

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th April 2014

**REPORT OF THE HEAD OF PLANNING
AND SUSTAINABLE COMMUNITIES**



**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

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

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14/0146/P/FP Oldner Farmhouse Charlbury Road Chipping Norton	
Date	30/01/201430/01/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	CHIPPING NORTON
Grid Ref:	432217,225912

APPLICATION DETAILS

Erection of two and single storey extensions, conversion of roof space to include velux and dormer windows. Change of use of land to domestic, new vehicular access and erection of garage.

APPLICANT

Mr George Hayman C/O Agent

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a two storey extension to the existing dwelling, the erection of a garage and the change of use of land to form part of the domestic curtilage. The application relates to a large dwellinghouse located in a cluster of dwelling in an isolated open countryside location. The site sits approximately 700 metres to the south east of the main built up part of Chipping Norton. The site is not in any area of special control. Amended plans have been received and re-advertised which reduce the area of land proposed for change of use.

I CONSULTATIONS

1.1 Chipping Norton Town Council:

“In principle the Town Council have no objection to the extension of the house but they do object strongly to this planning application going into agricultural land. Town Council feel that there is plenty of room to keep the drive in the original space of the grounds.”

1.2 OCC Highways:

“No objections subject to conditions.”

2 REPRESENTATIONS

2.1 Six neighbours were notified of the application and two letters of representation have been received from Mr and Mrs Sweeten-Smith of Wicca’s Moon, and Alex Corfield. The comments can be summarised as follows:

- The development is an unnecessary invasion into the open countryside of a domestic curtilage and drive.
- The amendment is a material change and as such, the application should be withdrawn and re-submitted.
- We do not agree with the land behind Older Farmhouse being change to domestic. There is already sufficient domestic land available for the project.
- The new route of the driveway will bring traffic much closer to the boundary with our property.
- The development would result in an infringement in our privacy.
- The new driveway could be used for commercial traffic, heavy machinery, farm tractors all with a loss of privacy.
- A site inspection should be made by WODC Planning.
- The process is frustrating – the letter did not arrive until the 7th February and comments were required by the 24th. The application did not appear in the press.

- The agricultural land to which the application relates has not been registered with the Land Registry as part of Older Farmhouse.
- The existing access could still be used and would allow for the front of the dwelling to be used as the entrance as proposed here.
- Why do people come to live in a rural area and then put in a planning application so out of character with the area in which they have chosen to live?

3 APPLICANT'S CASE

3.1 The application is supported by two documents. A brief design and access statement and an ecology report. Both documents can be viewed in full on the application file or on the District Council Website.

4 POLICY

4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the determination of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- NE1 (Safeguarding the Open Countryside),
- NE3 (Local Landscape Character),
- NE15 (Protected Species), and
- H2 (General Residential Development Standards).

5 PLANNING ASSESSMENT

5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle;
- Impact upon the character and appearance of the area;
- Impact upon amenity;
- Protected Species; and
- Highways and parking.

Principle

5.2 The principle of the extension of the existing dwelling is controlled by policies H2 and BE2 of the Local Plan. Both support the provision of extensions which are appropriate to the existing dwelling and the wider area.

5.3 There are no policies which specifically support or prevent the change of use of agricultural land to domestic. Whilst this is the case, there are policies which seek to protect the open countryside for its own intrinsic qualities. A further assessment of this will be made below.

Impact upon the character and appearance of the area

5.4 There are three separate elements to the scheme which will be considered individually.

Proposed Extensions

5.5 The proposed two storey extensions to the main dwelling are a significant addition to the main house. Whilst this is the case they do replace a number of previous extensions which are not

characteristic and detract from the character of the original building. The two storey extension proposed is a flat roofed addition. Due to the unusual hipped form of the original roof the provision of a roof structure on the extension would result in an awkward form of development which appeared significantly larger in scale and massing than the current proposal. On the basis that the flat roofed form enables the development to sit more comfortably, and reduces the scale and massing, therefore its prominence from the road, your officers are of the opinion that the extensions are acceptable in this location.

Proposed change of use of land

- 5.6 The land proposed for change of use sits to the rear of the existing dwelling. The land was formerly agricultural land and it is proposed to include it within the domestic curtilage of the dwelling to allow for a larger sweeping driveway to the main elevation of the dwelling. The driveway follows the route proposed to enable retention of existing trees within the site. The land to the rear of the property is not prominent in any public vantage points. The neighbouring property to the northwest has a curtilage which extends further than the application site's and the application proposes to replicate this line. The area of land is not significant and whilst the character of the land will change, given its limited visibility and that it would not read as an alien incursion into the open countryside officers do not consider that the proposal would be so harmful to justify the refusal of planning permission.

The garage

- 5.7 The garage will sit behind the existing boundary wall which forms the boundary with the road. The garage is a large building however; it is single storey in form and has a hipped roof. Given the height of the stone wall, only part of the roof will be visible from the roadside and given this officers are of the opinion that the development would not result in any harm to the character and appearance of the area.

Amenity

- 5.8 The proposed relocated driveway will now move closer to the neighbouring properties. Whilst this is the case, the domestic driveway or a parking area could be constructed in this location without requiring any consent from the District Council. On this basis, and given the nature of the drive to provide access to a domestic dwelling officers do not consider that the development would be so harmful to the amenity of neighbouring properties to justify the refusal of planning permission.
- 5.9 The proposed extension would not give rise to any harmful overlooking or overshadowing to either neighbouring property. Whilst the proposed garage will be visible to the neighbouring property to the North West, its limited height, scale and massing, and the fact that it is hipped away from the boundary will ensure that no harm is caused to that property.

Ecology

- 5.10 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or

- ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

- 5.11 The survey submitted with the application notes the presence of a very limited number of bats and details the provision of a replacement roost for that lost in the conversion of the main dwelling. It is important to note that the internal change to the loft would not require planning permission and therefore, this could be done without requiring any consent from the District Council. On this basis your officers consider that the mitigation measures detailed within the survey are considered to be convincing and in your officers opinion will secure “offence avoidance” measures. Your officers would therefore recommend conditions to ensure that the replacement roost is provided.
- 5.12 Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Highways and parking

