilst officers originally raised concerns regarding the quality of residential amenity available to both future residents and those existing residents located in Hawkins House, the inspector found the general arrangement to be acceptable. As part of the inspectors decision he states:

"Whilst the proposed building would be sited within close proximity to the flats, I consider that such an arrangement is a characteristic of developments within a town centre location. In addition, the current arrangement of existing building means that there is already some degree of enclosure to the rear of the appeal site and the residents of Hawkins House already look out on to the rear of the two storey building accommodating the Chinese take away and the rear of the Beehive public house. This results in their outlook already being dominated by built development and is not unusual or unexpected in a closely built up town centre environment. With regard to the rear balconies, appearance is a reserved matter and this element of the development could be designed out to reduce any perceived impact on the living conditions of nearby residents. Therefore, I do not share the concerns of the Council in this regard and I consider that the development would not cause harm to the living conditions of neighbouring residents".

- 5.16 Taking in to account the inspector's decision officers are of the opinion that the general arrangement of the proposed flats is acceptable in outline form. Notwithstanding this, officers would expect that any reserved matters application should ensure that adequate amenity is afforded to the flats as well as those located in Hawkins House.

#### Highways

- 5.17 One parking space is proposed to serve the shop to the front and the flats are proposed to have no allocated parking. Oxfordshire County Council Highways have been consulted on the application and raise no objection on highway grounds given the Town Centre location.

#### Conclusion

- 5.18 Given the above and the recent appeal decision your officers are of the opinion that the proposed development is acceptable subject to conditions and is in accordance with Policies BE2, BE18, BE19, BE3, H2 of the Adopted West Oxfordshire Local Plan 2011 and policies EH6, CA2, OS4, OS2 of the Emerging Local Plan 2016.

## 6 CONDITIONS

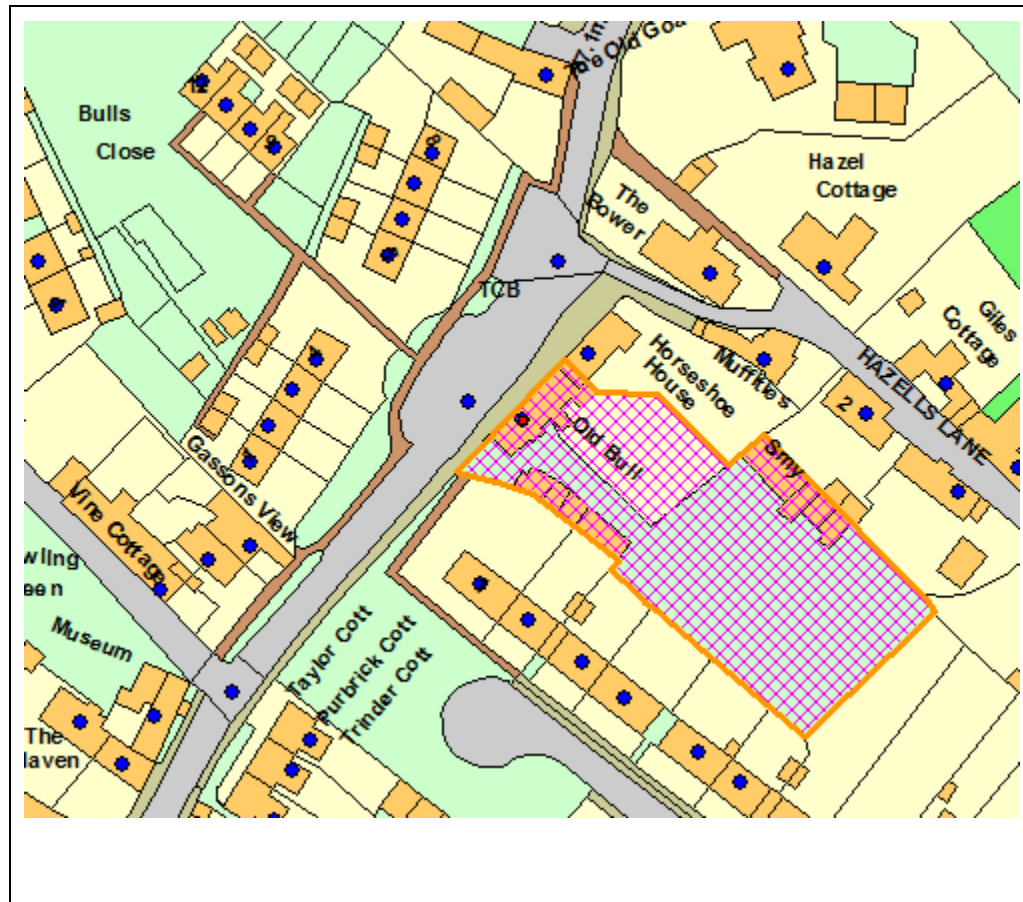
- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, landscaping, parking and access; (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 The parking space proposed and means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 4 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

