

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 10th September 2018

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



Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

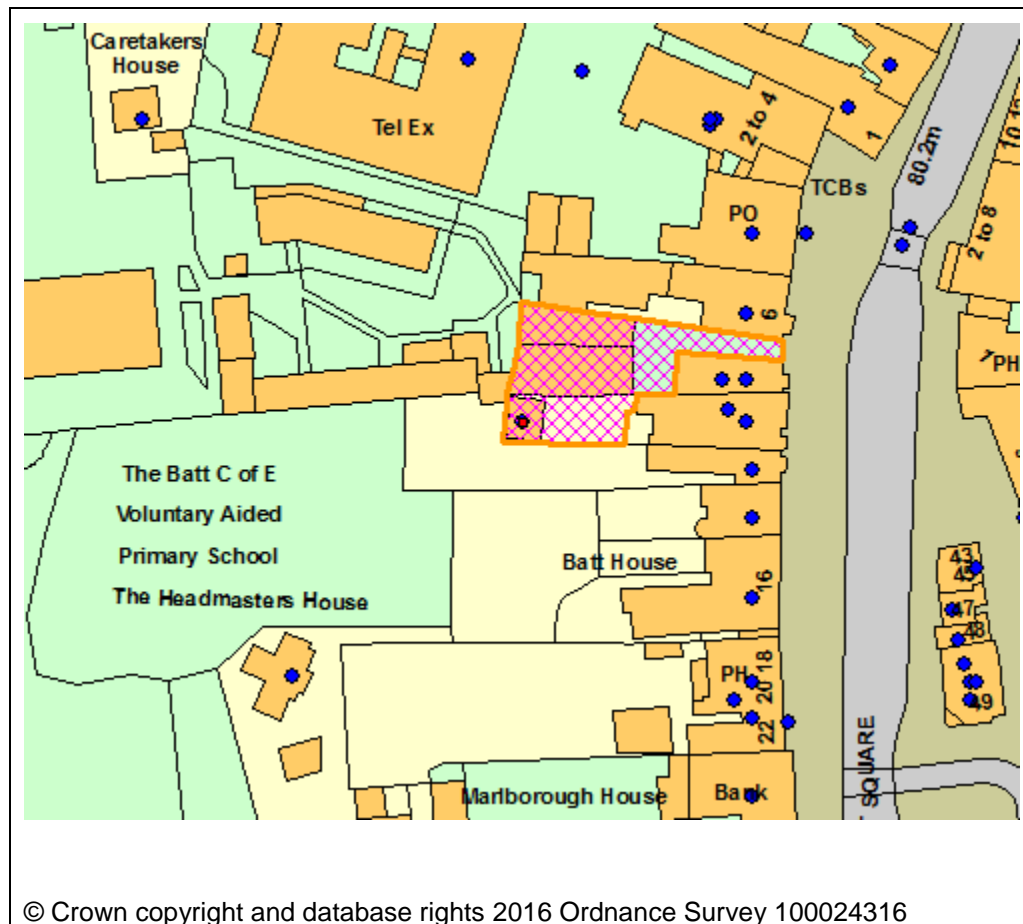
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

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Application Number	18/01600/FUL
Site Address	Store To Rear 8 - 10 Market Square Witney Oxfordshire OX28 6BB
Date	29th August 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435530 E 209715 N
Committee Date	10th September 2018

Location Map



Application Details:

Demolition of existing structures and erection of six apartments with associated private space, bin and cycle storage.

Applicant Details:

Keble Homes, C/O Agent.

I CONSULTATIONS

- I.1 Town Council Witney Town Council is concerned that the design of this development, including wood cladding is not in-keeping with the town centre street scene and there is only a limited amenity space per dwelling. If accepted the Town Council, by way of Section 106 contributions, would like to request £30,000 per dwelling towards the development of Unterhaching Park Play Area and for future long-term provision of its town centre facilities.
- I.2 WODC Drainage Engineers If full planning permission is granted, could you please attach the following condition:-

That, 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 Practice Guidance).
- I.3 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

G28 cycle parking as plan
- I.4 ERS Env. Consultation Sites No Comment Received.
- I.5 Conservation Officer No Comment Received.

2 REPRESENTATIONS

- 2.1 28 letters of objection have been received which may be viewed in full on line. It is considered that the main points raised may be summarised as follows:-
- This is over development
 - There is no parking provided

- Occupiers will not use public transport but will fly park
- The use will compromise the operation of neighbouring businesses
- Windows will overlook the school
- Loss of trees/shrubs
- Difficulty of access in case of fire/emergency
- Cladding is out of keeping
- Existing use is being proposed as a "community Asset"
- Will give rise to pedestrian /vehicle conflicts
- Existing community use should be retained
- Existing use is very positive for dementia sufferers
- There is an increasing societal imperative to recognise the impacts of dementia
- Adverse impact on Grade ii listed buildings and conservation area
- Previous application was withdrawn to get rid of the objections it had received
- Contrary to policy TLC12
- Use positively contributes to Witney but the flats will not
- Previous objections should stand
- Ecology impacts
- Flooding impacts
- Loss of light
- Noise and disturbance during construction
- Overlooking from balconies
- Difficulties with refuse collection
- There are too many flats in Witney
- It belongs to a Councillor and so should go to committee
- Same reasons as before prevent this development
- Site is not level
- Will impact on gardens and leisure use of adjoining properties
- Plans are difficult to properly assess
- Bulk will be harmful
- It is taller than existing buildings
- It is garden grabbing
- Screening to balconies will not work
- Loss of rear views
- Materials proposed are out of keeping
- Precedent for further such developments
- Contrary to policy H2
- This will only benefit the developer
- Is there a limit to the number of no parking flats that can be provided ?
- Will increase pressure on sewer network
- Will increase pressure on public parking
- Contrary to BE5 and NE8
- Loss of historic buildings
- They are too tall and stark
- The provision of 6 flats as a benefit does not outweigh the harms
- No affordable housing is provided