- 5.13 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No(s) 1690.100 Rev B, 1690.101 Rev A, 1690.102 Rev A and 1690.070 Rev A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Class E of Part 1, Schedule 2, Article 3 shall take place.
REASON: Control is needed to preserve the character and appearance of the wider landscape. (Policies NE1 and NE3 of the West Oxfordshire Local Plan 2011)
- 4 The external walls of the garage shall be constructed with timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 5 That part of the development to be constructed of natural stone 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Those parts of the extensions to be constructed of render shall be rendered in accordance with a sample panel which shall be laid on site and approved in writing by the Local Planning Authority before development commences and which shall thereafter be retained on site until the development is completed.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 8 A hedge shall be planted along the south west boundary of the site prior to the occupation of the extension hereby approved in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The hedge shall be tended to grow to a minimum height of 1.5 metres and shall be retained as such thereafter.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 9 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before the first occupation of the extension hereby approved.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 10 Upon first use of the new access hereby approved the existing access shall be closed with the erection of a stone wall to match the existing boundary treatment along this boundary and the highway verge shall be reinstated to match the adjacent highway verge.
REASON: In the interest of the visual amenity of the area. (Policies BE2, NE1 and NE3 of the West Oxfordshire Local Plan 2011)
- 11 Prior to any commencement of works to the roof void in the main dwellinghouse the replacement bat loft detailed in the Ecology Report dated 13th December 2013 shall be provided on site. The replacement bat loft shall be retained as such thereafter.
REASON: In the interest of protected species. (Policy NE15 of the West Oxfordshire Local Plan 2011)

14/0197/P/FP 116 Burford Road Chipping Norton	
Date	11/02/2014 12/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	CHIPPING NORTON
Grid Ref:	431675,226325

APPLICATION DETAILS

Remove garage and erection of detached dwelling with associated works.

APPLICANT

Mr Chris Selwyn, 116 Burford Road, Chipping Norton, OX7 5EF

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a two storey dwelling at the site. The application relates to a site on the extreme edge of Chipping Norton not located in any area of special control but in a prominent position in one of the main approaches to the Town.

I CONSULTATIONS

1.1 Chipping Norton Town Council:

“The Town Council strongly object to this planning application as the area is extremely tight for space. There would be a car parking problem. The junction next to the proposed site is very bad, particularly in the winter months. The wall has been damaged on numerous occasions due to car accidents. The planning application shows that the house would be linked to the main drains. NOTE There are no mains drains at this point, the houses in this vicinity are on septic tanks.”

1.2 OCC Highways:

“The proposed new dwelling will result in an intensification of the single point of access to the development site. The access is within the priority intersection of the A361 Burford Road and B4026 Over Norton Road. Current visibility from the access along the B4026 is marginal compared to standards. Improvements to the access will improve visibility in all directions but the planning application does not demonstrate this with a visibility display diagram.

The proposal is unlikely to have a significant adverse impact on the highway network.

Recommendation

No objection subject to the following condition.

GI11: Vision Splays

Informative

Prior to commencement of development, a separate consent must be obtained from OCC Road

Agreements Team for the altered highway vehicular access under S278 of the Highway Act. Contact:

01865 815700; RoadAgreements@oxfordshire.gov.uk.”

2 REPRESENTATIONS

2.1 Two neighbours were notified of the application and a site notice erected at the site. No letters of representation had been received within the consultation period however; any representation received will be reported in the Report of Additional Representations and/ or verbally at the Sub Committee meeting as necessary.

3 APPLICANT'S CASE

3.1 The application has submitted a Design and Access Statement in support of the application. The document can be viewed in full on the application file or on the District Council's website.

3.2 The following comments have been received from the applicant's agent in response to the Town Council Comments:

- *The off street parking shown on the scheme complies with current highway safety standards - it is feasible with both dwellings that at least one more space each could be created, if ever required.*
- *Regarding the junction, this application deals with the site and its access, which is to be improved. The problems outside the site are not affected by our proposal, other than we improve our access onto it.*
- *Regarding the wall, according to the applicant who has known the site since 2008, the wall has not been damaged in that time, we don't know before that date.*
- *One incident did happen when a driver from outside the area, on route to Birmingham, drove across the junction in thick fog, and not realising there was a bend in the A361 at this point, slid across it and hit a post. This is the only incident, and again, this has no bearing on the merits of our application.*
- *Regarding foul drains, we accept that the dwelling can be served via a closed system, as with No. 116, all subject to compliance with building regulations.*
- *Finally, regarding the County Council Highway observations, we note they have no objection, and while the exact dimensions of the visibility improvements are not listed in our application, it is in our view c.40 to 50 metres better when looking towards the town centre, and better in the other direction also, both a significant improvement on the current situation.*

4 POLICY

- 4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011, in the consideration of this application are policies:
- BE2 (General Development Standards),
 - BE3 (Provision for Movement and Parking),
 - H2 (General Residential Development Standards), and
 - H7 (Service Centres).

4.2 In addition the National Planning Policy Framework is of consideration.

5 PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle;
 - Impact upon the character and appearance of the area;
 - Impact upon residential amenity; and
 - Impact upon highway safety.

Principle

- 5.2 The principle of new residential dwellings in Chipping Norton is controlled by Policy H7 of the West Oxfordshire Local Plan 2011. The policy allows for new build residential dwellings where they constitute infilling or rounding off. In your officer's opinion, the provision of a dwelling on this site would form a logical complement to the existing pattern of development and as such, would comply with the definition of rounding off as set out in the West Oxfordshire Local Plan 2011. On this basis officers consider that the principle of such development is supported by the local Plan.
- 5.3 Furthermore, the NPPF supports the provision of sustainable development. Given the location within one of the main Service Centres within the District officers consider that the proposal would be in accordance with the guidance contained within the NPPF.

Design and impact upon the character and appearance of the area

- 5.4 The proposed dwelling is relatively modest in terms of scale and massing. With half dormer windows the scale and massing of the building is reduced. The materials of stone and render under a natural blue slate roof are also entirely appropriate to the area. On this basis the design of the dwelling is considered to be acceptable.
- 5.5 The site, as noted above is visible at an important gateway to the town. The land levels increase slightly as you move away from the road frontage and given that the proposed dwelling will be set back in the site officers have suggested a condition requiring levels details to be approved prior to development commencing on site. This will ensure that, as well as in relation to the scale and massing, the dwelling is not unduly tall in the street scene due to elevated land levels. With this condition and ones to ensure that appropriate materials are used officers are of the opinion that the development will sit comfortably in the street scene and would have no adverse impact upon the character and appearance of the street scene.

Residential Amenity

- 5.6 The proposed development will replace an existing garage on the site. The dwelling will be materially larger and will be more prominent and visible to the neighbouring properties. Number 110 Burford road sits approximately 22 metres away from the application site and is on higher ground however, due to the orientation of this property it currently experiences clear views over the site to the open countryside beyond. Due to the separation distance and the lack of any openings on the side elevation facing number 110, officers do not consider that the development would have any harmful impact upon that property through the loss of light or an overbearing impact. Officers acknowledge that the neighbouring property will lose a view however; private views over third party land are not protected through the planning system.
- 5.7 The dwelling will sit in close proximity to number 116 however, the orientation means that there will be no harmful overshadowing or loss of light. Both properties will be served by private amenity space which is ample for the size of the dwellings.
- 5.8 Given this officers are of the opinion that the development is acceptable and would preserve residential amenity.

