

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11 November 2019

REPORT OF THE BUSINESS MANAGER – DEVELOPMENT MANAGEMENT



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 Business Manager. 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

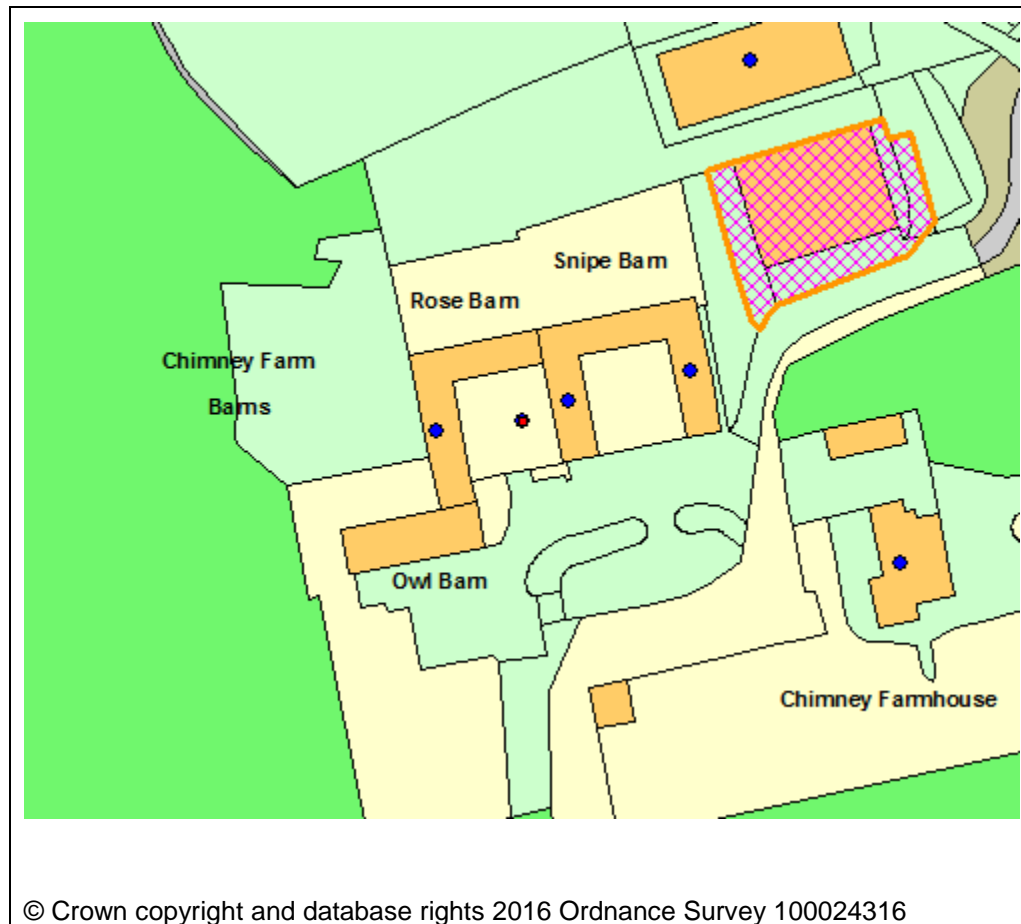
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
19/01878/FUL	Chimney Farm Barns, Chimney, Bampton	3
19/02389/HHD	66 Richens Drive, Carterton	12

Application Number	19/01878/FUL
Site Address	Chimney Farm Barns Chimney Bampton Oxfordshire OX18 2EH
Date	30 October 2019
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	435749 E 200889 N
Committee Date	11 November 2019

Location Map



Application Details:

Building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (use class B8) to a self contained residential dwelling (use class C3) by prior notification 19/01114/PN56.