### NOTE TO APPLICANT

- 1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

Application Number	I6/00513/FUL
Site Address	The Old Bull Inn Filkins Lechlade Oxfordshire GL7 3HU
Date	6th April 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs
Grid Reference	423879 E 204287 N
Committee Date	18th April 2016

### Location Map



### Application Details:

Conversion of outbuildings to ancillary accommodation

**Applicant Details:**

Philippa Mace  
The Old Bull Inn,  
Street Through Filkins  
Filkins  
Lechlade  
Oxfordshire  
GL7 3HU

**I CONSULTATIONS**

- |     |                |  |
|-----|----------------|--|
| I.1 | OCC Highways   | No reply at the time of writing.   |
| I.2 | WODC Architect | The Conservation architect has no objection to the physical works to the buildings subject to a condition to secure the detailed drawings of the doors and fenestration.   |
| I.3 | Ecologist      | No objection subject to conditions.  |
| I.4 | Parish Council | The Parish Council state that there is a visual improvement on the previous withdrawn applications with roves in diminishing coursed reconstituted stone tiles. However, the concern is that both conversions are for ancillary residential accommodation to The Old Bull. Both conversions are designed as self contained residential units which the design and access statement states will be limited to occupation by guests and family members. We ask that strict conditions are applied this will provide a facility for letting, sub letting or sale of properties. |

We also note there is no answer given on the application form to the method of drainage.

**2 REPRESENTATIONS**

2.1 Sandra Wall of 2 Hazells Lane has commented as follows:

- In principle I support the application for conversion of the Old Forge however have the following specific objections.
- Window to the rear of the Old Forge should be both fixed and Obscured as this opens directly on to my garden.
- The addition of roof lights to the rear of the forge these will directly affect privacy to my bedrooms also potential for light pollution as this will light up bedrooms and garden of my house. Also concerns associated noise if opening as this open directly into my garden.
- The structural survey does not provide any comment regarding the asbestos roofing material on the existing forge roof provision needs to be made to ensure that this is removed in accordance with relevant regulations and safety requirements.

2.2 Andrew Keating of Horseshoe House has commented in a precised form as follows:

- The conversion of both The Forge and The Bakery to residential use is an excellent use of two classic Cotswold buildings. The conversion of the buildings to two family dwellings with the division of the grass area to provide good size gardens and will be greatly sought after.
- The conversion will enhance the area and ensure that the buildings do not fall into disrepair. On the whole the planning proposal for the conversion of the two building to dwellings should be approved with the following issues addressed.

### Grade 2 Listing Status

- Regardless of the previous planning discussion, the information is freely available as to what is covered under the listed building title. With previous work on listed properties the applicant should have applied these standards to previous activities and new work applies to the curtilage and requires compliance to listing regulations.

### Application for Planning Permission

- 1 Section 9, Boundary materials existing includes a stone wall but the proposed says fence and gates. This indicates the removal of stone walls.
- 2 Section 17, should be a Yes as then intention is to add residential buildings.

### Appearance

#### 1 Roofing

- It has been identified that from a previous survey that the Forge roof is a asbestos based material. What measures will be taken to manage the removal of the asbestos?

#### 2 Window in the Forge side elevation west facing

- In the Forge drawing, the west side view shows a window. The drawing does not include details of the glass type to be used, as per the windows in the rear elevation. The window should be fixed non opening and glazed as opaque obscured as per the window in the rear elevation and as used in the windows in Muffitts (in Hazells Lane) that overlook Horseshoe House garden setting a precedent.

#### 3 Opening in the Forge side elevation west facing

- In the Forge drawing, the west side view shows an opening. The drawing does not include details of the material to be used in the opening had any proposed build standard identified for the application build work, as per the windows in the rear elevation. The opening must be filled with local natural stone typical to the rest of the building.