Highways and parking

- 5.9 The application provides sufficient off street parking for the existing and proposed dwellings. Turning space is also available to enable vehicle to enter, turn and leave in a forward gear. Officers acknowledge that this area is limited but do not consider this a reason to justify the refusal of planning permission particularly when considered against the existing situation. At present there is a two metres stone boundary wall running the length of the boundary with Burford Road. This wall significantly restricts visibility in both directions and makes egress from the site difficult. The application proposes to relocate this wall further away from the boundary providing for better visibility on both directions. The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No(s) I4002.3, I4002.4 and I4002.5.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Class A to E of Part 1, Schedule 2, Article 3 shall take place.
REASON: Due to the limited amenity space serving the dwelling. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 4 Before 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 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. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 7 Before development commences, details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the building hereby approved is occupied and shall be retained as such thereafter.
REASON: To safeguard the character and appearance of the area and because details were not contained in the application. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 8 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. 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 the supporting Technical Guidance)

- 9 Before development commences precise details of the finished floor levels, eaves and ridge height of the dwelling in relation to 116 and 110 Burford Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the altered highway vehicular access under S278 of the Highway Act.
Contact: 01865 815700

14/0216/P/FP The Green Great Rollright	
Date	14/02/2014 17/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	ROLLRIGHT
Grid Ref:	432269,231209

APPLICATION DETAILS

Erection of two storey dwelling with associated parking and new access.

APPLICANT

Mr Simon King, 1 The Green, Great Rollright, Oxon OX7 5RN

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a detached dwelling. The application relates to a site to the rear of 1 The Green and is located within the Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. The application proposes a detached dwelling constructed of stone under clay or concrete tiles.

I CONSULTATIONS

1.1 Rollright Parish Council:

“Rollright Parish Council unanimously objects to this application.

The access from the proposed new build would be extremely dangerous. Southward visibility is very poor and there is no footpath. It is very close to the narrowest part of High Street where traffic is only one car wide. Traffic turning left into the High Street from Old Forge Road would have little time to stop if a car was exiting from the drive of this new house.

Additional concerns are for visitor parking, delivery vehicles and construction traffic.”

1.2 OCC Highways:

“The application proposes to create a new vehicular access onto High Street to serve a new 3-bedroom dwelling. A plan demonstrating the proposed visibility splays for the new access has not been submitted. I note that the layout plan indicates new hawthorn trees to be planted in the grass verge adjacent to the site,

and a new stone wall to be constructed along the boundary of the site with High Street. Both of these features might obstruct vision for motorists pulling out of the site. A vision splay plan is required for consideration and approval prior to commencement of development in the interests of highway safety. (Condition – access and visibility splays)

The new highway access will require separate consent from OCC under S278 of the Highways Act. Please contact the Road Agreements Team (01865 815700). (Informative)

Any proposed trees to be planted on the highway verge must have the approval of OCC's Arboriculture Team, to ensure the species is appropriate and will not lead to maintenance issues in future. Please contact the County's Arboriculture Team on 0845 310 1111. (Informative)

There is a significant difference in levels between the site and the carriageway (High Street), and it will be important to ensure that the gradient of any new access complies with necessary standards. Gradients must not exceed 8 per cent (1 in 12), the maximum permitted in Department for Transport's 'Inclusive Mobility'. A gradient of 5 per cent (1 in 20) is generally preferred, to minimise difficulties for manual wheelchair users. If the proposed access does not comply with these standards, there may be a highway safety issue. Details of the proposed gradient of the access, which might include a cross section plan, are required for consideration and approval. (Grampian condition – access gradient)

The site layout plan demonstrates off-street car parking capable of accommodating two vehicles, and a turning area to enable vehicles to egress in forward gear onto High Street. This parking area must be constructed from a permeable material, and maintained free from any obstruction to such use thereafter. (Condition – parking and turning in accordance with plan)

Recommendation:

I have no objection in principle, subject to the following highway conditions and aforementioned informatives:

- G18 Junction of road with highway details (vision splays and gradient)
- G36 Car parking in accordance with approved plans.”

2 REPRESENTATIONS

2.1 Seven neighbours have been notified of the application and eleven letters of representation have been received. The full content of these letters can be viewed on the application file however the letters can be generally be summarised as follows:

- The documents refer to a garage but it is not shown on the plans.
- The access is proposed on a steep bank at a point within limited vision this would present many issues for vehicles and pedestrians.
- High Street is very narrow at this point.
- The application argues that other properties have been supported with access onto High Street but this is incorrect.
- The development is not infilling as it is behind the existing dwelling.
- The height would dominate the area.
- It will block light to and overlook neighbours at Number 2, Highcroft, Lincoln House and Milland House.
- The parking area would cause noise and pollution for 2 The Green.
- The birch tree could cause damage to drains in the area.
- The brick lean to is not shown on the plans and would be partly in the parking area proposed.
- The development would destroy the open space.
- An access in this position would be dangerous for users of the highway.
- The loss of the bank would detract from the street scene.
- The development does not accord with policies BE2 or BE3.

- The development would result in considerable loss of later afternoon sun.
- The first floor windows will provide for overlooking.

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted in support of the application and can be viewed in full on the application file or on the District Council's website.

4 POLICY

- 4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:
- BE2 (General Development Standards),
 - BE3 (Provision for Parking and Movement),
 - BE5 (Conservation Areas),
 - H2 (General Residential Development Standards), and
 - H5 (Villages).

5 PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle;
 - Impact upon the character and appearance of the Conservation Area;
 - Impact upon amenity; and,
 - Impact upon highway safety.

Principle

- 5.2 The application seeks planning permission for the erection of a two storey dwelling. The site is located to the rear of number 1 The Green and adjacent to the property at Highcroft. New dwellings in Great Rollright are only supported where they constitute infilling. Infilling is defined as the: 'filling of a small gap in an otherwise continuous built up frontage'. Given the position of the site to the rear of development fronting The Green and to the side of a dwelling fronting High Street officers do not consider that the development would meet with the definition of infilling.

Design and impact upon the Conservation Area

- 5.3 The design of the dwelling in itself is considered to be appropriate and reflects the simple vernacular of dwellings in the local area. Whilst this is the case officers do have a number of concerns with the development as proposed.
- 5.4 The site is located in an elevated position above the roadside. The provision of a dwelling in this location does not relate well to either the properties fronting The Green or fronting High Street. The properties fronting the Green are located at a similar height above High Street however; the properties in High Street sit at a much lower level. On this basis the development appears somewhat incongruous in the street scene. Furthermore, the dwellings accessed from High Street all have generally level access however; the works to create access to the dwelling hereby proposed would result in a significant change to the character of this part of the Conservation Area.