3 APPLICANT'S CASE

3.1 Writing in support of the application the agent has tabled a suite of supporting information that may be viewed in full on line. The summary of the Planning Statement is reported below:-

The application seeks planning permission for the demolition of existing structures and the erection of a building to provide six flats. The application proposes a car free development and as such no car parking facilities will be available on site. The scheme provides for three (no.) one-bedroom apartments of between 53 and 56 square metres and two (no.) two-bedroom apartments of 65 square metres. The final, top floor apartment will also provide a two-bedroom apartment but with a larger floor area of around 80 square metres. Each property will be served by private amenity space in the form of a terrace or balcony. The principle of residential development has previously been supported on the site. Whilst this is the case, the central Witney location means that the principle of residential development is supportable within both the adopted and emerging Local Plans advocating the provision of dwellings in such sustainable locations. However, in the current context, whereby sufficient five-year housing land supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF makes it clear that where policies are out of date, planning permission should be granted unless there would be any adverse impacts of development that would significantly and demonstrably outweigh the benefits (my emphasis). The current use does not fall within the type of use considered a 'community facility' in the Local Plan. Notwithstanding this, the use which is currently contained in the building would use other halls within the vicinity and as such, adequate alternative provision remains.

The proposed development will replace a range of buildings which are identified as harmful to the character of the Conservation Area. By virtue of this, they can also be considered harmful to the setting of the Listed Buildings. The proposed development will have better reference to the former burgage plots and will improve the vista along the former carriageway which are noted as important features in this part of the Conservation Area. The contemporary form will ensure the development reads as a later phase of development however, reference to the locale will be made through use of appropriate materials. The scheme is considered to provide the opportunity for improvements to the setting of the Listed Buildings and the character of the Conservation Area. The proposed car free development would not give rise to significant levels of traffic increase. Visitors will have access to on street parking in the vicinity which is time restricted when demand is at a premium. The proposal would not give rise to harm to the safety and convenience of highways users. Great care has been taken with regard to the relationship with neighbouring properties and the use of appropriate windows and screening is proposed to ensure that the amenity of existing and future residents in the area is protected. The building has been slightly relocated within the site to provide a better level of amenity space for occupiers on the northern side of the building. The re-arrangement of the internal layout also ensures that the outlook for each of the properties is appropriate and provides the best amenity. A noise survey undertaken given the town centre location and the proximity of the adjacent restaurant has demonstrated that the scheme would not give rise to an unacceptable impact upon the amenity of future occupiers by virtue of noise disturbance.

Overall the application proposes a residential development in a highly sustainable town centre location. The scheme provides for a more affordable form of development which is much needed within the area. The scheme does not give rise to any significant or demonstrable harms which would outweigh the benefits of the provision of housing in this sustainable location. In light of the above the application should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

H2 General residential development standards

TLC12 Protection of Existing Community Services and Facilities

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

EH8 Conservation Areas

EH9 Listed Buildings

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application has been submitted on a site owned by a serving Member of the Council and so is brought before committee for determination rather than being dealt with under delegated powers. It seeks planning consent to demolish the existing structures on the land (which appear to have been fire damaged at some point) and which are currently being let to Muzoakademy. In their place it is proposed to erect 6 flats in a contemporary design style ranged over three floors- albeit that because in changes to levels across the site the building has a number of half levels too. No onsite parking is proposed and the site is surrounded by a number of existing residential and commercial premises some of which have amenity areas at above ground level i.e raised terraces/gardens.

5.2 There are a series of applications which are of relevance to the consideration of this proposal as set out below:

W91/1189 - Erection of temporary storage building to rear. Approved 16 October 1991.

08/1425/P/FP - Erection of three dwellings with associated parking. Refused 21 October 2008. The application was refused for the following reasons:

By reason of the height and design of the proposed dwellings and their positioning behind the existing frontage of development on Market Square the proposed development would appear as an incongruous addition to the existing street scene detrimental to the character of the surrounding Conservation Area and the setting of the adjacent Listed Building. As such the proposed development is contrary to Policies BE5 and NE8 of the West Oxfordshire Local Plan 2011.

By reason of the inadequate level of private amenity space, poor outlook and restricted access for vehicles and pedestrians the proposed development does not provide an adequate level of amenity to meet the needs of future occupants. As such the proposed development is considered contrary to Policy H2 of the West Oxfordshire Local Plan 2011.

09/1021/P/FP - Removal of existing buildings and erection of four dwellings with associated parking and turning area. Planning permission was refused on the 21 October 2009 for the same reasons as set out above. The refusal of planning permission was subject of an appeal and the

appeal was allowed by the Planning Inspectorate. The main relevant points made by the Inspector were that the proposed layout would create an interesting vista for this Conservation Area setting and would not detract from the setting of the adjoining Listed Buildings. Overall the scheme would introduce an appropriate form of development in this 'backland' location and would complement the character and appearance of the area. The environment created for the proposed occupants would be satisfactory for the town centre location.

13/0146/P/FPEXT - Removal of existing buildings and erection of four dwellings with associated parking and turning area (extension to time limit) was granted planning permission on the 20 March 2013.

14/0891/P/FP - Change of use of storage building and covered storage area to provide space for community projects was granted planning permission on the 19 August 2014.