#### 4 Window and door in the Bakery Bedroom front elevation

- The Bakery proposal includes full length windows in the bedroom with an outside doorway into the bathroom. I must raise concern over the view across two properties (although one may be a family member).



- The front elevation wall of the proposed bedroom currently has a lower roof line than the front elevation of the kitchen dining room building this detail is not shown in any existing or proposed plans. The wall is an in fill between the two buildings and does not have any bindings by brick course into either building. The current condition will require it to be rebuilt from ground up and to be rebuilt higher and to a standard to secure the door way and windows. Consideration should be given that the windows and doorway are reduced adjusted to match the existing windows in the kitchen dining and the living areas.

#### Division of boundaries

- As mentioned earlier, I would expect the boundary of the current land to be divided proportionally between the properties and this area to include additional parking directly for visitors to the 2 dwellings as there is no capacity along the high street to accommodate additional cars.

#### Fences

- In the drawings shows various heights and styles of perimeter fencing. None of the application includes the details for erecting or increasing existing fence heights.
- This point must be raised that a 1.8 metre fence has been erected around the perimeter of the Old Bull curtilage by the current owners. The fence between Horseshoe House and The Old Bull has been replaced with a fence higher than the original. The fences have been erected without any form of planning consent which is required as detailed in the Government Planning Portal.
- The perimeter fence has been erected close to and obscuring the stone slab fence particular to the village of Filkins. Other stone slab fences in the village have a Grade 2 status to protect group value according to Historic England English and the slab fence around the grass area should be treated the same. These slabs identify the perimeter of the property and should have restrictions placed on them to protect their status.

#### Summary

- This will be an excellent use of the existing Cotswold buildings but there are issues with the application which need to be addressed.

### **3 APPLICANT'S CASE**

- 3.1 The D and A statement submitted with the application advises in a precised form as follows:
- 3.2 The group of buildings are surrounded by a number of cottages of a similar style with the Old Bullfacing 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 During pre application discussions the possibility of the structures being curtilage listed was raised. There is no evidence in the historic maps or the planning file to support this view and our assessment showing that this is not the case has been issued to the LPA, with a request that any evidence the LPA has that we may not have access to be provided so that the proposals can be adjusted accordingly.

- 3.4 Both buildings would be converted to ancillary residential accommodation. The Forge is intended to be guest family accommodation for occupation by guests and family members for short periods as required. The bakery is generally to be used as a home office and work space with storage but also provides additional sleeping accommodation. The applicant has a large group of family and friends who regularly visit for various celebrations and functions throughout the year. The applicant considers the Old Bull their main residence and intends to use the Bakery as a home work space with the forge serving as guest accommodation.
- 3.5 The buildings will be brought back into use but no additional buildings are proposed therefore the density is unchanged. The extant projections on the forge are to be demolished reducing the amount of available floor space. The proposed extension to the bakery is modest and intended to add a small amount of light and airy space with views across the garden area. Currently the bakery is dark inside due to the small existing openings, and does not address the open space to the south east. Opening up the front elevation of the bakery in order to allow natural daylight into the building was considered, but rejected due to the loss of character and historic fabric. A more practical solution was to provide a largely glazed garden room living space which addresses the garden.
- 3.6 The layouts were based on retaining as much of the original historic fabric as possible. Whilst not listed the applicant is keen to preserve and enhance the character of these buildings and bring them back into use.
- 3.7 The plans show the ability to provide 3 additional double guest bedrooms, all with access to sanitary facilities and a small kitchen. This allows guests a degree of privacy and the ability to wash and cook without impacting the applicant's enjoyment of their own property.
- 3.8 Visually the Bakery will increase in scale as the extant profiled metal monopitched roof will be replaced with a pitched and tiled roof. This is a reinstatement rather than an addition, a scar showing the previous form of the roof is clearly visible on the extant gable.
- 3.9 The forge is reduced in scale via the demolition of the extant projections.
- 3.10 The existing gravel driveway will be extended to provide a parking and turning area.
- 3.11 The extant structures have been heavily altered and poorly maintained for many years. The proposed improvements reinstate historic forms, replace unsympathetic metal roofs with appropriate artificial stone tiled roofs and the general character and quality of the site will be vastly improved.

#### **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 one bed and two bed dwellings for ancillary occupation in association with the main dwelling on the site. 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. Furthermore the uses will be retained as a single planning unit to keep any disruption to a minimum.

### Background Information

- 5.2 The Old Bull Inn is a grade II listed building. The outbuildings the subject of the application are not individually listed. The site is located within the Filkins Conservation Area.