- 5.5 Given the elevated position of the dwelling and its poor relationship with either neighbouring property and given the detrimental impact the proposed access would have to the street scene officers are of the opinion that the development would neither preserve nor enhance this part of the Conservation Area contrary to policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011.

Residential Amenity

- 5.6 Officers acknowledge the comments of the neighbouring properties in relation to amenity. Further to the site visit however, officers do not consider that the development would be so harmful to the amenity to justify the refusal of planning permission.
- 5.7 In relation to 2 The Green the dwelling will sit some 6.5 metres away from the boundary with that property. Whilst this distance is limited, the first floor windows are proposed to be obscurely glazed and this could be controlled by condition. This would prevent harmful overlooking for 2 The Green. The property is located to the west of number 2 and this would ensure that there was no significant impact upon light received by this property. This situation is similar for Lincoln House and Milland House which are located approximately 20 metres and 34 metres to the east respectively.
- 5.8 Highcroft is located 6.5 metres to the south of the application site. The southern orientation of the property will ensure that there is no loss of direct sunlight. Whilst the elevated position may result in the dwelling being more prominent from the garden of this dwelling, it would not be considered so harmful to amenity to justify the refusal of planning permission. Highcroft does have some windows in the side elevation of the dwelling which face towards the application site. These are located further back in the site than the proposed dwelling and in your officers opinion would not be so harmful to justify the refusal of permission.

Highways and parking

- 5.9 The County Council as highway authority have considered the submitted application and consider that adequate visibility could be achieved from the access. They have requested an appropriate visibility splay plan so that they can ensure the splays could be kept obstruction free in perpetuity. Officers have sympathy with the objectors particularly given the narrow road width at this point given the lack of technical objection officers could not substantiate a refusal reason on this basis. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Reasons for the Refusal of planning permission:

- I That the proposed development, due to its position to the rear of the existing dwelling does not constitute infilling due to its poor relationship with the existing dwellings and would represent an awkward form of development which does not respect the existing pattern or character of development. As such the development would be contrary to policies BE2, BE5, H2 and H7 of the West Oxfordshire Local Plan 2011.

- 2 That the proposed development, by virtue of its elevated position, and the nature of the works required to provide adequate access, would be an incongruous addition to the street scene which would neither preserve nor enhance the character of the Conservation Area. As such, the development would be contrary to policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011.

14/0225/P/FP Walcot Barns Forest Road Charlbury	
Date	18/02/201418/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	CHARLBURY
Grid Ref:	434910,219473

APPLICATION DETAILS

Conversion of barns to dwelling, workshop, office and parking. Construction of semi subterranean extension to form living space.

APPLICANT

Oxford Design Studio, 4 Spelsbury Road, Charlbury, Oxfordshire OX7 3LP

BACKGROUND INFORMATION

The application seeks planning permission for the alteration and conversion of the existing structure to form a residential dwelling. The application also proposes a significant semi-subterranean extension to the west of and linking to the existing barn. The site is in an isolated open countryside location within the Cotswolds Area of Outstanding Natural Beauty. The site lies adjacent to the Oxfordshire Way footpath and is located only 60 metres from the Scheduled Ancient Monument of Walcot Fishponds and garden earthworks. The barn is visible and prominent along the B4437 which runs from Charlbury towards the Wychwoods. Charlbury train station is located approximately 800 metres to the south east.

The application has been called into Committee for determination by Councillor Leffman.

I CONSULTATIONS

1.1 Charlbury Town Council:

‘Can careful consideration be given to the need for an ‘archaeological watching brief’ as there have been discoveries of note nearby. Is there a need for a bat or newt survey? Can the potential issues of light pollution be addressed. We applaud the proposal to bring this building back into use. Otherwise no objection.’

1.2 OCC Highways:

‘No objections subject to conditions.’

1.3 Natural England:

*“Statutory nature conservation sites – no objection
This application is in close proximity to the Wychwood Site of Special Scientific Interest (SSSI).*

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your

attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Cotswolds AONB. We therefore advise you to seek the advice of the AONB Conservation board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation.

They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/ Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it

makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.”

1.4 English Heritage:

‘The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice..’

2 REPRESENTATIONS

2.1 Four neighbours were notified and a site notice erected at the site. Two letters of comment have been received from Dr. Stepney and Dr. Surawy of 2 Walcot Farm, Mr and Mrs Geeson-Brown of 1 Walcot Farm and Mr Forbes of 3 Elm Crescent. The comments received can be summarised as follows:

- The development is too large in scale for the extremely sensitive nature of the site.
- There will be considerable vehicle movements which will be at odds with the quietness of the area.
- The illusion that the barn remains a ruin might be maintained on a cursory distant view but in nearer views it will be obvious this is a working site. A ‘folly’ of this kind will not mitigate this.
- The building is in a remote location away from sources of external lighting – external lighting should be minimal and motion triggered lighting should not be allowed.
- The application proposes not only a family home but also offices and a workshop with a ‘small staff’. This will greatly increase traffic along the lane which has no passing places. Use should be restricted to only those who are resident.
- The proposed ‘Cotswold stone chipping’ access road would substantially alter the character of this section of the bridleway.
- There may be damage to verges during construction. The developer should be required to make good this damage.
- The scale is too large and the impact would be much less if confined to the barn itself.
- The access will have to be considerably altered to allow vehicular access.
- There will be an increase in traffic flow compared to the existing use.
- The track will change significantly in character from a country track to a well used driveway.
- The extension represents a 158% increase in floor area.
- Light pollution is a key issue.
- If the plans are to proceed the office use should be tied to the dwelling.
- The construction phase, including significant excavation will require massive construction equipment. It will cause a danger to users of the bridleway.
- We strongly oppose the ‘broken roof’ design. It will cause light pollution.

2.2 In addition, three letters of support have been received from Councillor Leffman of 10 Park Street, Charlie Clews of 1 Forest Court and Tim Crisp of Tinel House. The comments received can be summarised as follows:

- The plan is sensitive and creative.
- The ruined barn is a well known feature in the landscape and the plan aims to retain that aspect whilst offering imaginative living space.
- The development is befitting of the past and future of this building.
- The costly proposal to dig in and develop underground shows an appreciation of the setting and will have no impact to the public.
- The glazed roof aperture is a brilliant addition and will preserve the current ruined nature of the building. This provides a clear visual link between old and new, derelict and developed.
- The proposals transform a site from one of decay into a regenerated space, saving the buildings and their heritage.

- The development will have minimal impact upon the appearance of the landscape and will improve the experience of walkers and passers-by.

3 APPLICANT'S CASE

- 3.1 The application has been submitted with the following documents all of which can be viewed in full on the application file or on the District Council's website:
- Sustainability Compliance and Design and Access Statement;
 - Structural Survey;
 - Planning Statement – Biodiversity; and
 - Supporting Statement.