17/03929/FUL - Demolition of existing structure and erection of six apartments with associated private space, bin and cycle storage on land to the rear of 8-10 Market Square. This application was withdrawn.

- 5.3 This history sets a number of important principles relevant to the determination of this application:

The existing buildings were not considered worthy of retention
Residential development in this context was considered acceptable
Development with sub standard parking provision was considered acceptable

- 5.4 Members will recall that the application was deferred at the last meeting for Members to assess the impact of the flats upon the amenity of neighbours.
- 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 site lies in a highly sustainable location adjacent to the main bus facility of the town and where there is the greatest access to services and facilities. Policies of both the adopted and emerging plan seek to encourage development in sustainable locations and the principle of residential use of this site has already been found to be acceptable at appeal with that consent having been renewed by the Council. As such the principle of residential development is acceptable in this location.
- 5.7 Additionally in the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.8 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to

proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.

- 5.9 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.10 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. The Inspectors report is anticipated to be published shortly.
- 5.11 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.12 The application site is located in the centre of Witney, which is listed as a Main Service Centre under the Existing Local Plan 2011 and Policy H2 of the Emerging Local Plan 2031. Policy H2 of the Emerging Local Plan is permissive in principle of the residential development of previously developed sites within an existing settlement and where the development is considered to be compliant with the general provisions of Policy OS2 of the Emerging Local Plan. Officers consider that the site would represent a sustainable location for residential development in terms of its proximity to existing services and facilities in Witney.
- 5.13 As such, the proposal is considered acceptable in principle.

Siting, Design and Form

- 5.14 As indicated earlier the scheme takes a contemporary design form comprising of a series of linked pitched and flat roofed elements in a mixture of render and grey cladding. The existing building is in a poor state of repair and has been adapted in such a manner post what appears to have been a significant fire at some point such that little of the buildings historic character remains. Nonetheless the agent advises that the design influence for the new building has been taken from the light industrial character of the building and other 'burgage' plots in the area.
- 5.15 The form of the building has derived from a considered mix of pitch and flat roof forms, both of which are prevalent in immediate area.
- 5.16 The façade materials combine white coloured render and grey rainscreen cladding with a light metal standing seam roof. The wall finishes reflect the material pallet of the neighbouring

restaurant and the college buildings to the west of the site whilst the metal roof finish references the corrugated roof covering on the existing building. The overall appearance of the building is contemporary however the form and massing has been influenced by the sites history and surrounding architecture.

- 5.17 In terms of its scale and bulk the height of the proposed development has been carefully designed with consideration for the mass and bulk of neighbouring buildings as well as the general character of the surrounding area and reduces in height from 3 storeys at the rear of the site to 2 storeys as it nears the smaller retail buildings aligning Market Square. The proposal seeks to retain the substantial boundary walls enclosing the site. The retention of the walls will screen much of the proposed building further minimising the mass and bulk of the structure.
- 5.18 Officers will wish to take Members through the plans in some detail as the slope of the site and the geometry of the building is such that the relationship of the proposed building to its neighbours requires considerable analysis. However it is your officers opinion that the result will be a sympathetic modern building which sit relatively unobtrusively when viewed in the public domain because of the backland nature of the site and the retention of existing screen walls etc.

Impact on Heritage Assets

- 5.19 The existing buildings on site were clearly of historic interest at some point in the past but have been adapted and compromised over the years and were not considered of sufficient merit to justify refusal when the application for their redevelopment was considered at appeal. Your officers would concur that any loss of historic interest lies at the very bottom of the less than substantial harm end of the spectrum and the public/visual benefits of redevelopment of the site with a new purpose designed building would outweigh any such harms.
- 5.20 In terms of the impacts upon the Conservation Area and setting of adjoining listed buildings the backland nature of the site is such that only glimpsed views will be available in the public domain and of themselves these are considered to have a neutral impact on the conservation area and setting of the listed buildings. When viewed from the rear of adjoining properties the new building will replace the existing and as such the developed character of the site will be retained. Whilst the appearance will be changed the new building is considered acceptable in context and as such is not considered to harm the CA or setting of the listed buildings.

Loss of Community facility

- 5.21 This is a key issue as far as objectors are concerned and raises many questions in terms of the application of planning policy to it. On the one hand the facility is clearly attracting widespread support and appears to give considerable benefits both socially and medically. It is understood that there is the potential for an application to have the use listed as an Asset of Community Value (ACV), although at the time of writing this has apparently not occurred. Clearly the use provides a benefit to the community and its retention thus attracts weight in the planning balance.
- 5.22 However, to set against this is the fact that the use is not as yet listed as an asset of community value. Even were that not the case the listing as an ACV is not an embargo on the loss of the facility- merely a mechanism to enable community groups to make an offer to the landowner to purchase the site within the specified moratorium period. There is no subsequent obligation on the landowner to accept any such offer. Similarly it is understood that the use is operating upon

a 2 week notice period and as such the owner would apparently be entitled to force the closure of the use by terminating the current lease arrangements irrespective of and outside the planning application process. In terms of policy, the policies of the adopted and emerging plans (TLC 12 of adopted plan and E5 of emerging plan) seek in general to retain community uses unless adequate suitable alternatives are available. Whilst the use apparently operates in a particular niche in the entertainment/medical/education nature of its operation it is difficult to conceive of a case where it could not operate equally successfully from alternative premises such as halls or other vacant town centre buildings ie it is the nature of the use rather than the physical characteristics of the building that appear most relevant/important. Whilst the financial terms offered by the owner have apparently been important in enabling the use to continue again the financial arrangements lie outside the remit of the planning process but presumably could be reviewed were the owner wish to do so thereby forcing the use to cease operating from this site - again irrespective of the planning application. Finally there is the fact that redevelopment has previously been considered acceptable on its planning merits by the Inspectorate and thus this establishes an expectation for the value for the site which presumably the current use could never realistically be expected to meet.