Applicant Details:

Mr Fergus Mitchell, C/O Agent

I CONSULTATIONS

- I.1 Biodiversity Officer The Preliminary Ecological Appraisal and Bat Assessment Revision 03 report dated 26th July 2019 prepared by Turnstone Ecology (ref. R02-Preliminary Ecological Appraisal and Bat Assessment-Rev03) is generally considered to be sufficient and no further surveys are required.
The ecological survey confirmed the presence of a common pipistrelle bat roost, a feeding perch used by brown long-eared bats, nesting swallows and occasional use by barn owls. Mitigation and compensation are therefore required to ensure compliance with legislation and national and local planning policies, including Local Plan policy EH3.
The agricultural building already has prior approval for conversion residential use under ref. 19/01114/PN56 and the current application is for the approval of physical works to the existing building only to facilitate its conversion. I therefore confirm that with appropriate mitigation the 3 tests are likely to be met in this case.
Conditions requested.
- I.2 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.3 OCC Highways I am in agreement with the initial prior approval application (19/01114/PN56). Despite the poor condition of the local road network, the application proposes an amount of parking that is appropriate for a 5 bedroom dwelling in this location. The additional movements resulting from the dwelling are not likely to be high enough to cause any significant harm to the local highway network in traffic and safety terms.
- I.4 Conservation Officer Context: A modern portal-framed structure, not in the Conservation Area, but prominently located in a tiny settlement - and also set in flat and fairly open ground, with long views.

Opinion: There will inevitably be more perforation of the envelope with the change of use, and it seems that the current proposal has about the amount of fenestration that one might reasonably expect. It is also all quite nicely proportioned, and I think that from our point of view the general idea is supportable. I would however, suggest the following tweaks:
 1. let the eaves run through at the main entrance - which will keep the form clean, and which will reduce the apparent height of the glazing;
 2. omit the three rooflights on the outer facing roof slopes - again to keep the form clean, with uncluttered roof slopes;
 3. they suggest two options for the roof covering - and it would be preferable to use the standing seam metal sheet rather than the

single ply plastic - as the latter can be subject to bagging, and weathers less well.

Recommendations: Negotiate for revised proposals.

Conditions to include sample of materials and joinery details.

1.5 Parish Council

The above planning application was considered at a meeting of Aston, Cote, Shifford & Chimney Parish Council on 1 August 2019. The parish council recognised this application as significantly similar to the application made under reference number 17/01915/FUL which was refused and dismissed on appeal in 2018.

The parish council OBJECTS to this planning application and is of the opinion that under the WODC Local Plan 2031, Policies OS2, OS4 and H2:

1. Chimney is a hamlet, situated in the centre of the BBOWT nature reserve and Upper Thames Conservation Target Area. It has already had development from 5 dwellings to eight in the last 5 years which is an increase of 60%. Under Policy OS2 'development in small villages, hamlets and open countryside will be limited to that which and is appropriate for a rural location and which respects the intrinsic character of the area'. This planning proposal does not satisfy these criteria.
2. This planning proposal does not satisfy the conditions of policy H2 as it is not essential, is not an affordable development, there is no 'occupancy' need, the building is not a heritage asset, the proposed design which includes 28 windows of which 15 are sky lights, could cause serious detriment to the 'dark skies' currently part of the character of the hamlet.
3. The planning design does not meet the conditions of Policy OS4 in that it does not respect the historic, architectural and landscape character of the landscape, the provision of 2 car parking spaces in a design of 5 bedrooms when there is no other parking available in the hamlet is detrimental to the environment and will impact on the use or enjoyment of land and buildings nearby including living conditions in the existing residential properties.
4. Water supply. Chimney is not joined to the main water supply system. The dwellings in the hamlet are dependent on gaining water via a property in Cote. The applicant must be required to produce evidence that the water supply is adequate and that the conversion of the barn would not put at risk the water supply to the existing dwellings.

We request that the District Council refuses the application. Given the planning history of recent applications in Chimney the Parish Council would also request that this application is taken to the Lowlands Planning Committee for decision rather than being decided under delegated powers.