4 POLICY

- 4.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:
- BE2 (General Development Standards),
 - BE3 (Provision for Movement and Parking),
 - BE10 (Conversion of Unlisted Vernacular Buildings),
 - NE4 (Cotswolds AONB),
 - NE15 (Protected Species),
 - H2 (General Residential Development Standards), and
 - H10 (Conversion of Existing Buildings in the Open Countryside).

- 4.2 In addition the National Planning Policy Framework (NPPF), is of consideration

5 PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle;
 - Impact upon the character of the AONB;
 - Impact upon ecology;
 - Impact upon the setting of the public right of way; and
 - Impact upon highway safety.

Principle

- 5.2 The principle of the conversion of existing buildings to residential accommodation in open countryside locations is controlled by policy H10 of the West Oxfordshire Local Plan 2011. The policy states:

The conversion of an existing building to a dwelling outside the built-up areas of the settlements listed in Figure 5.2 will be permitted in the following exceptional circumstances and where retention of the building meets overall sustainability objectives:

- a) the building is not suitable or reasonably capable of the re-use for employment purposes, recreational or community uses, visitor facilities or tourist accommodation and it is demonstrated that its retention can only be secured through its conversion to residential use; or*
- b) there is an essential operational or social need for a dwelling in accordance with the provisions of Policy H4.*

In addition the following criteria should be met:

- c) *the building is of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement; and*
- d) *the building makes a positive contribution to the character and appearance of the area.*

In addition to this the NPPF states that:

- 5.3 *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*
- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
 - *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*
- 5.4 The proposal appears to contravene a number of the criteria of Policy H10 but in particular the building the subject of this application is in a relatively poor state of repair. The roof structure has been completely destroyed by fire and parts of the building are subject to considerable lean suggesting some structural issues. In line with criteria c) of Policy H10, buildings would need to be capable of conversion without major reconstruction or significant enlargement to be compliant with the policy. Given that the application will require the complete reconstruction of the roof structure over all parts of the existing structure officers do not consider that this would constitute 'conversion' and would involve major reconstruction. Furthermore, given the nature of the existing walls, the development proposed and, in particular, the semi-subterranean addition, which abuts the main structure of the barn, officers also have concerns regarding the structural soundness of the remaining structure.
- 5.5 On this basis, officers do not consider that the development constitutes conversion of an existing building without major reconstruction and as such, the development is contrary to Policies BE10 and H10 of the West Oxfordshire Local Plan 2011.
- 5.6 The offices and workshop proposed as part of the application are not noted as being separate to the main dwelling and on this basis officers have considered them as ancillary to the main dwelling.

Design and impact on the wider AONB and adjacent Oxfordshire Way

- 5.7 As noted above, the proposed development is not considered to meet with the tests set out in Policy H10 as major reconstruction would be required to allow the development to take place. Furthermore, officers are concerned that the proposed semi-subterranean extension would further de-stabilise the building.
- 5.8 Notwithstanding the in principle issues, officers would note that the proposed development offers an interesting design approach. The development includes the provision of a new roof structure with a 'cut back' section infilled with glazing. The idea of this element is to make the re-built roof appear as a ruin in the landscape. This form of development is unusual and whilst officers

acknowledge that this would lead to the barn reading as a ruin from a distance, from the nearby vantage points the glazing would be visible. Officers also have concerns regarding the reflective nature of glass and the potential impact this has for longer distance views. Whilst this could be controlled by condition, officers would question whether this design approach for the roof is appropriate at all given the level of reconstruction required for the roof. The subterranean element, by its very nature, is not prominent in the wider landscape and would not be of harm to the character of the immediate setting, the character and setting of the footpath or the agricultural form of the building.

- 5.9 The treatment of the barn itself is considered appropriate and relatively lightly handled with minimal intervention in the fabric. Any new openings reflect the agricultural appearance and the material proposed for the roofs are appropriate to the form of building and the character of the wider landscape. In your officer opinion, should the principle of conversion be supportable, the treatment of the existing barn and secondary range is considered acceptable.
- 5.10 The provision of the parking area would be contained within the courtyard adjacent to the barns. This approach would contain domestic parking associated with the building and therefore would not give rise to any harmful impact upon the character and appearance of the wider AONB.
- 5.11 Given the above, officers are of the opinion that the design approach for the redevelopment of the site is appropriate and would preserve the character and appearance of the wider AONB and the setting of the adjacent Oxfordshire Way.

Ecology

- 5.12 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
4. Deliberate capture or killing or injuring of an EPS
 5. Deliberate taking or destroying of EPS eggs
 6. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 4. Damage or destruction of an EPS breeding site or resting place.
- 5.13 The report submitted in support of the application, relating to ecology suggests that further pre-construction surveys are carried out. Considering advice and guidance provided by Natural England officers cannot be satisfied that the development would not give rise to harm to the habitat of protected species. Furthermore, if protected species are present no mitigation measures have been proposed to take account of their presence. On this basis Natural England Standing Advice notes that the application should be refused.
- 5.14 Given this it has not been demonstrated to the satisfaction of the LPA that the development can be undertaken without harm to a protected species. It is not considered that the benefits of the development outweigh the harm and as such the proposal is contrary to Policy NE 15 of the Local Plan or that standing advice of Natural England.

Highways and parking

5.15 Highways comments have been received raising no objections to the scheme. Whilst it is acknowledged that the site is in an isolated rural location with no access to alternative means of transport it is considered against the historic use. On this basis, highways officers consider that the development could lead to a reduction in traffic movements particularly given the home working offices. On this basis, no objections, subject to conditions have been raised.

Conclusions

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

RECOMMENDATION

Reasons for the Refusal of planning permission:

- 1 That the proposed development proposes significant alteration and enlargement of an existing structure and as such, would not comprise conversion of a building worthy of retention. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed enlargement through the provision of a below ground accommodation and the associated works to the immediate area would not further undermine the stability of the building or secure its long term retention. The development would therefore be contrary to policies BE10 and H10 of the West Oxfordshire Local Plan 2011 and would be contrary to the guidance in paragraph 55 of the National Planning Policy Framework.
- 2 It has not been demonstrated that the proposed development would not have a harmful impact upon protected species. The information submitted notes additional survey work is required in relation to Great Crested Newts as the site has been noted on having a high potential for such habitats. On the basis of the lack of the additional survey work and given that no mitigation measures have been proposed the development is contrary to policy NE15 of the West Oxfordshire Local Plan 2011 and the Standing Advice provided by Natural England.

14/0235/P/FP Park House 26 Park Street Bladon	
Date	19/02/201425/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	BLADON
Grid Ref:	444816,214767

APPLICATION DETAILS

Change of use from tea room to form part of existing dwelling.