- 5.23 Much of the above strays at the margins of what is and is not a Planning consideration but has been included to try to explain in a rounded and balanced way the fact that in your officers opinion, whilst the use currently operating is clearly of considerable benefit and has widespread support, it appears that it could be closed down irrespective of the planning decision and were that the case there would appear to be suitable alternative venues or other providers such that whilst clearly regrettable the cessation of use would not, in your officers assessment , be such as would justify a policy based refusal reason. Officers would however be prepared and willing to assist the use in seeking suitable alternative premises and indeed that offer has already been made and it is understood that alternative premises are now under active discussion.

Highways

- 5.24 The use is proposed without onsite parking. OCC has raised no objections to this arrangement and flats in town centres above shops etc often operate with such arrangements in place. The site is very well located to use the public transport network that is available and the non provision of onsite parking will reduce any potential for pedestrian/vehicular conflicts as there will be no necessity to cross the pavement in a vehicle to access the site. In the absence of technical objections this aspect of the scheme is considered acceptable.

Impact on and of adjoining businesses

- 5.25 As identified earlier in this report the proposed flats sit within a mixed residential /commercial part of Witney. Existing businesses have outside seating areas used by patrons and the immediate business has extensive extract equipment that has the potential to give rise to noise and disturbance to the occupiers of the flats. However in this latter regard the reports accompanying the application conclude that the noise impacts are not such as would justify a refusal and were issues of noise and amenity harms to arise they could be addressed under other legislation as they would be likely to affect existing as well as the proposed occupiers.
- 5.26 With regards to the impact of the proposed flats upon the outside commercial seating areas these areas will have the potential to be more overlooked than at present. However none of these areas is at present completely private and as such it is more a case of the commercial areas being more overlooked rather than of introducing overlooking. The extent of such an

impact on the operation of the extant businesses is not in the circumstances considered likely to have any material harm as the occupiers of the flats will be well aware that they are moving into a town centre location where the levels of activity are likely to be greater than in quieter suburban or rural areas and presumably will be balancing the greater vibrancy and amenity of town centre living against the potential for greater impact from the operation of legitimate town centre uses.

Residential Amenities

- 5.27 Along with the loss of the extant use this is considered to be the other key issue. The existing buildings on site have a physical impact on the outlook and amenity of the neighbours and the quasi commercial use involving comings and goings to the backland location will of itself generate some disturbance. Noise complaints have been received regarding the operation of the existing use and an Inspector has determined that introduction of residential use into this location is acceptable.
- 5.28 However the approved scheme was for more conventional units with living accommodation confined to ground floors and bedrooms etc at first floor. In contrast this scheme has living accommodation at first and second floor and is a different footprint than the approved schemes such that bulk, massing, overshadowing etc impacts all need to be considered afresh. To add to the complexity neighbours have outside amenity areas at first floor level to the rear of the existing frontage buildings so the potential for undue mutual overlooking from first floor areas is also a potential issue.
- 5.29 The architect has given considerable thought as to how seek to address these relationships and in the main Officers consider that this has been well handled to the extent that mutual overlooking has been largely avoided or where it does occur is in the context of the area overlooked already being overlooked from existing properties. Your Officers did have concerns regarding the balconies proposed. These were designed with screens to seek to shield key views but this appeared a somewhat contrived solution that would neither completely avoid the harm nor provide a useful amenity for the occupiers of the flats. Use of the outside areas could also give rise to additional harms to neighbours in terms of noise etc and as such your officers suggested that they be removed from the scheme and a condition be imposed to require selective use of obscure glass/screens for the windows affected. The agents accepted these comments and amended plans showing the balconies deleted have been received. With this amendment, whilst tight, your officers consider that the amenity impacts are not such as would warrant refusal by way of overlooking. Members will be able to fully assess this relationship as a result of their site visit.
- 5.30 In terms of the mass and bulk the building will certainly be higher in some parts that what is being replaced and this additional height will be visible from third party properties. That is not however the same as stating that the increased bulk/mass causes planning harms and in your officer's assessment that is not the case.

Conclusion

- 5.31 This is a contentious application that has been the subject of much debate both by way of the submissions received and through the local press. The existing use is clearly well regarded and of benefit and as such it would clearly be highly desirable that it could continue to operate. However the use by the current occupiers was undertaken in the knowledge that the site

already had consent for redevelopment and with terms and conditions that apparently mean the use could be stopped irrespective of the planning process - or perhaps would be more likely to be stopped were it to be perceived as inhibiting the owners ability to redevelop the site, as has previously been considered acceptable by the Planning Inspectorate. Policies aimed at preventing loss of community facilities do not prevent the loss as suitable alternatives appear to be available.

5.32 The impacts to the listed buildings/streetscene/Conservation Area are considered acceptable and highways are raising no objections. It is not considered that the flats would unduly inhibit the operation of the extant businesses and the impacts of the operation of those businesses upon the proposed occupiers is considered acceptable. With amendments to remove the balconies the neighbour impact is also considered acceptable.

5.33 Thus, subject to the imposition of conditions approval is recommended.

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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 The development shall be carried out in accordance with the plans accompanying the application as modified by the agents letter(s) dated 10th August 2018 and accompanying plan(s).

REASON: The application has been amended by the submission of revised details.