2 REPRESENTATIONS

2.1 Five objection letters have been received to date and are summarised below:

Mrs Evers - The Lower Farm House, Chimney

- Increase in housing numbers in Chimney
- Loss of rural lifestyle
- Exploitation of land
- Access
- Loss of night sky
- Noise impacts
- Loss of wildlife
- Traffic generation

Mr and Mrs Hunt - Chimney Farmhouse, Chimney

- Urbanising impact on the historic, agricultural, rural setting
- Proposed design is not sympathetic to the historical rural heritage of the building or the surrounding hamlet
- Ecology and biodiversity impacts
- Land ownership
- Proposal contrary to local plan policy and national policy

Mr and Mrs Hunt - Chimney Farmhouse, Chimney

- Impact a holiday let would have the historic, agricultural, rural setting
- Noise and disturbance
- Concern regarding removal of PD rights
- Parking
- Concern with proposed design
- Land ownership/change of use of land
- Light pollution

Mr Bradley - 3 Chimney Farm Cottages, Chimney

- Affect local ecology
- Design and layout
- Highways
- Neighbourliness
- Policy / Principle
- Land ownership
- Noise and disturbance
- Light pollution

Mrs West - Chimney House, Chimney

- Design and layout

- Scale
- Parking
- Access
- Planning creep

One support letter has been received to date and is summarised below:

Mr and Mrs Rowland - 4 Chimney Farm Cottages, Chimney

- Design and layout
- One residential dwelling more fitting for the area than a storage and commercial facility
- 3 holiday lets put up for sale as residential dwellings is also more fitting for the area

3 APPLICANT'S CASE

3.1 A planning statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

- The full planning application was submitted following the material change of use from light industrial (B1c) to residential (C3) unit as confirmed through the prior approval notification Ref: 19/01114/PN56 dated 6th June 2019.
- The Planning Statement provides an appraisal of the proposed development against relevant policies within the Local Development Plan. Other material considerations are also addressed by way of the National Planning Policy Framework ('NPPF') (2019) and other relevant publications.

4 PLANNING POLICIES

EH9 Historic environment
 EH13 Historic landscape character
 DESGUI West Oxfordshire Design Guide
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 T4NEW Parking provision
 EH2 Landscape character
 EH3 Biodiversity and Geodiversity
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal seeks consent for building operations and the introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (use class B8) to a self-contained residential dwelling (use class C3) by prior notification 19/01114/PN56.
- 5.2 The application site is located in Chimney, a small hamlet set close to the northern banks of the

River Thames. The settlement is on flat and relatively open ground, with long views. It is located approximately 2.3 km to the south east of Aston, 4.5 km to the south east of Bampton and approximately 10 km to the south of Witney.

5.3 The application building is set within a group of buildings which were formally associated with Chimney Farm, however all farming activity has now ceased.

5.4 Relevant planning history:

- Planning application Ref: 17/01915/FUL for conversion of the barn into two self-contained dwellings was refused on 08/08/2017. Subsequent appeal PINS Ref: APP/D3125/W/17/3191947 was refused by the decision dated 29/08/2018.
- Prior approval notification Ref: 19/01114/PN56 for change of use from B8 storage building to residential dwelling was approved on 06/06/2019.

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
- Scale, Design and Form
- Visual amenity
- Residential amenity
- Ecology
- Highways

Principle

5.6 In terms of the principle of development, third party representatives and the Parish Council have objected to the proposal with regard to the adequacy of the application site for residential development. However, under the relatively recently introduced prior approval notification process (Ref: 19/01114/PN56 dated 06/06/2019) it no longer needed planning permission. As such, the principle of residential development at the application site has been established.

Scale, Design and Form

5.7 In terms of the scale and design, third party representatives and the Parish Council have objected to the proposal on design grounds and state that it does not adhere to Policy OS4 of the adopted West Oxfordshire Local Plan. With regard to scale, the proposal is for building operations associated with the introduction of windows and door openings to facilitate the residential use of the barn and as such will not result in a change of built form at the site. In terms of design and form your Conservation Design Architect was consulted as part of the planning process and stated that the level of fenestration of the proposal was acceptable and well-proportioned. However, they did have concerns with the eaves, the three rooflights on the outer roof slopes and stated that it would be preferable to use a standing seam metal sheet roof. The applicant has submitted amended plans that take into account these concerns.