APPLICANT

Mrs Sharon Atkins, Park House Tea Rooms, 26 Park Street, Bladon, Oxfordshire OX20 1RW

BACKGROUND INFORMATION

The application seeks planning permission for the change of use of the former Park House Tea Rooms to part of the dwellinghouse which already existing on site. Permission was granted in 1996 for the use of the former shop to A3 use class. The site is located within the Conservation Area and the Oxford Green Belt however, no external alterations are proposed as part of the development. The site is located approximately 200 metres to the south of The White House Public House.

I CONSULTATIONS

1.1 Bladon Parish Council:

“The members of Bladon Parish Council have no objections or comments to make in respect of this application.”

1.2 OCC Highways:

“No objections.”

2 REPRESENTATIONS

- 2.1 Four neighbours have been notified of the application and one letter of representation has been received from Philip Rumsby of Bladon Methodist Church. He raises comments in relation to a recently constructed wall at the site but raises no objections to the proposed change of use.

3 POLICY

- 3.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:
- BE2 (General Development Standards),
 - BE3 (Provision for Movement and Parking),
 - BE5 (Conservation Area), and
 - TLC12 (Retention of Existing Community Services and Facilities).

4 PLANNING ASSESSMENT

- 4.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle, and
 - Highway safety and parking

Principle

- 4.2 The Local Plan and the National Planning Policy Framework both contain policies and guidance which seek to preserve and enhance the vitality of local service centres. Policy SH5 of the West Oxfordshire Local Plan 2011 seeks to prevent the loss of local shops unless:
- a) the existing use is no longer viable; or
 - b) there is no demonstrable loss to the range of goods and services available within or adjoining the settlement.
- 4.3 Policy TLC12 of the Local Plan notes that development proposals for the loss of existing community facilities should not be supported unless:
- a) the existing use is not viable; or
 - b) adequate and accessible alternative facilities remain or will be provided.

This approach is supported by the NPPF.

- 4.4 Officers acknowledge that it is unfortunate to lose an establishment which provides a facility for the local community. Whilst this is the case, in considering the principle of the development, officers have to establish whether there is any policy reason to justify the refusal of planning permission. Policy SH5 (detailed above) does seek to prevent the loss of shops (A1 use) however, there are no specific policies which seek to prevent the loss of A3 (café/ restaurant) uses. Policy TLC12 of the local plan seeks to prevent the loss of community facilities (i.e. A3 uses) however;

this is only on the basis that the use is not viable or that there is no adequate and accessible alternative provision. Given the position of the tea rooms and that they are located only 200 metres away from the public house which also provides hot drinks and food (albeit in a different type of establishment) officers do not consider that it could be argued that there is no accessible alternative provision. Furthermore, given that the use is A3 rather than A1 officers do not consider that policy SH2 provides any support in this instance. Officers, note that the provision of cafes are vital to both the tourist trade and are beneficial community facilities however; in this case, given that there is another establishment which provides similar services, officers would find it difficult to resist the loss of the unit.

Highways and parking

- 4.5 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Permit subject to the followings conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with information submitted as part of the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The residential accommodation hereby approved shall be occupied as ancillary to the main residential dwelling at Park House, 26 Park Street and shall not be occupied separately.
REASON: As a separate dwelling would not be served by adequate off street parking or amenity space. (Policies BE2, BE3 and H2 of the West Oxfordshire Local Plan 2011)

NOTE TO APPLICANT:

Please note that this application does not give any permission for the stone boundary wall erected to the front of the site. If the wall and gate are over one metre in height then a separate application to regularise this development will be required.

14/0266/P/FP Leaffield Technical Centre Langley	
Date	18/02/201405/03/2014
Officer	Mrs Kim Smith
Officer Recommendation	Grant, subject to conditions
Parish	LEAFIELD
Grid Ref:	430180,215462

APPLICATION DETAILS

Installation of three mechanical extraction plant. (Retrospective)

APPLICANT

Caterham FI Team, Leaffield Technical Centre, Langley, Oxfordshire, OX29 9EF.

BACKGROUND INFORMATION

This is a retrospective application for 2 Dustmaster 45 Vacuum extraction systems installed on the north elevation of 'Building U' on the site and 1 Bin Filter Extraction system installed to the south elevation of 'Building B'.

1 CONSTRAINTS

The application site is located within the Cotswolds Area of Outstanding Natural Beauty.

2 CONSULTATIONS

2.1 Parish Council

No reply to date.

2.2 West Oxfordshire District Council –Environmental Health

"I visited Leaffield Technical Centre (LTC) and took part in pre-application discussions about this matter in October 2013. The application seeks to use three pieces of air filtration plant that are mounted externally to site buildings. Background noise levels in the area are low and there are residential dwellings to the north and south of LTC. Noise monitoring and modelling exercises were both undertaken in 2013 by noise consultants for the applicant. These identified that significant reductions in noise emissions would be required from all three pieces of plant. These reductions I considered, from a noise control perspective, as being demanding but achievable. In order to provide sufficient protection to nearby residents from noise pollution I recommend the following conditions be applied:

The external noise level emitted from the three items of air filtration plant at the development shall not exceed the existing background noise level as assessed according to BS4142:1997 at noise-sensitive premises with all machinery operating together.

The three items of air filtration plant at the development shall not be used outside the hours of 0600 to 2200 on Monday to Saturday inclusive."

3 REPRESENTATIONS

Comments have been received from Mr P Warren of 3 Langley and Andy and Jan Wright. Their comments are very briefly summarised as follows:

- The site is located in an Area of Outstanding Natural Beauty where background sound levels are very low;
- A development such as the extractor fans is fine as long as noise levels are controlled and the hours of operation are fixed;
- I have been kept awake on several occasions by the noise of this extraction plant. It's not that its particularly loud, but it is persistent, it can be distinctly heard against the quiet background and it is annoying, particularly in the middle of the night and especially at the weekend;