### Planning History

- 5.3 15/03919/FUL Conversion of The Old Bakery and The Forge to create two dwellings – Withdrawn.
- 5.4 15/03920/FUL Change of use of extant commercial units to form one residential dwelling and one nursery – Withdrawn.
- 5.5 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

- 5.6 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 NPPG 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.
- 5.7 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 and in order to address this issue a planning condition is recommended that restricts the use of the conversions as ancillary and incidental to the main dwelling house on the site.

### Siting, Design and Form

- 5.8 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.
- 5.9 The proposed alterations and extension are considered to respect the historic character and architectural integrity of buildings which are to be converted.
- 5.10 Of concern to your officers in terms of the impact of the development on the semi rural character and appearance of the site is an extensive area of close boarded fencing and wooden gates that have been erected, which is considered harmful to the visual amenity of the Conservation Area. In making a recommendation of approval for the conversions a condition has been attached that requires details of the means of enclosure to serve the development to be submitted to and approved in writing by the LPA and erected as approved prior to first occupation of the conversions.
- 5.11 In addition to the above Officers are concerned at the extent of the curtilage serving the converted buildings given their ancillary nature and the relationship with the main dwelling on the site. In order to address this issue a condition has been attached that requires an amended curtilage area to be approved prior to the commencement of development.

### Highways

- 5.12 At the time of writing there has been no formal response from OCC Highways. A verbal update will be given at the meeting in respect of highways comments.

### Residential Amenities

- 5.13 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.
- 5.14 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 have been dealt with by the imposition of planning conditions to ensure that unneighbourly relationships do not result from the proposals.
- 5.15 One key concern at the time of writing is the impact of the external flue located on the rear elevation of 'The Bakery' in terms of the outlook of properties located along The Gassons and the potential for odour nuisance. In this regard your Environmental Services Officer has been consulted and a verbal update will be given at the meeting.

### Ecology

- 5.16 There are no objections on ecological grounds.

## Conclusion

- 5.17 In light of the above planning assessment the application is recommended for conditional approval subject to County Highways raising no objection and your Environmental Health Officer raising no concerns in respect of odour nuisance from the external flue to the rear of 'The Bakery'. If there are concerns about the flue, it is anticipated that this detail could be resolved as an amendment to the scheme.

## **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 roof(s) shall be covered with artificial Cotswold stone slates of random sizes, samples of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences and the slates shall be laid in courses diminishing in width from eaves level to the ridge of the roof in accordance with normal practice in the locality.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls of the extension to 'The Bakery' shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.  
REASON: To safeguard the character and appearance of the area.
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the historic buildings.
- 6 All new external joinery shall be painted/stained in a colour to be first approved in writing by the LPA and shall thereafter be retained as such.  
REASON: To safeguard the character and appearance of the area.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights at a scale of not less than 1:20 with sectional details at not less than 1:5 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.
- 8 Before first occupation of the converted 'Old Forge' building hereby permitted the window(s) in the rear (north east) elevation and side (north west) elevation shall be fitted with obscure glazing, in accordance with a sample of glass to be first submitted to and approved in writing by the LPA and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent residential properties.

- 9 In accordance with plan ref 14.076.27 Rev B the rooflights in the rear roof elevation of 'The Bakery' conversion shall have a minimum internal sill height of 2.9 metres above finished floor level and shall thereafter be retained as such.  
REASON: To safeguard privacy in the adjacent property.
- 10 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, outbuildings, means of enclosure other than those expressly authorised by this permission, shall be constructed/erected on the site to serve the residential conversions hereby approved.  
REASON: Control is needed in the interests of the architectural integrity of the buildings, the visual character and appearance of the Conservation Area and the residential amenity of neighbours.
- 11 The residential conversions hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as separate dwellings.  
REASON: In the interests of highway safety and neighbour amenity.
- 12 Notwithstanding the application details prior to the commencement of development a plan identifying a reduced curtilage more appropriate to the use of the converted buildings for ancillary accommodation in association with the host dwelling shall be submitted to and approved in writing by the LPA.  
REASON: In the interests of the visual character and appearance of the area.
- 13 Notwithstanding the application details the means of enclosure to serve the development hereby approved shall be submitted to and approved in writing by the LPA and erected in accordance with the approved details prior to first occupation of the conversions hereby approved.  
REASON: In the interests of the visual character and appearance of the area.