Visual Amenity

- 5.8 With reference to visual amenity, the proposal results in a change of external appearance of the building that your officers do not consider to be out of character with the immediate setting or wider surrounding area.

Residential Amenity

- 5.9 In terms of residential amenity, the proposal will not result in a change of built form at the site and as such your officers consider that it will not have a negative impact on overbearing or loss of light. Due to the nature and location of the development your officers consider that the proposed alterations and introduction of windows and rooflights at ground floor level will not result in a detrimental impact on overlooking or loss of privacy.
- 5.10 The Parish Council have raised concerns regarding the impact the proposed development would have on the mains water supply to Chimney. WODC Drainage Engineers were consulted as part of the planning process and raised no objection to the proposal subject to condition.
- 5.11 Third party representatives have raised concerns regarding noise, disturbance and light pollution. Your officers consider that the level of noise, disturbance and light generated by the proposal will not be enough to unduly affect the amenity of neighbouring properties.

Ecology

- 5.12 Third party representatives have raised concern regarding the impact the proposed development would have on local ecology. WODC Biodiversity and Ecology Officer was consulted as part of the planning process and raised no objection to the proposal subject to condition.

Highways

- 5.13 Third party representatives have raised concern regarding the impact the proposed development would have on parking and traffic generation. The County Highways Officer was consulted as part of the planning process and raised no objection to the proposal.

Conclusion

- 5.14 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, T4, EH2, EH3, EH9 and EH13 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

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 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.

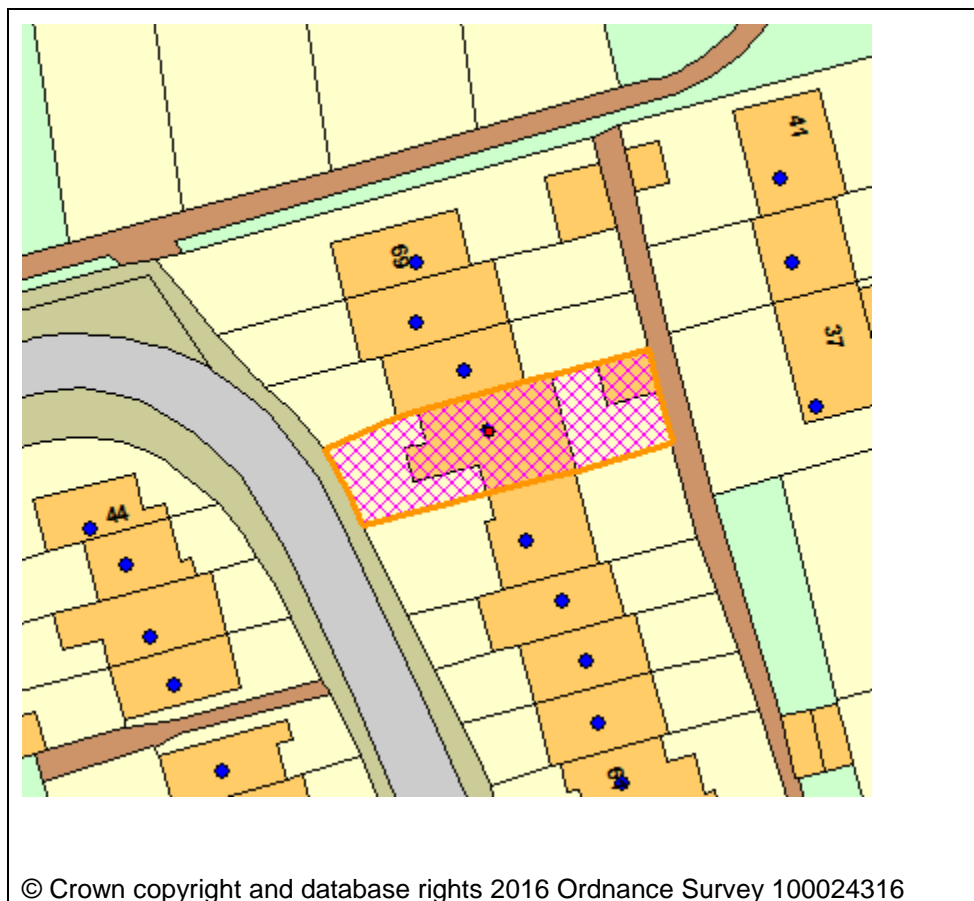
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 That, prior to the commencement of development, a full surface water drainage scheme 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
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). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 5 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 6 A sample of the proposed timber cladding with proposed treatment shall be submitted to and approved in writing by the Local Planning Authority before any wall building commences.
REASON: To safeguard the character and appearance of the area.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows, rooflights and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 8 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 9 The development shall be completed in accordance with the recommendations in sections 4.4.2, 4.5.2, 4.5.3, 4.5.4 and 4.5.6 of the Preliminary Ecological Appraisal and Bat Assessment Revision 03 report dated 26th July 2019 prepared by Turnstone Ecology (ref. R02-Preliminary Ecological Appraisal and Bat Assessment-Rev03). All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and all replacement bat roosts and access points shall thereafter be permanently retained.