- I have no particular objection to Caterham installing these machines, but I would like the operating hours to be specified and to ensure that the noise generated doesn't exceed the noise specified under their planning spec;
- The current level of noise seems to be exceeding the legal limits;
- Do Caterham have any written operational instructions regarding the use of these extractor fans?
- I would prefer this to be considered by the planning sub committee if possible ;
- In no way can the Leaffield Technical Centre be described as a 'traditional formula 1 site';
- What is traditional is the quietness associated with the country side AONB;
- We believe that the three items of plant do not comply with the existing conditions of the site. We also include building U (the main workshop/s) within planning condition 15 of 0033/95;
- Our complaints regarding noise coming from the extraction installations are well known to the Council;
- We strongly object to the positioning and continued use of this plant, especially the installation described as Ketonex Cyclone 3. Situated in the very same general area, adjacent to Building B- if not slightly closer- to where the Engine Test Cells application was refused and further refused on appeal in September 2007. The closeness of this and the noise it produces is very intrusive indeed. Your ENVH officer has visited on a number of occasions with sound equipment, only to find that the noise had lessened considerably prior to his arrival;
- We note that the noise surveys (AAD) commissioned by yourselves, the recommended reduction to the levels recorded are considerable. However, there appears to be no reference to background levels, particularly those referred to in the Test Cells survey, which were from as low as 25dBa to 23dBa for evening and night time/early morning periods respectively. We do not expect that these measurements (facts) are in any way invalidated by age as their have been no changes in local circumstances, what so ever, since the earlier surveys were carried out;
- The current AAD surveys all indicate that at present the three cyclone units are likely to be the cause of complaint. No details of any mitigation measures have been recommended in the reports, which is of concern. It appears that in respect of the lower noise limit of 34dBL_{aeq}, as specified in the reports, no account for the lower evening, night time or early morning background noise level have been considered- we assume that the noise level limit of 34dB will be the recorded level at source;
- We remain perplexed and disappointed that as from the date of the completion of the first survey, where noise problems were identified, that no action from the Council and no voluntary attempt by Caterham was made to lesson the impact of the plant noise. We are also afraid that – as specifically mentioned in the report dated 12 December 13- other sources of noise may become apparent when/if the current problems have been addressed/mitigated. I personally, up close, have heard very loud volumes of noise from plant rooms on the South side of building U, protected only by louvred door covers, and the same from cooling units in the computer room situated in the same vicinity which were completely out in the open. There was still further noise from a compressor shed also nearby;
- It is inconceivable that with their property agents the applicant is not aware of the strict conditions relating to the class use, and those concerned with the protection to residential amenity and local environment;
- It is evident that a number of the existing conditions attached to the planning permission are being breached eg Noise, traffic not using the ash track- storage of equipment outside etc;
- We have advised yourselves to make a log of instances of noise disturbance, which we have done. These notes date back to November 2011;
- Complaints with regards to the extraction cyclones were first recorded on the 7 November 2012;
- Our records show that noise disturbance has occurred at any time of day and very often through the night until the early morning;

- The claim by Caterham that they never run the offending plant after 6pm is complete nonsense;
- Plant noise of a heavy industrial nature with a high pitched humming sound , together with deeper machine noise has been, heard throughout the night on many occasions;
- In conclusion find a copy of a report summary of the AAD surveys from LF Acoustics Ltd, commissioned by ourselves. We would be grateful if the observations and advice therein would be given due consideration during the decision making process.

Summary of LF Acoustics Ltd report in respect of AAD's acoustic survey work provided by Mr Warren

The noise assessments have been well prepared and specify that without mitigation, noise associated with the operation of the plant would have the potential to cause complaints;

Providing the Rating Noise limit 34dB Lq is imposed on any permission granted, the level of noise generated is considered to be acceptable to minimise disturbance. This level is marginally below that which is described in BS4142 as being very low and below that which was agreed with officers previously for an earlier planning application;

What is of concern , however, is that despite the fact that the acoustic consultants acting for Leaffield Technical Centre identified that the operation of the plant would give rise to complaints back in August 2013, it does not appear that any action has been taken to reduce noise levels during this time;

What is more alarming is the fact that the retrospective application was submitted 12 months after the plant was installed and over 6 months after the initial noise assessment was carried out, with no information on mitigation measures....We would have expected to have some details of the mitigation measures proposed, or the measures having been implemented in the final report demonstrating that noise levels have been reduced to an acceptable standard.

At present it is difficult to advise whether any mitigation measures proposed would reduce noise levels to a satisfactory standard.

We would advise that if planning permission were to be granted, either there be a restriction preventing operation of the plant until mitigation measures have been completed and demonstrated that they have achieved the noise limit or a time limit of say 3 months, to complete and verify the mitigation measures.

4 APPLICANT'S CASE

4.1 Substantial technical acoustic information has been received in respect of this application which is difficult to summarise in a meaningful manner. This information is however available to view on the Councils website.

4.2 The summary and conclusions of the acoustic report submitted as part of the application are as follows:

Three Cyclone dust filters have been installed without the benefit of planning permission;

West Oxfordshire District Council has required that a report be prepared in respect of noise from the units as it affects nearby noise sensitive properties;

A noise survey has been undertaken to determine levels of ambient noise and background noise in the area, with a second noise survey being undertaken to determine levels of noise generated by the three Cyclone units;

The background noise level for the area has been determined to be 34dB L;

The Council has indicated that the appropriate noise criterion with respect to noise sensitive properties is a BS4142 difference of 0dB;

Given the noise criterion and the background noise level in the area noise from the Cyclones should be no more than 29dBA, assuming the +5dB BS4142 acoustic feature correction applies, at any noise sensitive properties;

A noise model has been created in respect of the Technical Centre and immediate surrounding area and noise sources have been created for the three Cyclone units;

The worst case calculated noise level for the Cyclone units give rise to a+18dB BS4142 difference;

Noise mitigation is suggested for the three Cyclone units;

With noise mitigation in place it is calculated that the worst case noise level at any sensitive receiver would meet the 0Db BS4142 difference suggested by West Oxfordshire District Council;

The exact form of the enclosures would have to be subject of detailed design so as to ensure the operation of the units was not compromised. Specialist contractor proposals would be invited for this work;

The proposed mitigation is with respect to the primary sources of noise from the Cyclones. It may be that there are secondary sources which are currently not obvious but which may become obvious once the mitigation work is completed and which may then themselves require mitigation.

5 POLICY

- 5.1 The key policies for consideration in respect of this application are BE2 and BE19 of the adopted West Oxfordshire Local Plan 2011 and relevant policies of the NPPF.

6 PLANNING ASSESSMENT

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider the main issue to be:
- 6.2 The impact of noise generated from the plant on the residential properties located within the vicinity of the Technical Centre.
- 6.3 The acoustic assessment submitted with the application states background noise levels in the area are low and that there are dwellings located to the north and south of the Technical Centre. Noise modelling and monitoring exercises undertaken in 2013 have identified that given the factors listed above that significant reductions in noise emissions are required from the three pieces of plant the subject of this application.
- 6.4 The technical noise experts who have commented on the application have all concluded that whilst the required reductions in noise level are 'demanding', the reductions are likely to be achievable.
- 6.5 Bearing this in mind and given the necessity of the plant to the business operating from the land, your officers recommendation is as follows;

That planning permission be granted subject to conditions requiring the external noise level emitted from the air filtration plant not to exceed existing background noise level as assessed

according to BS4142, details of mitigation methods to seek to achieve the requisite reduction in noise levels being first approved by the LPA and implemented within three months of the grant of the planning permission and the hours of operation of the plant being limited to the 'hours of opening' being cited on the application, those being between 0600 to 2200 Monday to Saturday.