3 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

I The parking of vehicles for site operatives and visitors

II The loading and unloading of plant and materials

III The storage of plant and materials used in constructing the development

IV The erection and maintenance of security hoarding including decorative displays

V Wheel washing facilities

VI Measures to control the emission of dust and dirt during construction

VII A scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

4 Demolition and construction works shall not take place outside 0830 hours to 1730 hours Mondays to Fridays and 0830 hours to 1200 hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

REASON: To safeguard living conditions in nearby properties.

- 5 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 Practice Guidance).
- 6 Before first occupation of the building details of those windows to be fitted with obscure glazing or screening shall be submitted to and approved in writing by the LPA and installed in the building and shall be retained in the approved form thereafter.
REASON: To safeguard privacy in the adjacent property.
- 7 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 8 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been let and planning permission has been granted for the redevelopment for which the contract provides.
REASON: In accordance with Section 17 of the Planning (Listed Buildings in Conservation Areas) Act 1990 to prevent demolition before confirmation of reconstruction.
- 9 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF
- 10 Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF
- 11 Prior to the above ground works commencing, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings shall

be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework 2018, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 12 Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 13 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

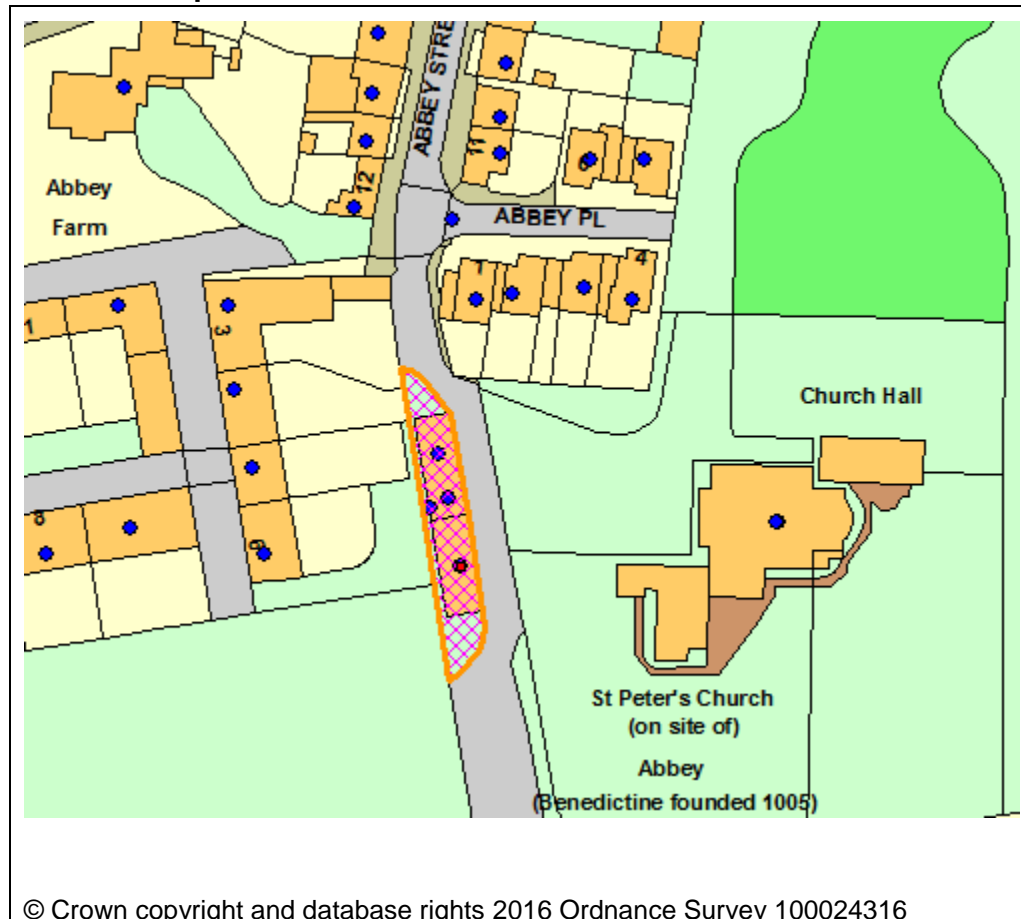
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 14 The cycle parking areas 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 cycle parking facilities are provided.

Application Number	18/02052/S73
Site Address	3 Abbey Park Lodge Abbey Street Eynsham Witney Oxfordshire OX29 4FN
Date	29th August 2018
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443222 E 209100 N
Committee Date	10th September 2018

Location Map



Application Details:

Non compliance with condition 9 of planning permission 14/1172/P/FUL to allow windows to open.

Applicant Details:

J G Pimm And Sons Ltd, 1 - 3 Abbey Street, Eynsham, Witney, Oxfordshire, OX29 4TB

I CONSULTATIONS

- 1.1 Parish Council We recommend WODC enforce the original planning conditions.

2 REPRESENTATIONS

- 2.1 Two letters of objection:

1. The windows should be obscure glazed which would minimise heat and thus negate need for opening windows.
2. Overlooking.
3. Noise from open windows.

3 APPLICANT'S CASE

- 3.1 Windows require cleaning from the inside and the wording of Condition 9 is also not clear as to what constitutes 'partial' opening.
- 3.2 The rooflights are all mounted at a high level whereby it is not possible to see directly out of them unless one uses a ladder.