REASON: To ensure that common pipistrelle bats, brown long-eared bats, swallows, barn owls, reptiles and badgers are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, the Protection of Badgers Act 1992, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 No development shall take place until revised architectural drawings showing full details of the replacement bat roosts and other bat mitigation features have been submitted to and approved in writing by the local planning authority, including details of all materials, dimensions, access points and a cross section through the ridge tile access points (as specified in the Preliminary Ecological Appraisal and Bat Assessment Revision 03 report dated 26th July 2019 prepared by Turnstone Ecology (ref. R02-Preliminary Ecological Appraisal and Bat Assessment-Rev03 submitted with the application). The approved revised drawings shall then be implemented in full, as modified by a relevant European protected species licence from Natural England.
REASON: To ensure that roosting common pipistrelle and brown long-eared bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 11 Before the erection of any new external walls, details of the provision of at least 2 no. nesting sites for swallows and a barn owl loft/box in suitable locations within the site 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 / suitable trees, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.
REASON: To provide compensation for swallows and an enhancement for barn owls in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Application Number	19/02389/HHD
Site Address	66 Richens Drive Carterton Oxfordshire OX18 3XU
Date	30th October 2019
Officer	Claire Green
Officer Recommendations	Refuse
Parish	Carterton Parish Council
Grid Reference	427534 E 206865 N
Committee Date	11th November 2019

Location Map



Application Details:

Erection of boundary fencing and entrance gate. (Retrospective).

Applicant Details:

Mr Barry Scutt
66 Richens Drive
Carterton
Oxfordshire
OX18 3XU

I CONSULTATIONS

- 1.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
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.
- 1.2 Parish Council This matter will be determined by WODC.

2 REPRESENTATIONS

- 2.1 In addition to the comments summarised below, prior to this application being submitted, the applicant sought the support of neighbours via a petition style letter, receiving nine letters of support.
- 2.2 One objection comment:
Elizabeth Jupp, 67 Richens Drive
- Challenges that the fence is for the homeowners safety.
 - The deeds reflect that no means of enclosure are allowed and the owner of no.66 was advised of that fact.
 - The fence is blocking the view when reversing off the drive, already had one near-miss. The pavement is en-route to two schools at the end of the cul-de-sac.
 - 'The fence is partially sited on my property.'
 - 'I am no longer able to access part of my property for maintenance'.
 - Would prefer a lower or different type of fence that doesn't impede visibility.
- 2.3 One support comment:
Mrs L Henry, 45 Richens Drive
- It is a delight to see the improvements Mr and Mrs Scott made to the front of their property.
 - With the benefit of the low, but enclosed fencing it affords a decent bit of privacy but still allows others the benefit of viewing the beautiful garden.
 - The majority of properties along this street are now fronted by a "car park" , which may be beneficial but lack any aesthetics and make the street look quite dull and crowded.
 - Also, with the amount of concrete front gardens, the birds are noticeably less in number than they used to be.
 - It's been a pleasure to chat and admire the plants and flowers. I hope this boundary fence will be allowed to remain.
- 2.4 Full comments can be found on the Council's website.