7 CONCLUSION

In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits subject to conditions

RECOMMENDATION

Grant subject to the following conditions:-

- 1 The external noise level emitted from the three items of air filtration plant the subject of the application shall not exceed the existing background noise level as assessed according to BS4142:1997 at noise sensitive premises with all machinery operating together.
REASON: In the interests of the residential amenity (Policies BE2 and BE19 of the adopted West Oxfordshire Local Plan 2011 and paragraphs of the NPPF)
- 2 The three items of air filtration plant the subject of this application shall not be used outside of the hours of 0600 to 2200 on Monday to Saturday inclusive nor at any time on Sundays and Bank holidays.
REASON: In the interests of residential amenity. (Policies BE2 and BE19 of the adopted West Oxfordshire Local Plan and paragraphs of the NPPF)
- 3 That any mitigation works to the plant the subject of this application, required in order to achieve compliance with condition 1 of this grant of planning permission, shall first be submitted to and approved in writing by the Local Planning Authority and the said approved and verified mitigation works shall be completed within three months of the date of this planning permission.
REASON: In the interests of visual and residential amenity. (Policies BE2 and BE19 of the adopted West Oxfordshire Local plan 2011 and paragraphs of the NPPF)

14/0274/P/FP Cling Clang Farm Hyne Jones Field Church Enstone	
Date	17/02/201406/03/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	ENSTONE
Grid Ref:	437986,224874

APPLICATION DETAILS

Sitting of a mobile home.

APPLICANT

Mr Stephen Lawson, 8 Keswick Green, Leamington Spa, Warwickshire CV32 6NA

BACKGROUND INFORMATION

The application seeks planning permission for the provision of a mobile home within the site. The application relates to a holding of 22.9 acres (9.26 hectares) currently used mainly for arable and permanent pasture. The site is not within any area of special control however an Article 1(4) directive covers the site and there are public rights of way running through the overall holding.

I PLANNING HISTORY

Planning permission has previously been refused for a dwelling on this site in 1975 (75/0288), 1981 (81/0357), 1982 (82/0485) and 2001 (01/0854).

2 CONSULTATIONS

2.1 Enstone Parish Council

No comments received to date (final date for comment 03//04/14)

2.2 OCC Highways

"No objections."

3 REPRESENTATIONS

3.1 Eight neighbours have been notified and no letters of representation have been received to date. The final date for comment is the 3rd April 2014. An update as to the representations received will be given in the Report of Additional Representations and at the Sub Committee Meeting as necessary.

4 APPLICANT'S CASE

4.1 The applicant has submitted a design and access statement in support of the application. This document is available to view on the application file or on the District Council Website.

5 POLICY

5.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are:

- BE2 (General Development Standards),
- NE1 (Safeguarding the Countryside),
- NE3 (Local Landscape Character),
- H2 (General Residential Development Standards),
- H4 (New Dwelling in the Open Countryside and Small Villages),
- H14 (Residential Mobile Homes).

5.2 In addition, the National Planning Policy Framework and the supporting National Planning Practice Guidance is of consideration.

6 PLANNING ASSESSMENT

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

- Principle,
- Impact upon the character and appearance of the area,
- Impact upon amenity,
- Impact upon highway safety.

Principle

- 6.2 The principle of the provision of mobile homes to form residential dwellings is controlled by policy H14 of the West Oxfordshire Local Plan 2011. The policy states that:
Proposals for residential mobile homes will be permitted for a temporary period only if all the following criteria are met:
- a) there is a genuine need for a residential mobile home on the site;*
 - b) the need for residential accommodation cannot be met through use of existing buildings;*
 - c) the character and appearance of the area is not adversely affected;*
 - d) the proposal is well related to existing or proposed buildings and/or screened by landscape features*
- 6.3 Furthermore, policy H4 of the Local Plan 2011 and the National Planning Policy Framework (paragraph 55) note that new residential accommodation in open countryside locations should be avoided unless there is a genuine need for a full time worker to be present on site.
- 6.4 No supporting information has been submitted with the application however, three applications were submitted alongside this proposal (under agricultural prior notification), one for a storage barn, one for a field shelter and one for a large barn for containing livestock on the site. The information submitted with all of these applications notes that it is the applicant's intention to begin a wild boar enterprise at the site. However, as noted above, no supporting information in relation to this enterprise has been submitted. Furthermore, there was no evidence of this enterprise on site at the time of officers visiting the site.
- 6.5 In assessing whether there is a genuine need for a full time worker to live on site, whilst superseded, the guidance contained in Annex A of PPG7 gives useful guidance. It notes that in order to demonstrate a need for a temporary dwelling, evidence should be submitted which shows:
- a) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*
 - b) functional need (see paragraph 4 of this Annex);*
 - c) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
 - d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;*
and
 - e) other normal planning requirements, e.g. on siting and access, are satisfied.*
- 6.6 At the present time none of this information has been submitted and as such, officers cannot make a judgement as to the need (albeit pre-application advice was given in this regard). However, notwithstanding this, given the limited size of the holding and the very close proximity to both Church Enstone and Enstone, officers would question whether it could ever be considered necessary for a dwelling to be on this site.
- 6.7 On this basis officers consider that the development would be contrary to policies H4 and H14 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.

Impact upon the character and appearance of the area

- 6.8 The site is an open site with limited boundary planting which offers established screening. The site is crossed by public footpaths and, from the position detailed on the site plan the development may involve the cutting back of a small area of hedgerow planting contained within the site. Whilst relatively open the mobile home is proposed in the most sheltered location within the holding and where it is seen from, it will be seen in the context of other residential dwellings which form part of Church Enstone. The proposal will be somewhat alien in this context however; a temporary consent would allow officers to ensure that the mobile home was removed after a reasonable amount of time. The proposed development would be prominent and visible from the public footpaths and officers would have concerns regarding the impact of the development upon the

rural character of these footpaths however, at this time the comments of the Footpaths Officer from Oxfordshire County Council have not yet been received.

Amenity

- 6.9 The proposed development is set away from any neighbouring properties and where the site abuts neighbouring properties, adequate means of enclosure are provided to ensure that the development would have no harm on the amenity of existing residents. Future occupiers of the mobile home would not have any private amenity space and due to the position of the mobile home in relation to public footpaths would have a limited degree of privacy however; officers do not consider that this is sufficient reason to justify the refusal of planning permission.

Highways

- 6.10 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Conclusions

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

RECOMMENDATION

Refuse for the following reason:

- I That it has not been demonstrated that there is an essential need for a full time worker to be present on site at most times. As such the proposal would result in a new dwelling in an unsustainable open countryside location contrary to policies H4 and H14 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.