4 PLANNING POLICIES

BE2 General Development Standards
OS2NEW Locating development in the right places
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The current application relates to planning approval ref: 14/1172/P/FP for the erection of a two storey building to provide ground floor computer recovery suites and garaging with two flats above at 3 Abbey Park Lodge, Abbey Street, Eynsham. The development has been completed as is now occupied.
- 5.2 Condition 9 placed on the consent states:
- Before the first occupation of the building hereby approved details shall be submitted to the Local Planning Authority detailing how the rooflights on the west (rear) elevation shall be fitted with obscure glazing and fixed to enable only partial opening for ventilation purposes. The rooflights shall be constructed in accordance with the said details and retained thereafter.
REASON: In the interests of the residential amenity of the dwellings to the rear.
- 5.3 The applicant seeks removal of this condition to lawfully permit the opening and clear glazed windows that have been installed. The 2014 application incorrectly depicted an average height person being able to see out of the rooflights which Officers believe would have contributed to Condition 9 being included.

5.4 The property is located within the Eynsham Conservation Area.

5.5 Other relevant planning history is as follows:

9/0781 and 09/0782 to demolish existing garage block and replace with new garages to incorporate first floor computer recovery suites and a one bed flat- Approved

12/1015/1016- Permission granted to demolish the existing garage block and replace with new garage block with first floor computer recovery suites and a one bed flat.

13/1463- Planning permission granted for the demolition of existing garages and a replacement garage block and computer recovery suite with two flats above.

14/0273- Planning permission refused for non compliance with conditions 2, 14 and 15 of 13/1463.

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:

Residential Amenity Impact

Principle

5.7 The principle of inserting seven rooflights on the west facing elevation has already been established by the 2014 consent which allowed the windows to partially open for ventilation. Officers agree the wording of Condition 9 is not clear as to what constitutes 'partial' opening.

Residential Amenities

5.8 Adopted and Emerging Local Plan Policies BE2 and OS2 state that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Due to the cill height being 1.85m above floor level, your officers do not consider that allowing the windows to be retained as installed would have an adverse impact in terms of loss of amenity to the properties to the rear. It is also noted that the separation distances between the properties are at least 21m at the closest point.

Conclusion

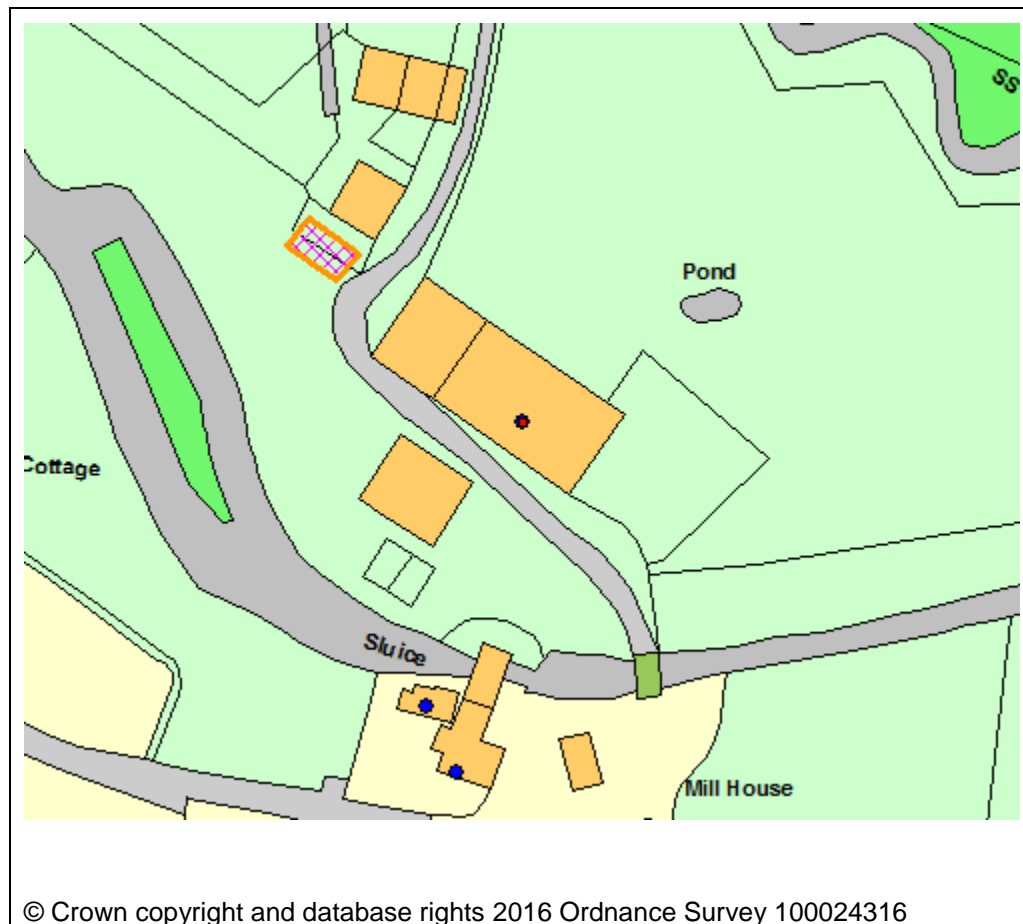
5.9 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposal to remove Condition 9 is acceptable on its planning merits.

6 CONDITION

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.

Application Number	I8/02091/FUL
Site Address	Time Out Farm Mill Lane Alvescot Oxfordshire OX18 2QJ
Date	29th August 2018
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Alvescot Parish Council
Grid Reference	427562 E 204920 N
Committee Date	10th September 2018

Location Map



Application Details:

Siting of a wooden structure (to replace existing mobile home and portable wash cabin) to provide reception, mess room and educational facilities for visiting groups. (Part Retrospective).