3 APPLICANT'S CASE

- 3.1 Mr Scutt advised Officers at a site visit that he has limited mobility and suffers with on-going health issues. The fence provides a fixed support structure that he can use to pull himself up from the ground in the event of a fall or collapse.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

NPPF 2019

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

5 PLANNING ASSESSMENT

5.1 This is a retrospective application that has been submitted in an attempt to regularise the siting of a fenced enclosure at the front of a residential property in Richens Drive Carterton. The breach of planning control came to light following receipt of a complaint.

5.2 The site is located near the centre of Carterton on a residential estate where an open-plan condition was attached to the enabling consent.

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:

Siting, Design and Form

5.4 66 Richens Drive is located on a residential street approximately a third of a mile from the centre of Carterton. Richens Drive features small clusters of terraced properties with small cul-de-sacs, garage blocks, parking areas and some properties with driveways and parking. Number 66 sits in a staggered terrace of 9 homes and benefits from a front garden space and block-paved parking area. The front of the property is visible from the street with a footpath running from North to South to the front of the properties, the footpath joins a network of pedestrian routes in and around the estate.

5.5 Most of the front gardens in Richens Drive are open plan which is characteristic of many of the estate roads in Carterton and throughout towns and villages in the District. In order to retain this open plan characteristic, conditions have been imposed on many of the enabling consents for estate developments removing permitted development rights to enclose front gardens with fences, walls and gates. Whilst some front gardens in the vicinity of 66 Richens Drive have been enclosed by hedgerows, planting is not 'development' and as such planning permission is not required for such enclosures.

5.6 This retrospective application seeks to regularise the development of a gated fenced enclosure constructed of timber panels approx. 1m high and timber posts approx. 1.8m high, that have been erected around the front garden of 66 Richens Drive.

5.7 Policy OS2: Locating development in the right places, states that development should form a logical complement to an existing pattern of development and/or the character of an area. Furthermore development should not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.

- 5.8 Policy OS4: High quality design, requires that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.
- 5.9 Having regard to the key Local Plan policy considerations, given the open plan character and appearance of Richens Drive, the enclosure of the front garden of 66 Richens Drive appears as a highly visually intrusive and incongruous feature within the street scene which harms the established open plan appearance of the area. As such the retrospective enclosure is considered contrary to policies OS2 and OS4 of the adopted Local Plan and relevant paragraphs of the NPPF.
- 5.10 Given the extent of open fronted development throughout the District, Officers are of the opinion that approval of this means of enclosure will set a clear precedent for further such intrusive enclosures located within similar open fronted contexts. The case put forward by the applicant that the enclosure is needed in the interests of his physical safety and welfare does not in your Officers opinion override the harm in this instance. Officers consider that it may be possible to address the needs of the applicant, in terms of mobility and safety around the front garden, by way of a more permeable means of enclosure that will satisfy the applicant's needs and appear less intrusive to the open character and appearance of the area.

Highways and Parking

- 5.11 The Highways Authority has been consulted on the application and has raised no objections in respect of highway safety and convenience on the adjacent highway network.

Conclusion

For the reasons expressed above officers recommend that permission should be refused.

6 REASONS

- 1 By reason of its design and form, the fenced and gated enclosure appears as an alien feature within Richens Drive, which is generally characterised by open-plan frontages and gardens otherwise enclosed with soft-landscaping, in line with the open-plan condition attached to the enabling consent. As such the development fails to form a logical complement to the existing pattern of development, it involves a loss of open space that contributes to the character and appearance of the area. Furthermore, the development fails to conserve or enhance the built environment. For these reasons the development is considered contrary to policy OS2 and OS4 of the Adopted West Oxfordshire Local Plan.