Applicant Details:

Mr Robert Rhodes, 16 Milestone Road, Carterton, Oxon, OX18 3RE

I CONSULTATIONS

- I.1 Adjacent Parish Council No response received.
- I.2 WODC Drainage Engineers No response received.
- I.3 OCC Highways No objection.
- I.4 Parish Council Alvescot Parish Council notes that this retrospective application is essentially the same as the earlier 18/00157/FUL which was withdrawn, the most obvious amendment being the addition of the phrase "but still remaining within previously granted conditions".

The Design and Access Statement refers to some previous conditions, but these are not all accurate. In particular 11/1883/P/FP gave retrospective permission for a mobile home for use as a mess facility only. Permission has never been granted for a "reception area". The owner and his family were initially allowed up to 24 overnight stays a year (not 30). This condition was only extended (retrospectively) by 13/0734/P/S73 to 30 nights a year, and overnight use was extended to volunteers. Visitors were not and never have been included in permitted use of the mess facility.

The Parish Council suggests that, for the avoidance of doubt, if the present application is granted, all relevant previous conditions should be clearly restated in the Decision Letter.

However the Parish Council remains concerned that the enlarged and more permanent building, and its use as a reception, office and educational space represent a further intensification of activities which the District Council has previously stated it wishes to avoid.

The Design and Access Statement refers to a recent conservation survey, asserting that no changes have taken place since 2010. However the survey report does not seem to have been submitted as it does not appear on the WODC website. This seems an omission, particularly as the site is within a Conservation Target Area.

Finally, if this application is approved, it will be important to ensure that the existing mobile home and washroom are promptly removed.

2 REPRESENTATIONS

- 2.1 There have been three letters of objection which are summarised as follows:
- As with withdrawn application 18/00157/FUL, this application represents further harmful intensification of activities on the site. Past (retrospective) permissions relating to the siting of a mobile home have sanctioned its use only as a mess room and overnight facility for up to 30 nights a year.

- The wooden structure is significantly larger than the mobile home it is to replace and is of a size and structure disproportionate for its permitted use.
- The application explicitly requests permission to extend the building's use to an educational facility. The Design and Access Statement also refers to its use as a reception area and office, although no permission currently exists for such use. These proposals are all clearly an intensification of use.
- Past Decision Notices have stated that:-
"... by reason of its location and the health and safety risks associated with the site, including flooding and high noise exposure, it would be extremely unlikely that the Council would ever permit a dwelling or any other form of residential accommodation on the site." While the Wooden Structure may not constitute a dwelling, it is more substantial than a mobile home and is surely a form of residential accommodation, and should therefore not be allowed.
- There appears to be no recognition of the fact that this site lies within the Shill Brook Valley Conservation Target Area.
- All WODC instructions from previous planning applications to remove units which are still on site have been disregarded.
- Use of mobile unit and visiting groups will intrude on our privacy.
- The mobile unit is for visiting groups but at the moment the people who use Mill Lane to visit Time Out Farm are constantly speeding and trespassing on properties which will only increase if application is successful.
- People visiting Animal Sanctuary do so without appointment via Mill Lane when they only have access via public footpath.
- Mr Rhodes's early planning application entitled him to 30 nights but yet again he is clearly in breach of the planning application and has exceeded this limit.

3 APPLICANT'S CASE

3.1 A design and access statement has been submitted which can be briefly summarised by the following points:-

- This application aims to replace the mobile home and portable wash cabin that was permitted by application 11/1883/P/FP and the new wooden structure will become the new reception and mess facility. If permission is granted the mobile home and portable wash cabin will be removed from the site.
- Visiting access to the sanctuary is by appointment only and all visitors access the site via the public footpath.
- Time Out Farm has a mixed agricultural and animal sanctuary use. It was granted permission in 2011 (11/0167/P/FP) for the part change of use to animal sanctuary. The animals are cared for by the applicant, his family and voluntary helpers. Permission was also

granted by this application for planned visits of up to 30 people in any group no more than 30 times per year.

- Permission was granted by I1/1883/P/FP to use a mess facility for overnight stays for the applicant and his immediate family.
- The current mess facility is not sufficient to accommodate more than 1 or 2 helpers at any one time and it can be unpleasant in cold weather for helpers to spend their tea breaks sitting outside.
- A larger, better lit reception area is needed for hosting visitors, enabling inspections to be carried out and documents to be stored in connection with the running of the sanctuary.
- The current mobile home cannot accommodate small groups gathering to undertake educational activities.
- The new structure will incorporate an educational facility, housing benches and a table for visiting groups, a kitchenette with provisions for workers to store and prepare food and hot drinks, a designated reception area, a sleeping room with a bed and storage unit and a toilet and washing facility for workers and visitors.
- The intention is to replace the existing mobile home and portable wash cabin with a more natural looking and ecologically friendly building which will be an improvement in terms of being more aesthetically pleasing and providing a more comfortable indoor environment for rest breaks and overnight stays. The area designated for visiting groups will be advantageous in terms of providing an educational facility.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE5 Conservation Areas
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character
EH8 Conservation Areas

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is an application for the siting of a large wooden structure at Time Out Farm and Animal Sanctuary on Mill Lane in Alvescot. Permission was granted in 2011 (I1/1883/P/FP) for a mobile home and portable cabin to enable a limited number of overnight stays on the farm in connection with the operation of the animal sanctuary. The wooden structure which is the subject of this application would replace both the mobile home and portable cabin in providing

mess facilities for the applicant and his helpers at the animal sanctuary. Part of it would also function as a reception for any visitors, (including small groups of school children) coming to the site.

- 5.2 The site is situated to the north east of Alvescot, a southern section falls within the Alvescot Conservation Area and it adjoins the Grade II listed mill building. It comprises 10 hectares of rural land bordering onto Brize Norton. The site should also be seen in the context of the adjacent sewage works and airfield which form part of the landscape and compromise the open nature of the countryside to some degree.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your Officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 As a matter of principle, the siting of the structure is acceptable on the basis that permission has already been given for a mess facility on site and this is intended to replace the current mobile home and portable wash cabin/toilet. It is also to be used as a reception for visitors, however, both the mess facility and reception/educational facility uses are to remain strictly ancillary to the principal animal care and agricultural uses of the site. The larger size of the structure relative to the current mobile home reflects the fact that it will have inbuilt toilet facilities served by a package waste system and that it will accommodate several volunteer workers in terms of providing temporary shelter and the means for making refreshments. As with the current mobile structure, it will also provide the facility for occasional overnight stays necessary for the care of the animals on site. The number of nights' overnight accommodation will remain limited to 30 nights only.
- 5.5 An issue raised in the representations made on this application is the potential for intensification of the use and activity on the site. In Officers' view, provided this structure serves as a replacement for, and not as an addition to, the existing mess facility and portable cabin, there will be no increase in built development. As already stated, the larger size is consistent with its incorporating toilet facilities and providing reception areas for visitors. Permission 11/0167/P/FP consenting to a change to mixed agricultural and animal sanctuary use contains a condition limiting the number of organised group visits to 30 in any calendar year, each limited to no more than 30 people at any one time. This condition continues to apply to the educational activities carried on at Time Out Farm which are ancillary to the agricultural and animal sanctuary use. That condition also provides for visitors to access the Farm via the public footpath system which will minimise disturbance to neighbours' amenity. As regards access to the property by private visitors and those connected with the agricultural use of the Farm and its operation as an animal sanctuary, the means of entering and leaving the site is a private property law issue between the applicant and his neighbours and is not a matter on which the planning system is able to adjudicate.

Siting, Design and Form

- 5.6 In terms of location, the structure will be sited at some distance from the boundary with the nearest neighbour, Mill House and will not be visible, nor will it overlook the nearest neighbours. As regards form and design, although it is larger than the current mobile home, its

wooden dark-painted, wooden exterior is less obtrusive against its surroundings and is an improvement on the existing mobile home and portable wash cabin.

Highways

- 5.7 There are no known highways issues.

Residential Amenities

- 5.8 There are few residential properties located in close proximity to the site, although some residential dwellings along Mill Lane, particularly Mill House, are located close to the boundary of the site. As stated above, the structure will be moved from its present location close to the boundary with Mill House, further into the site and will not be visible from the boundary, nor will it overlook neighbouring properties.

Other Considerations

- 5.9 Objectors have alleged that the applicant is in breach of the condition in permission 13/0734/P/S73 limiting the number of nights to 30 on which the applicant and his volunteer workers may stay overnight in the mess facility. They also state that the applicant has failed to remove a caravan from site as required as a condition of permission 11/1883/P/FP. These are matters which Officers are pursuing with the applicant separately from an enforcement perspective. This application is an opportunity to limit the number of structures on the site.

Conclusion

- 5.10 The structure is considered an improvement on the buildings comprising the applicant's current mess facility and for the reasons given above, in Officers' view, it is compliant with policies BE2, BE3, BE4, BE5, NE1 and NE3 of the West Oxfordshire Local Plan 2011, policies OS2, OS4, T4, EH1, EH3 and EH7 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF 2018. Accordingly your Officers' recommendation is one of approval subject to conditions relating to the approved plans, use of the mess facility, removal of existing buildings and the keeping of a log detailing the number of nights the facility is occupied.

6 CONDITIONS

- 1 That the development be carried out in accordance with the approved plans date stamped 6.7.2018
REASON: For the avoidance of doubt as to what is permitted.
- 2 The development hereby permitted shall be carried on only by Mr R.Rhode,s his immediate family and voluntary helpers working at the animal sanctuary and the development shall be removed in its totality when the premises cease to be occupied by Mr R. Rhodes.
REASON: The use is only justified in the light of the use of the land as an animal sanctuary which is a personal permission (Policy BE2 of the West Oxfordshire Local Plan 2011).

- 3 The existing mobile home and portable cabin permitted under 11/1883/P/FP and the caravan previously used as a toilet facility and referred to as the "second caravan" on the application forms submitted for application 11/1883/P/FP shall be removed in totality and in perpetuity no later than 3 months from the date of this decision.
REASON: In the interests of visual amenity (Policy BE2 of the West Oxfordshire Local Plan 2011).
- 4 Overnight stays in the mess facility shall be limited to no more than 30 nights in any calendar year and no person shall stay overnight in the mess facility other than Mr R Rhodes, his immediate family and voluntary helpers working at the animal sanctuary.
REASON: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to national and local planning policy and also unsuitable because of the noise climate (Policies BE19,H4 and NE1 of the adopted West Oxfordshire Local Plan 2011)
- 5 A log detailing all overnights stays and the name of the person/s staying in the mess facility shall be recorded and shall be made available to the Local Planning Authority upon request.
REASON: To evidence compliance with the terms of the planning permission hereby granted (Policy BE2 of the West Oxfordshire Local Plan 2011)

NOTES TO APPLICANT

- 1 Any intensification of the mixed animal sanctuary and agricultural use permitted under 11/0167/P/FP and any ancillary uses may require planning permission.
- 2 This application does not permit the applicant or any other persons to reside on any part of the site.
- 3 Please be aware that by reason of its location and health and safety risks associated with the site, including flooding and high noise exposure, it would be extremely unlikely that planning permission would be granted for residential use of the wooden structure the subject of this application or any other form of residential development on the site.